

# **A Review of Selected Election Processes for the City of St. John's**

## **Presented to:**

City of St. John's Municipal Council

## **Presented by:**

*Dr. Amanda Bittner*

*Mr. Ross Reid*

*Ms. Marie Ryan*

*Dr. Stephen Tomblin*

September 30, 2019

\*Panel Members would like to thank Katherine McLaughlin, Clare Noxon, Brooke Steinhauer, and Kiera Walsh for excellent research assistance.

Dear Mayor and Council,

We, the Expert Panel, are pleased to present this report on our review of select election processes for the City of St. John's, as delineated in the *Terms of Reference for the External Panel to review Election Processes including the Finance-By-Law*.

The Expert Panel was duly constituted by Council in July 2019 to consider specific aspects of the submission by the Citizens' Assembly for Stronger Elections (CASE). We were provided 60 days to carry out our mandate, with a report deadline date of September 30, 2019.

We were pleased to be given the opportunity to support Council's endeavours and believe that our backgrounds and expertise in the academic, administrative and/or political areas (see Appendix "A") enabled a comprehensive review of the issues under consideration. We trust that our collective effort will provide Council with sufficient insight to move forward as it deems appropriate.

Respectfully submitted this 30th day of September 2019,

Dr. Amanda Bittner

Mr. Ross Reid

Ms. Marie Ryan

Dr. Stephen Tomblin

## Table of Contents

<b>1.0</b>	<b>BACKGROUND AND CONTEXT .....</b>	<b>1</b>
1.1	WHY REFORM? .....	1
1.2	OUR PROCESS .....	2
<b>2.0</b>	<b>CAMPAIGN FINANCE.....</b>	<b>2</b>
2.1	COMMENTARY.....	3
2.2	PROS AND CONS .....	3
2.3	OTHER CONSIDERATIONS.....	5
<b>3.0</b>	<b>COUNCIL STRUCTURE.....</b>	<b>6</b>
3.1	COMMENTARY.....	6
3.2	EXAMPLES OF MUNICIPAL COUNCIL STRUCTURES .....	7
3.3	PROS AND CONS .....	7
3.4	OTHER CONSIDERATIONS.....	8
<b>4.0</b>	<b>ELECTORAL SYSTEMS .....</b>	<b>9</b>
4.1	COMMENTARY.....	9
4.2	PROS AND CONS .....	9
<b>5.0</b>	<b>VOTING METHOD .....</b>	<b>10</b>
5.1	COMMENTARY.....	10
5.2	CURRENT METHODS .....	11
5.3	PROS AND CONS .....	11
5.4	OTHER CONSIDERATIONS.....	12
<b>6.0</b>	<b>ENFRANCHISEMENT.....</b>	<b>12</b>
6.1	CONTEXT – THE CURRENT LEGAL FRAMEWORK IN CANADA .....	12
6.1.1	<i>Commentary</i> .....	13
6.2	PROS AND CONS .....	13
6.3	OTHER CONSIDERATIONS.....	14
6.4	ELECTION SIGNAGE.....	15
6.4.1	<i>Context – Examples in Other Municipalities</i> .....	15
6.4.2	<i>Commentary</i> .....	16
6.4.3	<i>Pros and Cons</i> .....	16
6.4.4	<i>Other Considerations</i> .....	17
<b>7.0</b>	<b>OVERALL CONSIDERATIONS .....</b>	<b>17</b>
<b>8.0</b>	<b>CONCLUSION .....</b>	<b>18</b>
	<b>APPENDIX “A” – THE EXPERT PANEL.....</b>	<b>19</b>
	<b>APPENDIX “B” – RESOURCES .....</b>	<b>20</b>

## 1.0 Background and Context

### 1.1 Why Reform?

Reforming an electoral system is a decision that may be the result of a multitude of pressures and circumstances. Additionally, it is likely that there will be a variety of constraints that make reform challenging. Electoral institutions are all imperfect, and there is no one “ideal” system. All change involves trade-offs, and depending on the perceived needs in a given democracy, some institutions may be more appropriate than others. Democratic reforms designed to address issues of legitimacy or access, for example, may involve different considerations in comparison to calls to improve effectiveness, or to address equity imbalances. Issues such as partisanship and territoriality can also complicate efforts to address common challenges, and electoral reform efforts are usually fraught and highly politicized. Large scale efforts to overhaul electoral systems in Canada have usually failed (and for a variety of reasons), but jurisdictions across the country have successfully implemented many smaller changes to electoral laws.

#### **Public Policy and Context**

When this Panel was first provided with the Report of the Citizens’ Assembly for Stronger Elections (CASE) and asked to advise St John’s City Council, there was some confusion over the objectives and purpose behind Council’s request. There were few details of the contextual factors underlying the ideas presented for reform, nor was there any discussion of anticipated/unanticipated outcomes, and how these might be measured and evaluated.

This Panel was asked to review recommendations that lack context, and there are knowledge gaps with respect to clearly defining the problem(s) requiring policy action, understanding the various possible remedies (instruments) available for consideration, and the likely impact and outcomes to be generated not only for the City of St. John’s but also for the entire province. Discussions about signage, campaign finance, council structure, electoral systems, and enfranchisement would be more effective if there were more details on the general context, the problem(s) requiring resolution, and what is doable with respect to changing technologies and patterns of behaviour.

Analyzing public policy proposals is difficult when municipalities have to rely upon others to put these plans into action. Public policy requires legislation, and many of the reforms that were proposed for our review include changes that the City of St. John’s cannot make on its own. Given that reality, it may make more sense to address these questions in the appropriate jurisdiction which has the legislative capacity to initiate these changes, and who will need to be the primary actor in any democratic reform process in the province of Newfoundland and Labrador. The strategy of lobbying or pressuring as a means to achieving policy reform is not the best approach for improving functionality or making decision-making less political. Rather, new

venues need to be created which strategically engage key stakeholders across the municipality, enabling consideration of diverse interests and expertise.

It is possible, too, that while increasing the power and capacity of the City of St. John's may be viewed as a positive step by local audiences and decision-makers, it may do very little when it comes to old rural-urban divisions and patterns of competitive territorial-political behaviour in Newfoundland and Labrador. By design, the CASE initiative is focused on St. John's only, and, from a public policy perspective, this is more about territoriality than functional integration and community engagement. The City of St. John's might consider working with other municipalities as well as the provincial government, to push a wider agenda of democratic reform.

Given that this Panel was not provided with much background information, and given that its understanding of the motivations for reform is unclear, this report will focus on an assessment of proposed reforms. Where possible, the report makes note of findings from existing research to make it easier to engage decision-makers, experts, and citizens on a complex topic. The report highlights the types of considerations that may be raised in future discussion by Council, citizens, and other stakeholders.

## **1.2 Our Process**

Given the constraints noted above, the Panel found it difficult to offer many critical insights. After much discussion, it was decided that we would provide commentary for each of the issues/considerations identified by Council, assessing and making note of pros and cons, and providing additional considerations where appropriate. In so doing, we believe we have provided Council a foundation for further discussion before they respond to specific CASE recommendations.

## **THE ISSUES**

### **2.0 Campaign Finance**

#### Issues identified by Council:

- a) Reduce expenditure caps based on the real need of campaigns, the effect on barriers for new candidates, and the relationship with voter engagement.
- b) Ban corporate and union donations based on public trust concerns, and barriers for new candidates.
- c) Amend the necessary by-laws to reduce timeline for disclosure of campaign contributions to allow greater transparency of donors.

d) Amend the necessary by-laws to require disclosure of expenditures in addition to contributions to improve transparency and public trust.

**2.1 Commentary**

*A combination of expenditure caps, the banning of corporate donations, and a cap on individual donations (both per candidate and in total), and shorter timelines for disclosure of expenditures and contributions (with reduction in the donation amount threshold for disclosure), will likely yield the most democratic and transparent campaigning process. These changes also have the potential to make elections more accessible to a wider pool of potential candidates.*

**2.2 Pros and Cons**

<b>Proposed Reform:</b>	<b>Pros</b>	<b>Cons</b>
<b>Reducing Expenditure Caps</b>	<ul style="list-style-type: none"> <li>- An increasing number of municipalities across Canada have implemented expenditure caps, both in provincial and municipal elections.</li> <li>- Expenditure caps may level the playing field amongst all potential candidates, allowing for the possibility of a more diverse candidate pool as well as more competitive elections.</li> <li>- Can limit the advantage of incumbents with established connections.</li> <li>- Non-traditional candidates tend to have difficulty raising funds; therefore, limits to spending may help to increase diversity of candidates.</li> </ul>	<ul style="list-style-type: none"> <li>- Reduces the capacity to circulate candidate/campaign information to voters.</li> <li>- Spending limits/a low expenditure cap may protect and favour the incumbent (who already benefits from name recognition). Additionally, unless the opposition spends more efficiently, the incumbent is also favoured.</li> <li>- Relying on social media for campaigning places those with reduced access to the internet, as well as those with less computer literacy, at a disadvantage.</li> </ul>

<b>Proposed Reform:</b>	<b>Pros</b>	<b>Cons</b>
	<ul style="list-style-type: none"> <li>- Caps can be decided based on population/ward size or can be evenly split.</li> <li>- May encourage more public forums, rather than selling-marketing brands and slogans.</li> <li>- Social media has become a powerful, cost-effective, campaign tool.</li> </ul>	
<b>Banning Corporate and Union Donations</b>	<ul style="list-style-type: none"> <li>- May limit the possibility and impression that financial donations might influence the work of Council, enhancing public trust.</li> <li>- May reduce the fundraising advantage of incumbents, e.g., through previous connections.</li> <li>- Donations are highly gendered, and non-traditional candidates tend to be disadvantaged in this area (especially compared to incumbents). Banning corporate/union donations would help to level the playing field.</li> <li>- Many other provinces have implemented bans on corporate and union</li> </ul>	<ul style="list-style-type: none"> <li>- Increases the potential for significant decreases in overall donations.</li> <li>- Can hinder those with limited available resources.</li> <li>- Corporate and union donations can instead be contributed in the form of personal donations.</li> <li>- A larger issue at the provincial and federal levels.</li> </ul>

Proposed Reform:	Pros	Cons
	donations. Following suit may help to bring St. John’s in-line with best practices elsewhere in the country.	
<b>Shorter Timelines for Disclosing Expenditures/Transparency</b>	<ul style="list-style-type: none"> <li>- Transparency is essential in building confidence within the electorate.</li> <li>- Enforces standards for accountability.</li> </ul>	

**2.3 Other Considerations**

**Spending limits/caps**

Limiting the total dollar amount of individual donations in a given election - while still allowing multiple donations - means that many candidates may receive funding, including new/challenger candidates who may not have a long-term funding base. Examples:

- Halifax has a donation limit of \$1,000 per individual donor per candidate, with a maximum donation amount of \$5,000 across all candidates in a given election.
- British Columbia legislation also changed in 2017, with the introduction of the Election Act Amendment (Bill 3, as proposed by the B.C. NDP government) as a way to ban limitless donations, decrease foreign and corporate influence over elections, and restore public trust via full transparency. The province limits individual donations to \$1,200 per person.

***Potential actions:***

Spending

- Reduce the expenditure cap by adjusting or redesigning the current formula.
- In advance of every election, institute a formal review of spending rules and limits that takes into account all aspects of campaign spending, seeks the input of interested voters

and reflects the principles behind the campaign financing regimes in federal and provincial campaigns in this province.

### Donations

- Currently, the limit for a financial contribution to be considered a “donation” for cash donations, accrual and disclosure purposes is \$250. This should be reduced to at least \$100 as anticipated in provincial legislation. Council may want to consider an even lower threshold.
- If there are concerns about the real or perceived influence donors can have over elected officials, campaigns should be allowed to engage more than just the agent or the candidate to raise funds. Both would remain ultimately responsible and accountable, but the task can be further delegated.

### Reporting and accountability

- Amend the necessary by-laws so that candidates are obliged to report on campaign contributions and expenditures in excess of the limits above, within sixty (60) days of the date of the municipal election.

## **3.0 Council Structure**

### Issue identified by Council:

a) Further study the current and other potential council structures (i.e. ward and/or at-large councillors) and the method of determining the roles of mayor and deputy mayor to determine the best fit for your community.

### **3.1 Commentary**

*In the City of St. John’s, the municipal Council is made up of five ward councillors (elected by constituents within ward boundaries), four at-large councillors (elected by all constituents), the deputy mayor and the mayor, for a total of eleven representatives. If Council wishes to make changes to its structure (including the role of Deputy Mayor), we recommend they identify the perceived democratic deficit and the rationale for doing so. Restructuring of Council should be based on a compelling argument on how such a change contributes to increased confidence in the system and more engagement.*

*However, we also note that engaging in a reorganization of the Council structure is likely to have minimal impact, at the expense of more fundamental issues facing Council during their term.*

### 3.2 Examples of Municipal Council Structures

While some councils do not have a deputy mayor, or lack those elected at-large, most have councillors who represent specific geographic regions within the municipality.

The town of *Quispamsis, New Brunswick* has a council structure of a mayor, deputy mayor and six council members, all elected at-large.

The *Halifax Regional Municipality* (a product of the amalgamation of Halifax, Dartmouth, Bedford, and Halifax County) has a regional council, which acts as the main decision-making body for all towns included in the municipality. It consists of a mayor and sixteen councillors, who all sit on boards, committees, commissions and community councils.

*Charlottetown City Council* is comprised of a mayor and ten councillors representing 10 wards within the city. The mayor is elected at large, and councillors are elected by ward, with elections held every four years.

The *City of Toronto* has a mayor (who is elected at-large), and twenty-five councillors, who are elected by voters within the twenty-five wards.

*Winnipeg* also has a mayor elected at-large, and fifteen councillors representing their respective wards.

The *City of Lethbridge, Alberta*, also has a slightly different council structure, as under the mayor, each of the elected councillors has opportunity to act as deputy or acting mayor within their four-year rotations.

### 3.3 Pros and Cons

Proposed Reform:	Pros	Cons
<b>Ward versus At-Large Council positions</b>	<ul style="list-style-type: none"> <li>- Ward councillors may be able to provide constituents with more one-on-one support for issues.</li> <li>- The position of a ward councillor may be more amenable to those who are</li> </ul>	<ul style="list-style-type: none"> <li>- Some suggest that at-large Councillors may overlook geographically-based community interests. They do not have responsibility for ward-based issues.</li> <li>- Ward councillors may</li> </ul>

	<p>active in their wards, and/or who have grown up, reside and/or have family in the area.</p> <ul style="list-style-type: none"> <li>- Ward-based elections can result in more representation of minority communities, if they are geographically concentrated, when compared to at-large elections.</li> <li>- Ward-based elections may be accompanied by less voter fatigue, resulting in more voters completing their ballots. With at-large elections, voters need to choose multiple candidates at once, and some voters may not completely fill in their ballots due to fatigue, confusion, or frustration.</li> </ul>	<p>sometimes appear to be more concerned with supporting constituents than with taking principled policy stances. Pleasing geographically-based constituents may be top-of-mind for these representatives.</p> <ul style="list-style-type: none"> <li>- Depending on the ward, ward councillors are inundated with daily calls and complaints.</li> <li>- Some studies suggest that ward-based systems encourage parochialism and can lead to higher municipal expenditures.</li> </ul>
--	---	---

**3.4 Other Considerations**

Engaging in a reorganization of the council structure is likely to have minimal impact and may come at the expense of more fundamental issues in the municipality. Choosing roles for City Councillors, including whether or not there is a position of Deputy Mayor, is complex and may be extremely political at times. There must be someone identified to act in the Mayor’s absence. If this is a rotating position, it may result in lack of continuity and may mean that Council has to adapt to several styles and skill sets. If this position is elected from within Council (by sitting Council members), it may also be particularly challenging in cases where there is a difficult group dynamic and/or Council factions. This may distract from the business of Council.

The Panel urges Council to identify the problem(s) with the current council structure before embarking on reform.

## 4.0 Electoral Systems

### Issue Identified by Council:

a) Increase proportionality, reduce strategic voting and promote a more equitable democratic process by adopting a ranked ballot for the municipal electoral system.

### 4.1 Commentary

*Considerations of electoral reform that include electoral system change and ballot design are substantial, and not without controversy. Making changes of this magnitude requires substantial informed citizen engagement, and it must be acknowledged that all electoral systems have flaws. We encourage Council to identify clear problems with the existing system and priorities for desired change, and to undertake a process to ensure that citizens understand the pros and cons of all systems, including the existing system and any proposed changes.*

### 4.2 Pros and Cons

Proposed Reform:	Pros	Cons
<b>Current Ballot – First-Past-The-Post (FPTP)</b>	<ul style="list-style-type: none"> <li>- Voters only have to choose a single candidate.</li> <li>- Less expensive to create and count the ballots.</li> </ul>	<ul style="list-style-type: none"> <li>- Elected candidate may win without a majority (50% plus 1) of the vote share.</li> </ul>
<b>Ranked Ballot</b>	<ul style="list-style-type: none"> <li>- May increase proportionality.</li> <li>- May promote a more equitable democratic process.</li> <li>- May lead to more elected representatives who win by a majority.</li> <li>- May discourage negative campaigning as those who do so may lose second choice votes as well.</li> <li>- Provides more options for voters.</li> </ul>	<ul style="list-style-type: none"> <li>- It may be considered difficult to understand by voters and, therefore, will require education about how the new system works.</li> <li>- Confusion can lead to decreased voter turnout.</li> <li>- People may not rank all candidates on the ballot, which may reduce the effectiveness of the ranked-ballot system. If only 3 choices are registered out of a longer list, and if</li> </ul>

Proposed Reform:	Pros	Cons
		<p>all of a voter's choices are eliminated due to not having enough votes, then their whole ballot will likely be considered to be 'wasted'. This is unlikely to happen if there are fewer candidates like in St. John's mayoral and deputy mayoral races, but more likely in races with more candidates as per for the councillors (especially the at-large races).</p> <ul style="list-style-type: none"> <li>- The ballot design may increase the overall cost of election administration.</li> <li>- Potential for more error when tallying votes.</li> <li>- Ranked ballot designs are not a panacea, and with all electoral systems and ballot designs, there are trade-offs.</li> </ul>

**5.0 Voting Method**

Issue Identified by Council:

a) Conduct an independent review to determine whether the mail-in-ballot system met the objective of increasing accessibility, improving and diversifying voter turnout and providing cost savings.

**5.1 Commentary**

*More research is needed to understand the impact of the mail-in ballot system. We recommend that Council obtain the data necessary to assess this issue, and that a fulsome review of this voting method (with consideration of multiple alternative methods) takes place.*

## 5.2 Current Methods

Currently, available voting methods in the City of St. John’s include:

- Mail-in-ballot
- In-person voting
- Advance poll
- Proxy
- Mobile and special ballots.

## 5.3 Pros and Cons

Proposed Reform:	Pros	Cons
<p><b>Mail-In Ballot Only System</b></p>	<ul style="list-style-type: none"> <li>- May increase accessibility for some voters.</li> <li>- Voter participation may increase (over polling station attendance) due to convenience.</li> <li>- May streamline the voting process for both voters and those who are administering the elections.</li> <li>- Potential to save money in terms of number of polling stations and staff.</li> <li>- May give voters more time to think about their ballot while holding it in their possession.</li> <li>- A single voting method may be preferable to multiple options – e.g., in-person voting or mail-in ballot.</li> </ul>	<ul style="list-style-type: none"> <li>- May result in abuse and coercion.</li> <li>- Voter participation may decrease due to confusion.</li> <li>- Voters with limited literacy and other disabilities may encounter challenges.</li> <li>- May shorten the campaign period, as many cast their ballot early.</li> <li>- May lead to extra expenses (e.g., paper, printing, postage).</li> <li>- May lead to loss of tradition; the civic experience with voting would no longer exist.</li> </ul>

## 5.4 Other Considerations

### Identifying an effective voting method

St. John's needs a system that is easy for voters and encourages their participation. The suggestion to do a review is practical and timely. This review should not only be of the mail-in-ballot system on its own, but as a component of a larger review of the best approach to take in the years ahead. It is necessary to implement a system that is as inclusive as possible while ensuring the integrity of the system.

This could be an opportunity to engage with the Provincial Government, as it has expressed the intention of reviewing its existing and dated election laws. The City of St. John's could work with other municipalities and Municipalities NL to encourage Elections NL to make revisions and adopt cutting-edge technology for future elections.

## 6.0 Enfranchisement

### Issues Identified by Council:

- a) Lobby the Provincial Government to amend the necessary legislation to change the voting day to enfranchise student voters.
- b) Resolve to allow permanent residents to vote if and when the province has made the necessary legislative changes.
- c) Lobby the Provincial Government to amend the necessary legislation to grant permanent residents the right to vote in municipal elections.

### 6.1 Context - the Current Legal Framework in Canada

As our Panel did not include legal scholars, we rely upon the work of others, such as the Canadian Civil Liberties Association, to provide context. They indicate:

“As it stands in Canada, no non-citizen is permitted to vote at any level of government, be it municipal, provincial, or federal. The wording of Section 3 of the *Canadian Charter of Rights and Freedoms*, which upholds democratic rights, explicitly states that voting rights are reserved for Canadian citizens, as it states, “*Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.*” The Supreme Court has interpreted the purpose of section 3 as to ensure that every citizen has the right to play a meaningful role in the democratic process.<sup>[2]</sup> Democratic rights are thus one of the few *Charter*-protected rights that are only guaranteed to Canadian citizens. <sup>[3]</sup> While the current constitutional framework limits voting rights to Canadian citizens, this would not

preclude municipalities from extending voting rights to non-citizen residents if there was the political will.” (Canadian Civil Liberties Association, March 2019: <https://ccla.org/non-citizen-voting-rights/>).

### 6.1.1 Commentary

*Enfranchisement of all residents of the City of St. John’s, and expanding the right to vote to include those who are currently disenfranchised, is a laudable goal. There are legal and constitutional issues to consider, but, if the City pursued this path, it would be leading the country in this effort.*

*Increasing participation of those who are currently eligible to vote and run as candidates and focusing on reforms to ensure a more open and inclusive system, may be a more realistic focus for Council. We suggest that any efforts to increase the diversity of participants in the electoral process would require targeted discussions with underrepresented communities and traditionally marginalized groups.*

*Changing the date of elections from September is worthy of consideration for a variety of reasons, including the potential disenfranchisement of students, as well as the impact of summer and returning to school on campaign engagement by activists and voters. This concern should be properly articulated and presented as part of a larger effort to increase engagement in elections by removing barriers to all of those who might otherwise be involved.*

### 6.2 Pros and Cons

Proposed Reform:	Pros	Cons
<b>Enfranchisement of non-citizen or permanent residents</b>	<ul style="list-style-type: none"> <li>- Giving non-citizen residents voting rights may increase democratic legitimacy, promote integration of immigrants, and increase the likelihood of pursuing citizenship.</li> <li>- Non-citizen residents are affected by the laws; therefore, enfranchisement</li> </ul>	<ul style="list-style-type: none"> <li>- May provide disincentives to the process of naturalization and the civic duty that eventually comes with it.</li> </ul>

Proposed Reform:	Pros	Cons
	<p>allows them to have input in the process that produces laws (e.g., they pay taxes and hold jobs, their children may attend public local schools, and they are subject to local laws).</p> <p>- Permanent residency is seen as a path to citizenship, therefore, the right to vote is a right they will eventually gain – the rationale for disenfranchisement of this group is not clear.</p>	

**6.3 Other Considerations**

**Changing the election date**

The municipal election date, the last Tuesday in September, is set down in the Provincial Government’s Municipal Elections Act, as per section 5.0 General Elections. Should Council decide to pursue a change of date, it would be prudent to discuss this with MNL, as likely this change also would benefit the act of voting in many other municipalities as well.

**Facilitating inclusion in the election process**

While there is much discussion regarding obtaining the right to vote for permanent residents within urban centres such as Vancouver and Toronto, there has not been much headway made, as municipalities would have to adhere to provincial legislation (which would need to be amended to allow this process to occur).

In this context, models of local governance should be designed to make everyone feel that they matter and are part of the community. One of the biggest policy challenges facing the province and city is the recruitment and retention of young people with critical knowledge competencies essential to economic innovation and development. If their voices are ignored, for example, and

critical services they value are not on the radar, it will be difficult to encourage them to stay and contribute to the growth of the community.

As a result, it makes sense to bring about reform to increase access to and engagement in the political system: facilitating the vote for both students and permanent residents. In order for this to happen, there should be pressure applied to the provincial government to make appropriate changes in legislation.

More broadly, we do not currently well understand the various limitations of language and culture inhibiting new Canadians. We must continue to do more to engage those communities with a goal to enable them to find their places and voices in the city.

Activities to engage are often seen as exclusive or elite-focused and can be made more mainstream. If Council is motivated to expand the participation of voters, it should be prepared to make a sustained and concerted effort to promote engagement, voting, and candidacy in the population generally and in targeted communities particularly.

## **6.4 Election Signage**

### Issue Identified by Council:

- a) Investigate the use of election signage noting that other Canadian jurisdictions have banned the use of such in public places.

### **6.4.1 Context – Examples in Other Municipalities**

Campaign signage appears to be legal on public property in many Canadian cities (notably Winnipeg, Victoria, Toronto), however they have regulations. The regulation of signage on public property in other cities appears to be stricter than that of St. John's (from BY-LAW NO. 1471, SIGN BY-LAW), with specific mentions to:

- Limiting the proximity of signs to voting places/facilities (Toronto); signs must be 100 metres away from a voting facility/out of sight (Victoria) (though Elections NL does have this clause).
- Prohibiting signs on all City facilities including structures, parks, playing fields and adjacent boulevards (Victoria).
- Allowing signage on transit advertising space (e.g., on buses) and bus shelters, garbage/recycling units, or other street installations used for advertisements (Toronto).
- Prohibiting use of boulevard trees for signage (Victoria).

Further:

Surrey, British Columbia, banned election signs on public property, after spending nearly \$160,000 to remove them post-election.

London, Ontario, has an election sign by-law which increases campaign restrictions to avoid cluttering city streets and intersections. This is primarily from a safety standpoint to ensure that pedestrians can access all walking routes, and that drivers are less distracted behind the wheel. The signs also have to be a certain distance apart to avoid clutter. The general consensus is that election signs require too much time, money and effort to be truly useful in the long-run.

There are some examples of adaptation, such as York, Ontario, which processes plastic campaign signs at recycling depots to reduce environmental degradation.

Vaughn, Ontario also has a sign deposit fee of \$250 for every candidate, to keep the costs of clean-up within budget.

Kingston, Ontario, also has a by-law which prohibits election signs on all public property. They also have a limit of two signs per private property. This has led to city residents feeling that such laws limit an individual's freedom of speech and political expression.

### 6.4.2 Commentary

*While social media and online campaigns are amenable to many voters, these venues are not easily accessible to many populations including those living in poverty, those with limited literacy, and those with certain disabilities. With an enforceable regulatory regime, including limits on the number of signs, where signs can be placed, and considerations for more environmentally friendly-options, election signage may be more acceptable.*

### 6.4.3 Pros and Cons

Proposed Reform:	Pros	Cons
<b>Election Signage</b>	<ul style="list-style-type: none"><li>- May allow candidates to advertise and appeal to the public.</li><li>- May boost name recognition.</li></ul>	<ul style="list-style-type: none"><li>- Signs are expensive, both for candidates to buy, and for a city to regulate and remove after an election.</li><li>- Current rules appear to be</li></ul>

	<ul style="list-style-type: none"> <li>- May boost voter turn-out, as campaign signs may remind voters to head to the polls.</li> </ul>	<ul style="list-style-type: none"> <li>inconsistently applied and enforced.</li> <li>- May be logistically tough to distribute and to maintain, particularly with local weather.</li> <li>- Majority of signs are single use plastics, create litter and clutter and can sometimes be dangerous.</li> <li>- May pose a potential barrier to new candidates due to cost.</li> </ul>
--	---	--

**6.4.4 Other Considerations**

Research indicates that signs have a very modest effect on a campaign’s success and are unlikely to have a large enough impact to alter the outcome of an election. They have been found by some to be about as equally effective as receiving campaign material in the mail.

In various jurisdictions, rules for election signage delineate, for example, where they can be displayed or not (private versus public property) and timing around election cycles. In the age of social media, election signage may become less important to electoral campaigns.

**7.0 Overall Considerations**

Election reforms should be designed to encourage and facilitate increased participation of all citizens in electing our municipal leaders and in the ongoing governance of the city.

Electoral reform in the City of St. John’s cannot be effectively undertaken without in-depth consultation with the provincial government, Elections NL, and MNL to discuss the broader implications of system change.

The Panel suggests that the electoral reform process would be facilitated if all of the relevant election legislation and regulations for St. John’s are consolidated into one document – forming a comprehensive handbook. This would allow for easier review of existing regulations, while also making understanding electoral law easier for new and incumbent candidates.

## 8.0 Conclusion

We hope that our research, discussion and commentary assists Council to identify critical next steps in its efforts to consider election reform. We must note that election reform is a *process*, and, to that end, it has key steps including **informed** and **inclusive** engagement.

## Appendix “A” – the Expert Panel

Dr. Amanda Bittner: a full professor in the Department of Political Science at Memorial University. Studies elections and voting in Canada and around the world, including research on gender and political attitudes, survey research and measurement, and the factors influencing attitudes and vote choice.

Ross Reid: former Canadian politician who has been a federal minister and Member of Parliament, a senior political advisor in Ottawa and St. John’s, a provincial deputy minister and has advised on democratic institutions and elections in more than 30 countries around the world.

Marie Ryan: Partner at Goss Gilroy Inc. Management Consultants and tireless advocate for social justice in the community, former councillor and deputy mayor. She is the recipient of the Queen’s Diamond Jubilee Medal and the Order of Newfoundland and Labrador.

Dr. Steven Tomblin: a full professor in the Department of Political Science and Medicine (Community Health) at Memorial University. In addition to administrative service in the political science department, Tomblin has served as the Principal Investigator for the Atlantic Regional Training Centre.

## Appendix “B” – Resources

- Adam, M. (2018, August 9). Adam: Time to consider electing councillors-at-large. *Ottawa Citizen*. Retrieved from <https://ottawacitizen.com/opinion/columnists/adam-time-to-consider-electing-councillors-at-large>
- Avis, E., Ferraz, C., Finan, F., & Varjao, C. (2017). Money and politics: The effects of campaign spending limits on political competition and incumbency advantage. *National Bureau of Economic Research Working Paper Series*.
- Bevelander, P., & Pendakur, R. (2010). Voting and social inclusion in Sweden. *International Migration*, 49(4), 67-92. doi:10.1111/j.1468-2435.2010.00605.x.
- Brodie, I. (2018, November 13). Opinion: Election spending limits hurt diversity and inclusion. *Calgary Herald*. Retrieved from <https://calgaryherald.com/opinion/columnists/opinion-election-spending-limits-hurt-diversity-and-inclusion>
- Bula, F. (2018, April 19). Vancouver eyes allowing permanent residents to vote. *The Globe and Mail*. Retrieved from <https://www.theglobeandmail.com/canada/british-columbia/article-vancouver-eyes-allowing-permanent-residents-to-vote/>
- Bump, P. (2015, December 29). Sorry campaign managers: Lawn signs are only 98.3 percent useless. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/news/the-fix/wp/2015/12/29/sorry-campaign-managers-lawn-signs-are-only-98-3-percent-useless/>
- Burnett, C. M., & Kogan, V. (2015). Ballot (and voter) “exhaustion” under instant runoff voting: An examination of four ranked-choice elections. *Electoral Studies*, 37, 41-49.
- City of Halifax. (2019). *Regional Council*. Retrieved from <https://www.halifax.ca/city-hall/regional-council>
- City of Lethbridge. (2017). *Lethbridge City Council 2017-2021*. Retrieved from <https://www.lethbridge.ca/City-Government/City-Council/Documents/2017-2021%20City%20Council%20-%20Contact%20Information%20List.pdf>
- City of Toronto. (2018). *City of Toronto’s Governance System*. Retrieved from <https://www.toronto.ca/city-government/accountability-operations-customer-service/get-involved-how-government-works/torontos-governance-system/>

- City of Toronto. (2019). *Election Signs*. Retrieved from <https://www.toronto.ca/city-government/public-notice-bylaws/bylaw-enforcement/election-signs/>.
- City of Victoria. (n.d.) *Election Signs on Public Property*. Retrieved from <https://www.victoria.ca/EN/main/city/bylaw-enforcement/election-signs-on-public-property.html>
- City of Winnipeg. (2014). *City Clerk's*. Retrieved from <https://winnipeg.ca/clerks/council/committees.stm>
- Cleverley, B. (2018, July 11). Spending limits hit municipal election campaigns. *Times Colonist*. Retrieved from <https://www.timescolonist.com/news/local/spending-limits-hit-municipal-election-campaigns-1.23365159>
- Flynn, A. & Spicer, Z. (2017). Re-imagining community councils in Canadian local government. *IMFG Papers on Municipal Finance and Governance*, 36. [https://tspace.library.utoronto.ca/bitstream/1807/80452/1/imfgpaper\\_no36\\_communitycouncils\\_alexandraflynn\\_zacharyspicer\\_Dec\\_5\\_2017.pdf](https://tspace.library.utoronto.ca/bitstream/1807/80452/1/imfgpaper_no36_communitycouncils_alexandraflynn_zacharyspicer_Dec_5_2017.pdf)
- Funk, P. (2010). Social incentives and voter turnout: Evidence from the Swiss mail ballot system. *Journal of the European Economic Association*, 8(5), 1077-1103.
- Ghonaim, H. (2018, May 12). They're up! And London's testing out new rules around election signs. *CBC*. Retrieved from <https://www.cbc.ca/news/canada/london/london-ontario-election-sign-bylaw-1.4658062>
- Green, D. P., Krasno, J. S., Coppock, A., Farrer, B. D., Lenoir, B., & Zingher, J. N. (2016). The effects of lawn signs on vote outcomes: Results from four randomized field experiments. *Electoral Studies*, 41, 143-150. <https://doi.org/10.1016/j.electstud.2015.12.002>.
- Gunad, E. (2019). "Petition to BC Minister of Housing and Municipal Affairs, and the BC government to allow permanent residents to vote in municipal elections." Retrieved from <https://you.leadnow.ca/petitions/allow-permanent-residents-to-vote-in-municipal-elections>
- Hoekstra, G. (2018, November 17). Proportional representation: The pros and cons of reforming B.C.'s electoral system. *Vancouver Sun*. Retrieved from

<https://vancouver.sun.com/news/local-news/feature-to-time-on-proportional-representation-to-time-with-mail-out-of-ballots-by-elections-bc>

Information Morning Nova Scotia. (2016, October 14). The pros and cons of allowing permanent residents to vote municipally [Radio]. *CBC*. <https://www.cbc.ca/news/canada/nova-scotia/programs/informationmornings/the-pros-and-cons-of-allowing-permanent-residents-to-vote-municipally-1.3804648>

Johnston, J. (2019, May 29). Campaign signs set to be banned from public property in Surrey. *CBC*. Retrieved from <https://www.cbc.ca/news/canada/british-columbia/surrey-election-sign-by-law-1.5153335>

Jones, R. (2019, April 12). Business community money still flowing to political parties despite ban on corporate donations. *CBC*. Retrieved from <https://www.cbc.ca/news/canada/new-brunswick/corporate-donations-ban-new-brunswick-politics-oland-irving-individual-contributions-1.5095006>

Keller, B. (n.d.). Pros and cons of instant runoff (ranked choice) voting. *League of Women Voters of Vermont*. Retrieved from <https://my.lwv.org/vermont/article/pros-and-cons-instant-runoff-ranked-choice-voting>

Lenard, P. T. (2015). Residence and the right to vote. *International Migration & Integration* 16, 119–132.

Milligan, K., & Rekkas, M. (2008). Campaign spending limits, incumbent spending, and election outcomes. *Canadian Journal of Economics*, 41(4), 1351-1374.

Moore, A. A. (2017). The potential and consequences of municipal electoral reform. *IMFG perspectives* 20. Retrieved from [https://tspace.library.utoronto.ca/bitstream/1807/78793/1/IMFG\\_perspectives\\_20\\_electoral\\_reform\\_AaronMoore\\_Oct\\_17\\_2017.pdf](https://tspace.library.utoronto.ca/bitstream/1807/78793/1/IMFG_perspectives_20_electoral_reform_AaronMoore_Oct_17_2017.pdf)

Munro, D. (2008). Integration through participation: Non-citizen resident voting rights in an era of globalization. *Journal of International Migration and Integration*, 9(1), 63-80.

New Zealand Immigration. (2019). *Who can vote in New Zealand elections?* Retrieved from <https://www.immigration.govt.nz/knowledgebase/kb-question/kb-question-5121>

- Pablo, C. (2017, September 18), B.C. NDP government bans corporate and union donations and introduces public subsidy for political parties. *Georgia Straight*. Retrieved from <https://www.straight.com/news/968556/bc-ndp-government-bans-corporate-and-union-donations-and-introduces-public-subsidy>
- Parker, P. E., & Przybylski, J. T. (1993). 'It's in the Mail': Present use and future prospects of mail elections. *State & Local Government Review*, 25(2), 97-106.
- Paline, I. & Tuvana, T. (2012). Incumbency advantage and political campaign spending limits. *Journal of Public Economics* 96, 20-32.
- Stratmann, T., & Aparicio-Castillo, F. J. (2006). Competition policy for elections: Do campaign contribution limits matter? *Public Choice* 1(2), 177-206.
- Tasker, J. P. (2019, August 22). 60 days out from a federal election, lawn signs are starting to appear. *CBC*. Retrieved from <https://www.cbc.ca/news/politics/federal-election-lawn-signs-1.5256209>
- The Canadian Press. (2016, August 15). The pros and cons of ranked ballots. *Maclean's*. Retrieved from <https://www.macleans.ca/politics/the-pros-and-cons-of-ranked-ballots/>
- Town of Quispamsis. (n.d.) *Mayor and Council*. Retrieved from <http://quispamsis.ca/town-hall/mayor-council/>
- Utter, G. H., & Strickland, R. A. (2008). *Campaign and election reform: A reference handbook, 2nd edition*. Santa Barbara: ABC-CLIO.
- Woodford, Z. (2018, October 2). Halifax council passes new campaign finance rules, caps council candidate contributions at \$1, 000. *The Star*. Retrieved from <https://www.thestar.com/halifax/2018/10/02/halifax-council-passes-new-campaign-finance-rules-caps-council-candidate-contributions-at-1000.html>