



CIVIC AFFAIRS

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DISCRIMINATION IN THE LOCAL FRANCHISE

In December, 1956, Toronto electors voted two to one to widen the municipal franchise. Similar action was taken by the voters in London, Ontario, a year later. Both municipalities have appealed to the province for enabling legislation. A bill has now been introduced which would go only part way towards meeting their request. The Bureau reviews this draft legislation and urges that it be revised and passed at the present session of the provincial House.

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Nearly seven years ago, as part of a general submission to the Ontario Provincial-Municipal Relations Committee, the Bureau of Municipal Research put forward the following proposal: "In the light of changes in municipal responsibilities and revenue sources, it is suggested that the government give consideration to widening the municipal franchise."

City's Effort to Widen Vote

In 1956, the Association of Women Electors convinced the city fathers to put the subject before Toronto voters at the December elections. The question read: "Are you in favour of the city applying for legislation to extend the right to vote at municipal elections, except on money by-laws, to include all persons not now qualified to vote who have resided in the municipality through the year preceding election day, who are British subjects and who are over 21 years of age." Among those actively supporting the change was your Bureau.

The answer provided by the referendum was unmistakable: 53,041 in favour to 26,164 against, or better than a two to one majority approval. Remember, also, that those entitled to cast ballots were the owners and tenants who were being asked to abandon their privileged position except on money by-laws. Surely, in the circumstances, the result must be considered a strong endorsement of the principle of universal suffrage in local elections.

Before the vote was taken, the Bureau had put out a statement in which, among other things, it discussed the alternative methods the province might employ to implement the change. As between special legislation applicable to Toronto alone and general legislation available to all, the Bureau regarded the second alternative as decidedly preferable.

In line with this viewpoint, the City of Toronto made formal application, in February, 1957, for the required changes in the Municipal Act and in other related statutes. Since no action was taken at the 1957 spring session of the legislature, Toronto's request was renewed this year. Legislation can still be passed in time for the December municipal elections, provided it permits a quick method of enumeration.

London's Action

Meanwhile, a referendum whose wording was virtually identical to Toronto's was placed before the property owners and tenants of London, Ontario, in December, 1957, and it was backed by an even larger majority. In London's case, 13,434 affirmative votes were recorded against only 4,944 in opposition. Toronto is not alone in her desire to widen voting rights.

London tried to implement the wishes of its citizens by means of a private bill which also contained various other proposed amendments to the City of London Act. When the measure came before the legislature's Private Bills Committee, however, the sections dealing with the franchise extension were knocked out. Such action is sound if the necessary authority is to be granted instead by means of general legislation.

C.C.F. Member's Bill

Next on the scene is a bill introduced at the current session by the C.C.F. member for Oshawa. Entitled "An Act to Amend the Municipal Act", this bill differs in one important regard from what in effect both London and Toronto are seeking. It would let a municipal council decide to widen the franchise without the prerequisite of a favourable referendum vote. The weakness of this arrangement is that it would permit members of Council to alter the conditions governing their own re-election without a definite instruction from the electorate.

To be effective, the C.C.F. bill would need to be supplemented by technical amendments to the Assessment Act, the Election Act and the Voters' List Act. But that is beside the point. The bill set forth the main principle at issue and so ensured that the question would receive the attention of the provincial House. The bill passed its first reading on February 25th. If action is taken by the government, the legislation put forward by the Oshawa member would presumably be dropped.

Government Bill

On Wednesday, March 12th, a government bill, No. 160, was introduced by the Minister of Municipal Affairs and given its first reading. Two days later copies were mailed to all municipalities throughout the province. The draft legislation is now being referred to the Municipal Law Committee.

Subject to prior referendum approval, Bill No. 160 would enable any municipality to extend the right to vote, but only in the election for members of council, to all British subjects of the full age of twenty-one

years who have resided in the municipality for at least one year. Those municipalities which adopt the change would have to appoint special enumerators to compile the new lists of voters. Such enumerators must commence their work just sixty days before polling day.

The suggested legislation seems sound as far as it goes. But it is open to criticism on two points: the extent of the proposed exclusions and the method of enumeration.

Exclusions: For the new voting group, the only exclusion proposed by Toronto and London in their approved referendums was the right to vote on money by-laws where, generally speaking, the privilege has always been confined to property owners. Wives or husbands of owners or tenants and the great bulk of tenants themselves have never been permitted to vote on such questions.

To this accepted exclusion, the province's bill would add others of quite a different sort. The new category of electors would not be able to vote for school trustees or elected utility commissioners or to register opinions on all remaining referendum questions.

Apparently, the argument for excluding the new group of voters from school elections is the task of sorting the new group into public and separate school electors. This possible objection does not apply to utility contests and referendum voting.

The present classification into public or separate school supporters serves a double purpose. First, it divides the entire electorate into two parts for the election of school trustees. Second, among owners and tenants the designation determines the proportioning of tax responsibility between the two school authorities. As the rates may differ, the way in which a person is classified can affect his own or his owner's taxes. Hence, honest errors can be most upsetting and misrepresentation is not unknown.

For the new group of voters, no question of school support would arise. Allegiance for election purposes is the only point concerned.

Among those now eligible to vote, the initial responsibility for compiling the voters' lists and for differentiating people by school affiliation falls upon the shoulders of the local assessor. He is expected to designate school support according to his best judgment based upon his personal knowledge or upon information available to him. He is not expected to obtain sworn declarations. Errors in school designation can be corrected subsequently by the municipal council. Provision is made also for hearing appeals on all counts through the courts.

In enumerating the new voting group, precisely the same procedures could be established. If there is a special problem, it is to determine who is eligible to vote not what his school allegiance happens to be. Again, while enumeration is easier if no school classification is required, the resulting exclusions would add materially to the problems of polling officials on election day. Why the province proposes the extra exclusions it does is a mystery. They seem both unnecessary and unfair.

Enumeration: Provided a municipality engages competent persons as special enumerators, the method proposed for compiling the lists of new voters should work quite well. It would, however, be expensive and, what is really important, unnecessarily so; for in the Bureau's view a better alternative exists.

Prior to the revision of the Voters' Lists Act in 1951, the municipalities were made responsible for the annual preparation of Part III of the voters' list which enumerated all persons entitled to vote at provincial elections who were not qualified municipal electors. Since that time, the entire list of provincial electors has been prepared by special enumerators employed by the province and then only when required for provincial elections. Many municipalities, however, have continued their own enumeration on the old basis because of the value of the information so obtained. The Metropolitan Assessment Department does not happen to be among them.

Restoration of the municipal enumeration would do more than meet election needs. For instance, it would furnish inter-censal statistics on a census tract basis; help in determining municipal responsibility for welfare cases; and assist in pinning down the population count for per capita grant payments. Indeed, it would perhaps be a good thing if Metro were required to resume an annual enumeration of its adult residents regardless of the decision on extension of the franchise.

A special municipal enumerator would have to be paid considerably more per elector listed than either a provincial or a federal enumerator. He would have to call at each house in order to track down the small number of names not contained in the assessor's roll. At many houses, he would have no electors to list at all. If the work were done by the assessor, this problem would not arise. In addition a municipality's regular assessment personnel should produce a more careful and competent enumeration than temporary help engaged for this one job only.

The objection might be raised that the assessor could not obtain a complete list of qualified non-property owners with the required year's residence in the course of his regular calls. The problem is not so difficult as one might at first think. The assessor endeavours to compile information which is as correct as possible as of the date set for the return of his roll. The fact that some of the information was secured much earlier and may, as a result, be out of date, is known and accepted. Ways are provided for making necessary revisions including changes in the voters' lists. Among non-property owners, the proportion of needed revisions would, of course, be larger. The assessor should be expected to include all persons who by the statutory date set for the return of the roll will have completed a full year's residence.

Except as a means of speeding the enlargement of the voting group in this first year, the special enumeration plan seems to have no great merit. It is suggested, therefore, that the established system under which the assessor used to compile the names should be reinstated, at least as an option.

The Subject at Issue

Whether the voting group in municipal elections should be enlarged is a significant question. To assist the Toronto electors in assessing its merits, the Bureau put out a public statement listing the arguments for and against a change--arguments which led the Bureau to conclude that the wider franchise should be supported. For the benefit of those responsible for legislation and others who are interested in the question now before the House, the points are repeated.

Against A Change

1. Owners and tenants have a stake in the community and a demonstrated long-term interest in its future not matched by other local residents. Consequently they have a particular right to control its destinies.
2. Taxes on real property provide the bulk of local support for general municipal and school services or three-quarters of the money from all sources including provincial grants. Taxes constitute a first lien against property. The total assessment of a municipality is its security for capital borrowing. All these facts point up the propriety of keeping the property franchise.
3. Municipalities were formed to provide services to property and this continues as their chief responsibility. Although they have been required to take on added social services and similar responsibilities, the local authorities have little discretion in such fields and it is only fitting that the province should pay an increasing proportion of their cost.
4. It might be expected that the majority of new voters would be drawn from the lower income strata. On balance, they may favour increased spending and municipal generosity at the expense of the local property owners.
5. Extension of the franchise would make it easier for unauthorized names to be placed on the voters' lists.
6. The province has always maintained the property franchise for local elections in all Ontario municipalities.
7. If universal suffrage were once adopted it would become politically impossible to restore the present system.

For the Change

1. Many responsible residents of Toronto are denied a voice in civic affairs because they do not happen to qualify under the existing property franchise.
2. Along with the age and citizenship requirements, continuous residence for one year should permit development of a sufficient understanding of the local issues.
3. The proposal would not reduce any of the existing privileges under the property franchise and, moreover, would recognize the particular concern of property owners with new capital commitments by preserving their exclusive voting rights on money by-laws.
4. Aside from the business tax, real property taxes are levied upon owners. Tenants are considered to be taxpayers indirectly because the owners recover the payments in rent. Are not occupants of shared accommodation also contributing when they pay for lodgings? Similarly, taxes payable by business concerns are passed on to the purchasers of their goods and services. The tax responsibility is really shared by all residents.

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5. In rural areas, the equivalent problem does not exist because all adult members of farm families may vote. The provincial legislature cannot be expected to introduce changes until petitioned to do so by urban municipalities.
6. The interest in roads, parks, school services, welfare undertakings and the like is not confined to the present electorate. The range of such services has greatly expanded and has departed completely from the old concept of services to property.
7. Real property taxes are being supplemented increasingly by provincial grants, fines, fees, etc., as sources of local revenue. Public utilities which also come under municipal control, are financed through rates or fares. Thus property owners cannot claim to be the only direct contributors to municipal budgets.
8. The minimum property qualification in cities has remained at \$400 since 1873. Consequently the size of a person's holding has lost all its one-time importance. In the circumstances the vote should no longer hinge on one's status as owner or tenant, which cannot be shown to indicate one's economic or social status.
9. Property qualifications were at one time a condition of voting in all provincial and in federal elections. They remained common until after World War I and the last of them was eliminated as recently as 1936. It is just as logical to remove property qualifications from local elections.
10. Subject to a residence qualification, universal suffrage has been introduced throughout Alberta, Manitoba, Nova Scotia, the cities and towns of Saskatchewan, the City of Vancouver and a number of other individual municipalities. In many other jurisdictions only a nominal taxpaying qualification has been retained. The trend towards universal suffrage throughout Canada is unmistakable.
11. The property franchise was abandoned over a century ago in local elections throughout the United States and came to an end in the United Kingdom eleven years ago.
12. The turnout in local elections is consistently much worse than in provincial or federal elections. Even where universal suffrage has been secured, local turnouts fall behind. But the broader franchise should bring improvement. If all persons could expect to vote from the age of twenty-one, civic affairs could be made a subject of universal public interest. Campaigning would also be simplified and should receive wider publicity.

In Conclusion

The Bureau urges that the province's Bill No. 160 be amended:

- 1) to permit the necessary enumeration to be carried out by municipal assessors along with their regular work;
- 2) to give the new "resident voters" full voting rights at local elections except on money by-laws;

and that the amended measure be passed by the House at the present session.

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