The Canadian Municipal Election Study

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INTRODUCTION

Not long ago, research on Canadian local elections was “virtually non-existent” (Stanwick 2000) and municipal elections were referred to as the “poor cousins” in the study of voting behaviour (Cutler and Matthews 2005, 359). This scholarly oversight is perhaps somewhat understandable, given that local elections are considered by some to be of “lower rank” than national or provincial elections. As compared to elections at the federal and provincial levels, we know that Canadians are less interested in local elections, and they think that local government affects them less (Lucas and McGregor 2021). At the same time, there is so much variation between cities that the findings from studies of city elections are difficult to generalize. Local elections are of a “different kind” from federal and provincial election, but they also differ greatly from one another (see Oliver et al., 2012 on the United States, but the claim is as true, if not truer, in Canada).1

In the past decade, however, the field of local political behaviour has experienced an unprecedented surge in attention in Canada. Two main streams in this growing literature are candidate studies (Tolley, 2011; Breux et al., 2019; Scott and Medeiros, 2021) and elector studies (Couture et al., 2014; Goodman 2014; Breux et. at. 2017; Kiss et al., 2020; Lucas and McGregor, 2021; McGregor et al., 2021). The latter is the largest and fastest growing segment of the field, to the effect that Eidelman and Taylor’s (2010, 305) description of the field of Canadian urban politics as a “black hole" no longer rings true, at least as far as studies of municipal elections and political behaviour are concerned.

We have witnessed parallel trends elsewhere, as well. Writing about the United States just a decade ago, Marshall noted that “to say that a field of study on local elections exists would be a bit of an overstatement” (Marshall, 2011, pg. 97). Since then, however, there has been an immense growth in research on American local elections (Oliver et al., 2012; Hajnal and Trounstine 2014; Sances 2018; Warshaw 2019; Holman and Lay 2021). Growth during this period has also occurred in many other contexts, as scholars around the world have increasingly turned to the local level to understand the behaviour of their electorates (see Kang et al., 2018; Marien et al., 2015; Šaradin et al., 2021, as well as a recent special issue on comparing local elections and voting in Europe; Gendźwill and Steyvers, 2021). Though the volume of scholarship on municipal elections remains much smaller than that

1See Gendźwill and Steyvers, 2021 for a more extensive discussion of the major theoretical perspectives on local elections and voting.
focused on elections at upper levels of government, the field of local political behaviour is firmly established and growing.

This growth has been motivated by a number of factors. First, the vast majority of elections and politicians are at the local level—for example, according to Taylor and Bradford, 2020, Canada has more than 3,700 municipalities. Municipalities thus provide a rich landscape for those interested in studying electors, candidates, and elections. Second, local elections have many features that do not exist at the federal or provincial/state levels, including non-partisan races, concurrent elections, and widely varying electoral institutions (such as district types, electoral systems, and voting procedures). Many important questions about how institutions affect electors, in Canada and elsewhere, can therefore only be answered by looking locally. Similarly, comparisons across municipalities enable researchers to exploit still more interesting variation. Cities vary from one another in numerous ways, including turnout rates, governance structures, socio-demographic diversity, economic conditions, and the presence or absence of local political parties. Municipalities therefore serve as important laboratories of political behaviour, providing an opportunity to consider questions that could not be answered using federal or provincial data. Enabling this growth is the fact that technological improvements mean that data collection and analysis are easier and more cost effective than ever before. We therefore concur with Marschall’s description of the possibilities for research on local elections as “practically limitless” (2011:97).

It is in this context of rapid growth of the field of local political behaviour that we introduce the Canadian Municipal Election Study (CMES) dataset. With a total sample size of 14,458, the dataset includes survey responses from voters and non-voters in eight of Canada’s largest cities: Vancouver, Calgary, Winnipeg, London, Mississauga, Toronto, Montreal, and Quebec City. Cities were chosen on the basis of size, contextual variation, and institutional characteristics. The dataset, which consists of panel survey data collected before and after each election, provides an unrivaled opportunity for researchers to study the motivations, attitudes, and behaviour of Canadians in local elections.

There are a number of reasons why we expect that the CMES will be of interest to scholars both within and outside of Canada, as well as to those who study elections other than at the local level. First, as noted above, the study of municipal elections is in a significant growth phase, both in and outside of Canada. While large comparative election studies have long been the norm for national elections, however, the CMES is the first such study focused exclusively upon the municipal level. The fact that the dataset includes very different cities (as we detail below) and an extremely large sample size, means that a great many important and novel research questions can now be explored, taking advantage of these and other features of the dataset. Researchers in contexts where local elections tend to be quite similar to those in Canada (including in the United States) should also find the dataset useful. The CMES should also be of interest to those who study elections other than at the local level, as the cases under study here have important features that may allow for generalization to other contexts. The dataset should therefore be of interest to scholars who conduct research into non-partisan elections, decision making in a low-information context, simultaneous elections, incumbency (rates of re-election in local elections are astonishingly high), and elections with low voter turnout.

After describing the CMES dataset, we discuss below some of the possibilities for research using this important research tool. For illustrative purposes, we provide an example of such research, and conduct a novel analysis that shows the importance of a sociodemographic indicator rarely employed in studies of national elections (home ownership) at the local level. The CMES was funded by the Social Sciences and Humanities Research Council of Canada through Insight Grant 435–2017-0993. The dataset and codebook are available at the Harvard Dataverse (https://doi.org/10.7910/DVN/HK9GJA).

## STUDY DESIGN

CMES data are drawn from online surveys of eligible voters in eight Canadian cities that held elections in 2017 and 2018. A total of 2.4 million votes were cast in these contests, representing 24.6% of the Canadian population. Data were collected in two waves, with one questionnaire administered before election day (over the course of several weeks, with an eye towards identifying possible campaign dynamics), and one fielded shortly after the election. The total sample size for the pre-election survey was 14,458; 9,409 respondents also completed the post-election questionnaire (return to sample rate = 65.1%). The pre-election survey was roughly 20 min in length and the post-election questionnaire was about 15 min. The average number of respondents per city is just over 1,800, though there is some variation (see Table 1).

With comparability with previous election studies in mind, many of the questions in the CMES were modelled on the Canadian Election Study (which itself shares many questions in common with other studies, such as the Making Electoral Democracy Project and the Comparative Study of Electoral Systems). This includes questions on interest, attentiveness, issue opinions, ideology, candidate ratings, partisanship, economic and performance evaluations, and political knowledge, among other common election study questions.

A variety of new questions were included to take into consideration the distinctive characteristics of municipal government. Thus while standard questions were asked about attitudes towards candidates, political orientations, and sociodemographic characteristics and media consumption, so too were questions about council, borough and school board

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2As per the 2016 Census
3A number of questions were asked in both waves, meaning that change over time can be considered
4Surveys were fielded on the following dates: Calgary: Pre-election: Sep. 29 to Oct. 15, 2017, post-election: Oct. 17 to Nov. 6, 2017 Quebec and Montreal: Pre-election: Oct. 20 to Nov. 4, 2017, post-election: Nov. 6 to Nov. 29, 2017 Vancouver: Pre-election: Sep. 28 to Oct. 19, 2018, post-election: Oct. 21 to Nov. 21, 2018 London, Mississauga, Toronto: Sep. 24 to Oct. 21, 2018, post-election: Oct. 23 to Nov. 22, 2018 Winnipeg: Sep. 28 to Oct. 23, 2018, post-election: Oct. 21 to Nov. 15, 2018
TABLE 1 | Characteristics of CMES cities.

| CMES sample size | Population (2016) | Number of city councillors | Parties present? | Incumbent mayor present/ victorious? | Effective # of mayoral candidates⁶ | Margin of victory (%) | Voter turnout (%) | Noteworthy features |
|------------------|-------------------|-----------------------------|-----------------|--------------------------------------|---------------------------------|------------------------|-------------------|-------------------|
| Calgary          | 2,033             | 1,239,220                   | 14              | No                                   | Yes/Yes                         | 2.2                    | 7.7               | 58.1              | Particularly high-profile mayor race |
| London           | 1,423             | 383,822                     | 14              | No                                   | No                              | 4.1                    | 17.6⁹             | 40.0              | Ranked ballots |
| Mississauga      | 1,130             | 721,599                     | 11              | No                                   | No                              | 1.6                    | 63.2              | 27.4              | Councillors also sit on regional council |
| Montreal         | 1,924             | 1,704,694                   | 46              | Yes                                  | Yes/No                          | 2.1                    | 5.8               | 42.3              | Borough elections held concurrently |
| Quebec           | 1,909             | 531,902                     | 21              | Yes                                  | Yes/Yes                         | 2.5                    | 27.6              | 50.9              | One-party dominance |
| Toronto          | 2,403             | 2,731,571                   | 25              | No                                   | Yes/Yes                         | 2.2                    | 39.9              | 40.9              | Province imposed ward restructuring |
| Vancouver        | 1,666             | 631,486                     | 10              | Yes                                  | No                              | 4.7                    | 0.6               | 39.4              | At-large elections for council |
| Winnipeg         | 1,960             | 705,244                     | 15              | No                                   | Yes/Yes                         | 2.4                    | 17.6              | 42.3              | Plebiscite held concurrently |

Different municipalities. The cities in the sample differ from one another in several respects, and provide variation on dimensions that do not apply at other levels of government. For instance, it is only locally that we see variation in electoral systems (London used ranked ballots and Vancouver uses an at-large system for council elections) and the presence and absence of political parties (most elections in the study are non-partisan, but not Vancouver, Montreal and Quebec).⁷ Table 1 shows just some of the many characteristics of the CMES cities that might interest researchers conducting comparative work.

Second, the CMES has a large enough sample size to conduct analyses of each election separately. Each of the cities in the study has unique characteristics (some of which are listed in the final column in Table 1), and all have a substantial number of respondents. Researchers who have interests in any of these cases therefore are able to conduct detailed analyses using data from residents of any one city. An edited volume by Lucas and McGregor (2021) provides samples of the single case studies that can be conducted using the data.

Third, the size of the dataset makes it possible to conduct subgroup analyses. Many groups that traditionally make up small segments of survey samples have sizable numbers of respondents in the dataset. For instance, the CMES dataset contains 269 respondents who identify as Indigenous. Though small as a share of the overall respondent pool, this figure is large enough to allow for meaningful analysis. There also similarly sizable subgroups of religious minorities (331 Muslims, 381 Jews, and 198 Buddhists) and sexual minorities (626 homosexuals, 393 bisexuals and 175 who identify as other). Though non-voters tend to be vastly underrepresented in election studies, the size of the CMES means that the dataset contains 1,496 respondents who did not vote. These and other relatively small groups often cannot be

### POSSIBILITIES FOR RESEARCH

We see at least five ways in which the CMES may be of use to researchers. First, the dataset allows for comparison across very

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⁶We refer here to cooperation rate 3 from the American Association for Public Opinion Research response rate calculator (see aapor.org). This represents the number of complete interviews divided by the total number of eligible units contacted.

⁷As is the case with existing election studies, the sample is unrepresentative of the population on some dimensions (for example, as is always the case in datasets of this nature, voters are overrepresented). Accordingly, the dataset includes weights to match to 2016 census data on the basis of age and gender. Separate weights were created for the RDD respondents, and for the pooled, RDD and panelist, data.

⁸Laakso and Taagepera (1979)

⁹This is the margin in the final round of counting. The gap in the first round was 12.0 points.
studied in any meaningful way with datasets of only one or two thousand respondents. The large overall size of the CMES dataset means it is possible to study some subgroups that make up a relatively small proportion of the electorate.

Fourth, the CMES allows researchers to ask a wide variety of questions about Canadian electors that simply cannot be answered without data from the local level. As already noted, municipalities have many characteristics that are absent in federal or provincial elections, such as concurrent elections (mayor and council), lower-interest "down-ballot" races (school and park board elections) and frequent concurrent plebiscites. Local governments also have different powers and profiles than their federal and provincial counterparts, and turnout tends to be comparatively low. Studying local elections provides the variation that makes identifying important insights about how these understudied circumstances affect electors possible.

Finally, we see potential for CMES data to be combined with local survey data from other settings. Recent local election studies in the Czech Republic (Šaradin et al., 2021), the Netherlands (Jansen and Denters 2019) and other Western-European countries (NCCR Democracy 2016) ask similar questions on turnout, vote choice, and attitudes towards politics that might be combined with CMES data in a comparative study. Researchers from around the world may be interested in using data from all CMES cities, or just a small number of cities. As noted above, there are many great differences between the cities included in the dataset (indeed, one of the exceptional features of Canadian municipalities that should be of interest to other researchers is the institutional variation that cities across the country provide). Some cities included in the study may be more appropriate to include in comparative studies than others, and the high number of survey respondents available from each city means that select cities can be used, if researchers wish.

**USING CANADIAN MUNICIPAL ELECTION STUDY DATA— A LOCAL-FEDERAL COMPARISON**

Another type of analysis that can be conducted with CMES data, and one we provide an example of below, is comparison across levels of government (the CMES includes a number of questions about attitudinal orientations towards multiple levels of government). Such comparisons provide insight into how the same electors might reason and act towards elections at different levels, and also to see what types of factors might be associated with observed differences. We know, for example, that some elector characteristics have a different importance locally as compared to federally or provincially. One such characteristic is homeownership, with previous research showing that the turnout gap between owners and renters is higher municipally than at other levels of government (Fischel 2001; McGregor and Spicer 2016; Jiang 2018).

An illustrative example of potential between-level research is shown in Figure 1, which includes a series of coefficient plots. These plots demonstrate the relationship between homeownership and several important attitudes and behaviours at the municipal and federal levels (all coded to range from 0 to 1). The results in the first column show the results from a series of OLS regressions, where five outcomes are regressed on a binary measure of home ownership (where the baseline is those who do not own their homes), as well as a series of sociodemographic controls. The results show that home ownership has a positive relationship with the outcome variables. Whiskers show 95% confidence intervals. We use multi-level models with varying intercepts for city.

Though the results in the first column allow us to eyeball differences between levels, it is difficult to infer whether these differences are statistically significant. As such, we show the second column of results, where the outcome variables are based upon a combination of the federal and municipal outcome variables. More specifically, the value for the federal variables are subtracted from the municipal (values therefore range from −1 to 1). In this setup, coefficients to the right of zero indicate that the effect of homeownership is greater, in the positive direction, at the municipal level than federally. If the whiskers do not cross zero, we can conclude that homeownership has different effects at the two levels of government (because homeownership leads to significantly different effects at the municipal level compared to the federal level).

CMES data provide strong evidence that homeownership is distinctively important in municipal elections. As expected, the turnout gap between owners and renters is larger at the municipal scale. There are also gaps in a variety of attitudes, including interest in politics and the belief that voting is a duty (as opposed to a choice). Ownership-based differences in government impact and external efficacy are also greater locally. Home ownership, a variable that receives scant attention in studies of federal voting behaviour, is clearly important in Canadian municipal elections.

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10 The dataset also includes information on forward sortation area, so respondents can be categorized on the basis of small geographic areas

11 Despite the limited number of cities in the dataset, multi-level analyses are also possible with the data, where individuals level-variables might be interacted with city-level characteristics
CONCLUSION

The CMES dataset provides researchers with the opportunity to begin to map the many ways electors reason and behave in an understudied but important type of election. Coupled with possibilities for comparative research, single city studies, and subgroup analyses, the CMES allows researchers to consider a variety of questions about how attitudes are formed and decisions are made in municipal elections (and how this differs from other levels of government). We expect that the data set will prove to be of great use to scholars of local political behaviour, both within and outside of Canada.15 Many of the features of the elections present in the CMES, including non-partisanship, low turnout and low information races, simultaneous elections and very high rates of incumbency, should also attract scholars who might not ordinarily be interested in the study of local electoral contests. It is our hope that both established and emerging researchers will use the CMES extensively to uncover important insights about elections and electorates.

DATA AVAILABILITY STATEMENT

The dataset presented in this study can be found in an online repository at the following link: https://doi.org/10.7910/DVN/HK9GJA.

ETHICS STATEMENT

The studies involving human participants were reviewed and approved by the Ryerson University Research Ethics Board. Written informed consent for participation was not required for this study in accordance with the national legislation and the institutional requirements.

AUTHOR CONTRIBUTIONS

RM is principal investigator on the CMES and primary author of the data note. All other authors contributed to the creation of the dataset and provided feedback on data note.

SUPPLEMENTARY MATERIAL

The Supplementary Material for this article can be found online at: https://www.frontiersin.org/articles/10.3389/fpos.2021.745331/full#supplementary-material

15Any user of the data should be cautioned against overgeneralizing from the dataset. The eight cities chosen here were included due to the important variation they provide. One dimension on which they do not provide variation, however, is size—all are among the most populated in the country. We encourage the creation of future datasets that focus on electors from municipalities of all sizes, as we suspect important variation on many fronts may exist in this dimension.
REFERENCES

Breux, S., Couture, J., and Koop, R. (2019). Turnout in Local Elections: Evidence from Canadian Cities, 2004-2014. *Can. J. Pol. Sci.* 50 (3), 699–722. doi:10.1017/s000842391700018x

Breux, S., Couture, J., and Koop, R. (2017). Influences on the Number and Gender of Candidates in Canadian Local Elections. *Can. J. Pol. Sci.* 52, 163–181. doi:10.1017/s0008423918000483

Couture, J., Breux, S., and Bherer, L. (2014). Analyse écologique des déterminants de la participation électorale municipale au Québec. *Can. J. Pol. Sci.* 47, 787–812. doi:10.1017/s0008423914001152

Cutler, F., and Matthews, J. S. (2005). The Challenge of Municipal Voting: Vancouver 2002. *Can. J. Pol. Sci.* 38, 359–382. doi:10.1017/s0008423905040151

Eidelman, G., and Taylor, Z. (2010). Canadian Urban Politics: Another “Black Hole”? *J. Urban Aff.* 32, 305–320. doi:10.1111/j.1467-9906.2010.00507.x

Fischel, W. A. (2001). *Fischel, W. A.* (2001). Key Features of Municipal Voting in the United States. *Cambridge, MA: Harvard University Press.*

Gendzwill, A., and Steyvers, K. (2021). Guest Editors’ Introduction: Comparing Local Elections and Voting in Europe: Lower Rank, Different Kind or Missing Link? *Local Gov. Stud.* 47, 1–10. doi:10.1080/03003930.2020.1825387

Goodman, N. (2014). “Internet Voting in a Local Election in Canada”, in Internet And Democracy In Global Perspective, Studies In Public Choice 31, Editors B. Grofman, A Trechsel, and M Franklin (Berlin: Springer-Verlag). doi:10.3389/fpos.2021.674164

Holman, M. R., and Lay, J. C. (2021). Are You Picking up what I Am Laying Down? Ideology in Low-Information Elections. *Urban Aff. Rev.* 57, 315–341. doi:10.1177/1078087419890893

Hajnal, Z., and Trounstine, J. (2014). What Underlies Urban Politics? Race, Class, Ideology, Partisanship, and the Urban Vote. *Urban Aff. Rev.* 50, 63–99. doi:10.1177/1078087413485216

Jansen, G., and Denters, S. A. H. (2019). Democratic Dichterbij: Lokaal Kiezersonderzoek 2018. SKON, Stichting KiezersOnderzoek Nederland.

Jiang, B. (2018). Homeownership and Voter Turnout in U.S. Local Elections. *J. Hous. Econ.* 41, 168–183. doi:10.1016/j.jhe.2018.06.006

Kang, W.-h., Park, W., and Song, B. K. (2018). The Effect of Incumbency in National and Local Elections: Evidence from South Korea. *Elect. Stud.* 56, 47–60. doi:10.1016/j.electstud.2018.09.005

Kiss, S. J., Perrella, A. M. L., and Spicer, Z. (2020). Right-wing Populism in a metropolis: Personal Financial Stress, Conservative Attitudes, and Rob Ford’s Toronto. *J. Urban Aff.* 42, 1028–1046. doi:10.1080/07352166.2019.1657021

Laakso, M., and Taagepera, R. (1979). "Effective" Number of Parties. *Comp. Polit. Stud.* 12 (1), 3–27. doi:10.1111/0014079120100101

J. Lucas and R. M. McGregor (2021). in *Big City Elections in Canada* (Toronto: University of Toronto Press).

MacKerron, G., and McGregor, R. M. McGregor (2021). in *Big City Elections in Canada* (Toronto: University of Toronto Press).

Jenssen, S., Dassonneville, R., and Hooghe, M. (2015). How Second Order Are Local Elections? Voting Motives and Party Preferences in Belgian Municipal Elections. *Local Gov. Stud.* 41, 898–916. doi:10.1080/03003930.2015.1048230

Marshall, M., Shah, P., and Ruhl, A. (2011). The Study of Local Elections. *Apix 44, 97–100. doi:10.1017/s104996510001940

McGregor, M., and Spicer, Z. (2016). The Canadian Homevoter: Property Values and Municipal Politics in Canada. *J. Urban Aff.* 38, 123–139. doi:10.1111/juaa.12178

McGregor, R. M., Moore, A., and Stephenson, L. (2021). Electing a Mega-Mayor: Toronto 2014. Toronto: University of Toronto Press.

NCCR Democracy (2016). *Democratic Governance and Citizenship Regional Survey [Dataset].* Lausanne: University of Zurich, distributed by FORS.

Oliver, J., Ha, S., and Callen, Z. (2012). Local Elections and the Politics of Small-Scale Democracy. Princeton: Princeton University Press.

Sances, M. (2018). Ideology and Vote Choice in U.S. Mayoral Elections: Evidence from Facebook Surveys. *Polit. Behav.* 40, 737–762. doi:10.1007/s11109-017-9420-x

Šaradin, P., Lebeda, T., Lysek, J., Soukop, M., Ostrá, D., and Lebodová, E. (2021). Post-election Survey Data: Local Democracy and the 2018 Local Elections in the Czech Republic. Electoral Studies, 107039.

Scott, C., and Medeiros, M. (2021). Recognizing the Needs of Others: Municipal Candidates’ Intrinsic and Extrinsic Motivations to Support Immigrants and Religious Minorities. *Front. Polit. Sci.* 3, 55. doi:10.3389/fpos.2021.671108

Stanwick, H. (2000). A Megamayor for All People? Voting Behaviour and Electoral Success in the 1997 Toronto Municipal Election. *Can. J. Pol. Sci.* 33, 549–568. doi:10.1017/s000842390000196

Taylor, Z., and Bradford, N. (2020). “Governing Canadian Cities,” in *In Canadian Cities In Transition: Perspectives for an Urban Age.* Editors P Filion. 6th edition (Toronto: Oxford University Press).

Tolley, E. (2011). Do Women "Do Better" in Municipal Politics? Electoral Representation across Three Levels of Government. *Can. J. Pol. Sci.* 44, 573–594. doi:10.1017/s0008423911000503

Warshaw, C. (2019). Local Elections and Representation in the United States. *Annu. Rev. Polit. Sci.* 22, 461–479. doi:10.1146/annurev-polisci-050317-071108

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