

City of Mississauga
Corporate Report



Date: 2016/06/07

To: Chair and Members of Governance Committee

From: Crystal Greer, Director of Legislative Services
and City Clerk

Originator's files:

Meeting date:
2016/06/20

Subject

Potential enhancements for the 2018 Municipal Election: Internet Voting, Ranked Choice Elections and Vote Anywhere.

Recommendation

1. That the Corporate Report dated June 7, 2016 from the Director of Legislative Services and City Clerk, outlining the potential enhancements for the 2018 Municipal Election be received for information.
2. That the Governance Committee provide direction to staff on the preferred enhancement(s) and that staff be directed to report back to Governance Committee on the implementation of the chosen option(s).

Report Highlights

- Three potential enhancements to the 2018 Municipal Election have been examined: Internet Voting, Ranked Choice Elections and Vote Anywhere.
- Internet Voting provides an alternative voting channel but has not found to increase voter turnout.
- Ranked Ballot Elections have been introduced by the proposed changes to the *Municipal Elections Act* (MEA) and will alter the process for electing candidates into office by permitting a ranking of preferred candidates.
- Vote Anywhere on Election Day provides customer service enhancements to voters by providing flexibility in voting locations and improves the existing election administration.
- All three options provide service enhancements but also contain financial and administrative risk.
- It is recommended that only one option be pursued for the 2018 Municipal Election because of the costs, staff resources required, need to manage the change and provide the required education to electors.
- If Vote Anywhere on Election Day is not selected as the preferred option it is

recommended that it be implemented for Advanced Polls in conjunction with the other option chosen.

Background

Municipal election administration is changing in Ontario. Staff have been monitoring the adoption of technology by municipalities to enhance election administration. Internet Voting and Vote Anywhere improve election administration and increase accessibility and convenience for electors.

The Province of Ontario has tabled *Bill 181, Municipal Elections Modernization Act, 2016*. This bill amends the *Municipal Elections Act, 1996* (“*MEA*”) and enables municipalities to hold Ranked Ballot Elections. Staff anticipates that *Bill 181* will receive assent this year.

Comments

Internet Voting, Vote Anywhere and Ranked Ballot Elections all provide an opportunity to improve election administration and the voter experience. Each initiative comes with its own benefits, costs and potential risks and must be evaluated to determine which provides the greatest benefit to electors, candidates and staff.

Any changes to the current election administration and voting experience involve financial and administrative risk. An increase in marketing and communication will be required to sufficiently educate electors and candidates and staff will be required to ensure the success of any changes.

To sufficiently manage the financial and administrative risks with change it is recommended that only one option be pursued for the 2018 Municipal Election. To ensure sufficient time for implementation, the option should be identified as soon as possible.

Options

INTERNET VOTING

The *MEA* permits municipalities to use alternative voting methods that do not require an elector to attend a voting location or poll. Examples include voting by mail, telephone and the Internet. Internet Voting has been used by municipalities in Ontario since 2003 with many using the Internet as the only voting channel. Internet Voting has been received positively by administrators, candidates and electors. Convenience, accessibility and potential for cost savings are consistently identified as benefits.

Although Internet Voting has been well received there are risks to be considered. Subversive internet activities continuously evolve in frequency, unpredictability and complexity and may threaten the integrity of an Internet Voting system. Strategies to reduce these risks such as using Internet Voting only for Advanced Polls provide time to recover and assess impacts prior to Election Day should an attack occur.

Statistics have not shown any meaningful improvement in voter participation nor has it shown to engage younger electors. Internet Voting has instead altered the voting patterns of habitual electors by lessening volume pressures on physical polling locations. Therefore Internet Voting should be regarded as a customer service initiative and not as a means of improving voter participation.

Appendix 1 provides detailed information about the risks, benefits and costs of Internet Voting.

RANKED BALLOT ELECTIONS

Bill 181 allows municipalities to replace a traditional “first-past-the-post” election in favour of a Ranked Ballot Election (“*RBE*”). An *RBE* allows electors to rank candidates in order of preference. This ranked system intends to improve the quality of the election process and results and enables those who best align with the desires the majority of the electorate to succeed. *RBEs* are being considered for Mayor and Councillor positions but not school board Trustees at this time. Regulations associated with implementing *RBE* have not been made available to date for staff to fully understand the requirements.

Appendix 2 provides detailed information about the risks, benefits and costs of Ranked Ballot Elections.

VOTE ANYWHERE

Vote Anywhere (“*VA*”) on Election Day enables electors to vote at any voting location or poll without geographic restriction. *VA* maximizes the accessibility and convenience to electors and reduces wait times as elector volume is dispersed across several polls and Deputy Returning Officers. *VA* is facilitated through a centralized electronic voters database (*EPIC*) which allows staff to make revisions and confirm elector eligibility in real-time at any location. The use of *EPIC* also eliminates the printing of paper voters lists. *VA* requires a substantial amount of computer equipment enabling every Deputy Returning and Revision Officer access to *EPIC*. Vote Anywhere on Advance Polls can be implemented in conjunction with one of the other options under consideration.

Appendix 3 provides detailed information about the risks, benefits and costs of Ranked Ballot Elections.

Financial Impact

The following table provides an approximate cost for each proposed enhancement if provided for the 2018 election. Detailed financial information is included in each appendix.

Table 1 - Costs for Service Enhancements

Initiative	Cost
Internet Voting	\$1.1 million
Ranked Ballot Election	\$991,000

Originators files: File names

Vote Anywhere (advanced polls and election day)	\$809,000
Vote Anywhere (advanced polls only)	\$327,000

Conclusion

The maturation of Internet Voting technology and the proposed changes to the *MEA* provides Mississauga opportunities to modernize the election administration, enhance elector experience and improve efficiency. Internet Voting has proven to be convenient for electors and secure for administrators. Municipal statistics have shown that Internet Voting does not increase voter participation but instead lessens volume pressure on physical polls.

Ranked Ballot Elections substantially change the manner in which municipal democracy is administered by electing politicians that represent the desire of the majority of the electorate. The Province of Ontario is expediently processing *Bill 181* but the regulations to administer an *RBE* remain forthcoming.

Vote Anywhere enhances the existing paper ballot system by maximizing polling locations that can service electors and reducing wait times, printing and staffing requirements. A substantial amount of computer hardware would be required to facilitate Vote Anywhere.

Any of the aforementioned service enhancements deliver a progressive election experience. Each initiative however requires substantial financial investment and sufficient time to develop administrative procedures and communication and education programs for voters, candidates and staff. Staff suggest that a phased introduction of any changes would control costs and minimize risk to the integrity of the election.

Attachments

Appendix 1: Internet Voting

Appendix 2: Ranked Ballot Elections

Appendix 3: Vote Anywhere



Crystal Greer, Director of Legislative Services and City Clerk

Prepared by: Diana Rusnov, Manager of Legislative Services and Deputy Clerk

Appendix 1 – Internet Voting

Executive Summary

- Internet voting has been implemented successfully by municipalities in Ontario and Nova Scotia with more municipalities offering the option of internet voting each election cycle.
- Statistics indicate that internet voting does not increase voter turnout or youth participation.
- Four types of internet voting exist: kiosk, precinct, centralized and remote internet voting.
- Remote internet voting provides the best customer service enhancements such as improved accessibility and convenience to electors and reduces volume on Election Day.
- The risks to the integrity of an election offering remote internet voting include: electronic security, authentication of elector identity, fraud and equipment failure.
- Remote internet voting could be offered as an additional voting channel to compliment paper ballots.
- Internet voting requires a significant financial investment of approximately \$1.1 million.

Background

As social attitudes and trust mature towards completing sensitive transactions such as banking and commerce over the internet, online amenities have become expected from service providers. Governments are increasingly providing “e-services” such as paying property taxes or renewing licenses online. The *Municipal Elections Act, 1996* (“MEA”) permits municipalities to introduce alternative voting methods either as an additional voting channel or a replacement of traditional paper ballots. Interest and adoption of internet voting has grown steady in Ontario with 97 municipalities providing the option of internet voting which represented approximately 8% of ballots cast in 2014. The results of post-election surveys for the Town of Ajax (2014) and the City of Markham (2003 & 2006) have indicated overwhelming satisfaction with internet voting by both electors and administrators.

Academic studies and municipal statistics indicate that internet voting has not had any significant impact on voter turnout but instead has altered the voting patterns of habitual electors by lessening the concentration of voters on Election Day. Internet voting should be regarded as a customer service initiative as it offers enhanced accessibility and convenience to electors particularly to electors with disabilities. Inconveniences of having to spend time to attend a poll, and wait in line to vote are all eliminated with internet voting. The removal of these barriers maximizes the possibility of participation for any elector with access to an internet equipped device and lessens the volume pressures on physical polling locations.

Present Status

The current election administration uses precinct based polling locations and paper ballots. Electors mark a paper ballot which is scanned by a tabulator that records the vote. Tabulators have been used by the municipality since 2000 and have proven to be effective with instantaneous and accurate tabulation.

Comments

There are several matters that need to be considered to determine if internet voting is appropriate for the City of Mississauga.

INTERNET AVAILABILITY AND ACCESS

The electorate needs sufficient access to internet equipped devices for internet voting to be utilized. Staff are not aware of any research data that identifies internet access rates among the electorate of Mississauga but suggests that those electors interested in internet voting would likely have access to an internet equipped device. Equipping select polling stations with internet voting devices would allow for those wishing to vote electronically without the necessary equipment to do so and reduces the risks of candidates, scrutineers and supporters conducting campaign activities to influence or disrupt voters at less secure locations such as a library. Furthermore this may be a preferable option instead of using libraries as electronic polling stations as electors may expect assistance from library staff with the voting process.

ACCESSIBILITY AND CUSTOMER SERVICE

The most cited benefit to using internet voting is the improved accessibility and convenience for the electorate. Internet voting greatly improves customer service to electors who have accessibility needs that make attending a voting location or the physical marking of the ballot difficult. An elector would be able to vote wherever they have an internet equipped device.

Remote internet voting may reduce proxy votes as students, military personal, vacationers and other absentees may vote remotely without the administration and inconvenience of arranging a proxy vote.

SECURITY

Most academic literature evaluating internet voting focuses on the technical security of computer network systems to allow for internet voting. The academic community generally agree that there is no guarantee that the transmission of ballots through the internet is secure.

Election officials have no control over the security of the internet devices used by electors to vote remotely. An elector may unknowingly be using a device that has been compromised with illicit software that may direct him/her to a fraudulent election site, duplicate his/her personal information, change his/her vote, etc.

Evidence exists that there have been attempts at tampering with internet voting in Canada. An attempt to compromise the election for the leadership of the New Democratic Party of Canada was reported but was found to be unsuccessful. Malevolent online activities by those wishing to disrupt internet voting are unpredictable. Staff are unaware of an internet voting system being successfully compromised in Ontario however there is no certainty that future internet voting systems will not be successfully disrupted.

Providing internet voting for only Advanced Poll days reduces the risk of the entire election being compromised. Internet voting could be discontinued and electronic ballots could be voided immediately if the system becomes breached. By providing internet voting only on Advanced Poll days allows for the remainder of Advanced Poll days (if any) and Election Day to be administered in the typical manner of paper ballots.

VOTER AUTHENTICATION

Internet voting replaces in-person voter identify verification with an online registration system that requires an elector to login using a personal identification number (PIN) that is mailed by the city and verify personal information against the electronic voters list (e.g. birthday). While the combination of PIN and personal information may discourage identity fraud, it does not eliminate

it. An individual with intimate knowledge of an elector may be able to intercept the voter notification card and PIN and register to vote using these credentials.

FRAUD

The private nature of remote internet voting offers additional risk as voting is conducted without the oversight of election officials. It is possible that a voter is coerced to vote against his/her desire by another individual or for a disengaged elector to share his/her information with another individual enabling them to cast a ballot.

The role of the scrutineer also changes as scrutineers are not able to observe the election process or challenge the eligibility of an elector who votes using the internet. Opportunities for improved service for candidates and scrutineers are available with internet voting. Software modules are available to allow for candidates and scrutineers to track electors if they have voted similar to a review of the poll book at a polling location.

VOTER TURNOUT

Statistics gathered from Canadian and international election officials have revealed that internet voting is not a proven solution for low voter participation particularly among young electors. Ontario municipalities have observed that internet voting has altered the voting habits of habitual electors by increasing electronic participation during advanced polling periods and reducing participation at polling locations on Election Day.

ENVIRONMENTAL IMPACT

An increased use of remote internet voting may result in a positive impact on the environment. Reductions in vehicular use for electors to attend polls and paper based waste for things such as ballots, printing materials and other supplies may be achievable.

Options

There are four types of internet voting that are commonly used by election administrators: kiosk, precinct, centralized and remote internet voting.

1. **REMOTE INTERNET VOTING** allows electors to cast ballots anywhere by using an internet equipped device such as a computer, tablet or smartphone. The vote process becomes location independent as electors would login to a secure website, verify their identity and cast their ballot without any interaction with election staff or having to attend a polling station.

This option offers high level of accessibility as it is an alternative method for electors to vote and does not require the time and effort required to attend a polling location. Electors with accessibility challenges would particularly benefit as these electors would be able to cast ballots wherever they may be and without assistance from another person. Internet voting may further increase the privacy of voters who traditionally require assistance to complete the ballot. Remote internet voting also maximizes convenience to all electors as they would be able to vote anywhere and at any time.

This option would have greater risk to the integrity of the voting process as there would be little oversight by election staff. Staff would have different challenges by not being present to confirm elector identification and eligibility, prevent voter coercion, maintain privacy and ensure that statutory requirements are not compromised. Additionally there are greater technical risks than other internet voting methods as electors would be using a variety of devices of unknown quality and security. Technical risks associated with remote internet voting include registration problems, equipment and network failure or incompatibility, malware/viruses, hacking/denial of service attacks and identity and mail theft. Methods to manage these risks include having internet voting available for advanced polls only and by maintaining physical polls using paper ballots in the event of the disruption of the remote internet voting service.

Remote internet voting would require use of an electronic voter database such as the existing election system Election Program Information Centre (*EPIC*).

2. **PRECINCT INTERNET VOTING** introduces internet equipped voting machines at polling locations to be used in addition to or as a replacement for paper ballots. Electors would still be required to attend their assigned polling station to cast their ballots but would use an internet voting device such as a computer or tablet to cast their ballot.

Precinct internet voting does not offer improvement to accessibility or convenience to electors as it as electors would still need to attend their prescribed local polling station.

This option would have lesser risk to the integrity of the voting process. Control and oversight of the process could be preserved similar to that of a paper based ballot system as election staff would be present to confirm elector identification, eligibility, prevent voter coercion, maintain privacy and ensure that statutory requirements are met. Utilizing paper ballots and internet voting machines in tandem would further reduce risk of malfunctioning internet voting machines.

Precinct internet voting would require use of an electronic voter database.

3. **CENTRALIZED INTERNET VOTING** introduces internet voting machines at one centralized polling location for electors to cast electronic ballots. Electors would maintain the option to attend their assigned polling station and cast a paper based ballot instead.

Centralized internet voting does not offer improvement to accessibility or convenience to most of the electorate as its centralized location would only benefit electors that live or work nearby. Electors that are located far from the centralized polling station may choose the convenience of voting at their local polling station using paper ballots. This would reduce the effectiveness of the centralized internet poll.

This option would have lesser risk to the integrity of the voting process. Control and oversight of the process could be preserved similar to that of a paper based ballot system as election staff would be present to confirm elector identification, eligibility, prevent voter coercion, maintain privacy and ensure that statutory requirements are met. Utilizing paper ballots and internet voting machines in tandem would further reduce risk of malfunctioning internet voting machines.

Centralized internet voting would require use of an electronic voter database.

4. **KIOSK VOTING** introduces internet equipped voting machines at prominent locations such as grocery stores, banks and shopping malls. The benefit of kiosk voting is to provide enhanced convenience to electors by integrating the polling location into daily activities. However this method does not offer any improvements for electors with special accessibility requirements.

Kiosk voting would have a moderate risk to the integrity of the voting process. Staffing of kiosk locations is important for risk mitigation by preserving control and oversight of the voting process. The voting process may be exposed to risks such as the compromise of the identification, eligibility and privacy of electors and/or the tampering or malfunction of the kiosk.

Kiosk voting would require use of an electronic voter database.

Financial Impact

The projected cost to provide internet voting for Advanced Polls as an additional channel for voting is approximately \$1.1 million dollars for the 2018 Municipal Election.

PROFESSIONAL SERVICES

The City of Mississauga is currently engaged in a contract with Election Systems and Software (ES&S) who provide the municipality with election equipment and services. The municipality is contractually obligated to purchase election equipment and services from ES&S only for items that are specifically defined in the contract. Although internet voting services is not one of these

services ES&S has an internet voting partner. The contract between the municipality and ES&S expires on June 31, 2023.

ES&S has estimated that internet voting would cost approximately \$1.50 per eligible elector which would include the printing of voter notification cards, the development, hosting and security of an internet voting website, a candidate/scrutineer module, a 24/7 help desk for electors to contract, telephone voting (optional), and other ancillary products and services.

Through Budget Request #1251 staff have secured \$150,000 for internet voting research purposes. Staff suggest that these funds be assigned towards hiring an information technology security consultant to audit the proposed internet voting system. None of this money has been spent to date.

INFORMATION TECHNOLOGY

Staffing: Although a significant portion of the internet voting service would be provided by the vendor additional municipal staff and hardware will be required to provide dedicated support and oversight to ensure the integrity of the election system with City owned resources. A Project Lead would be required to bring together the vendor, the business client, and IT staff to ensure that the internet voting solution is delivered successfully. Furthermore a Developer would be required to build the connection between the *EPIC* or another commercially available electronic voters database and the vendor's internet voting solution. Both of these positions would be temporary contracts.

EPIC: The use of an electronic voter database is required for the functionality of internet voting. The database is updated in real-time to allow for instantaneous revisions to the list, verification of elector eligibility and for marking off an elector as having voted. This electronic database replaces the paper voter list poll book.

EPIC is a proprietary electronic voters database developed by staff to serve the specific business operations of the Election Office and was successfully used for the advanced polls in the 2014 election and for the 2015 by-election. ES&S is of the opinion that additional development would be required to integrate *EPIC* with their internet voting software.

There is a commercially available electronic voters database that has been tested by ES&S through their internet voting services for other clients. This database provides similar features as *EPIC* and has been proven to be compatible and secure with the internet voting software provided by ES&S.

It is estimated that the integration of *EPIC* would cost \$50,000 while a commercial solution would cost \$60,000.

Hardware: Additional money may be required to upgrade the City's information technology infrastructure.

COMMUNICATIONS

The importance of a comprehensive education and marketing campaign has shown to be an influential factor for the success of internet voting. Academic reports note that the success with internet voting for the City of Markham was greatly attributed to the effort made in their marketing strategy.

Staff have reviewed the marketing strategy used by the Town of Ajax and note that they were effective in helping the electorate adapt to using the telephone and internet as the only voting channels in 2014.

Staff have not performed a study on the financial requirements for the City to run an effective marketing and education campaign but suggest that additional resources beyond the normal election marketing budget be allocated to maximize awareness of internet voting.

COST SAVING OPPORTUNITIES

Any cost savings will be negated by the financial investment required for internet voting as an additional voting channel. Some of these expenses however may be reduced over time. It is expected that increased utilization will be gradual over several election cycles lessening the dependence on physical polling locations. Cost savings may include reducing the number of physical polls, optical tabulators, paper ballots, other incidental equipment and staff.

Conclusion

Internet voting has become an integral part of the election process for many municipalities in Ontario. Early large municipal adopters such as Markham, Peterborough and Ajax have highlighted the interest among the electorate and that technology has matured to provide a secure online experience. Furthermore the Province of Ontario is processing new legislation that will further enhance and modernize municipal election legislation.

Although there is an increasing adoption of internet voting it has not proven to increase voter participation or encourage the participation of young electors. Instead internet voting has adjusted the voting habits of routine electors by lessening volume pressures on physical polling locations particularly on Election Day. Internet voting should be viewed as a customer service initiative to improve accessibility and convenience to the electorate.

Staff are of the opinion that remote internet voting provides the greatest benefits to the election experience but comes with risk and cost. Although there are various strategies to minimize risk associated with any form of internet voting, the reduced supervision of electors who vote remotely is a risk that must be accepted if internet voting is adopted.

Prepared by: Brian Bonner – Election Officer

Appendix 2 – Ranked Ballot Elections

Executive Summary

- The Ministry of Municipal Affairs and Housing (the Ministry) has proposed Bill 181, *An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts*, which includes the option for municipalities to implement Ranked Ballot Elections (RBE).
- While Bill 181 allows for the use of RBE, provincial regulations specifying the rules for its use must be established; until that time, the detailed procedures for RBE are unknown.
- This report discusses the financial impact and resources required to implement RBE.

Background

On April 4, 2016, Bill 181, *An Act to amend the Municipal Elections Act, 1996 and to make complementary amendments to other Acts* received its first reading. In this bill “A framework is established for conducting ranked ballot elections for offices on a municipal council.”

Traditionally, municipalities have been required by legislation to conduct municipal elections using the first-past-the-post system of voting whereby the candidate who receives the highest number of votes wins. There is no requirement for the percentage of votes required to win a contest. Alternatively, RBE requires a candidate to obtain 50% of the vote to win a contest. Electors rank candidates on the ballot in order of preference. Initial results are tabulated based on the elector’s first choices. If no candidate obtains 50% of the vote, a runoff occurs. The candidate with the lowest number of votes is then eliminated from the contest. The first choice votes that originally went to the eliminated candidate are set aside and the second choices on those ballots are counted; the runoffs continue until a candidate receives 50% of the vote. A third choice on a ballot is counted when/ if the first and second choices on that ballot are eliminated.

While the bill will allow for the implementation of RBE it states, “Regulations may authorize municipalities to conduct ranked ballot elections... The regulations will establish standards and procedures for the conduct of ranked ballot elections, including rules to govern ballots, voting procedures and the counting of votes.” The Elections Office is unable to comment on specific procedures and exact expenditures until above noted regulations are established. On November 16, 2015, the Director of Legislative Services and City Clerk presented a Corporate Report dated October 30, 2015 entitled “2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-Election review and technology options for future Municipal Elections” (Appendix 1) and an Addendum Corporate Report, dated October 30, 2015 (Appendix 2) regarding Ranked Choice Voting (RCV, now called RBE to align with the terminology used in legislation) to Governance Committee. The Addendum Report concluded “Research continues to be undertaken by the Elections Office regarding RCV, however, until the Municipal Elections Act review is completed by the Province, no firm recommendations can be made, as RCV is currently not permitted by legislation.” The Elections Office has continued to conduct research and this report outlines further information with respect to RBE.

Comments

RBE will involve significant changes not only to the elections administration process, but also to the voting process for electors. Should RBE be implemented, the Elections Office will work with Communications to ensure that electors and candidates are educated and aware of the process at the polls.

Initial investigations into RBE focused on utilizing the M100 optical scan tabulating units that the City of Mississauga currently owns. As it stands, these units cannot accommodate RBE and must be retrofitted. The estimated overall cost to use the M100s for the 2018 Election is between \$900,000 and \$1,000,000, the M100s could then be used again in 2022. Following the November 2016 Governance Committee meeting, the Elections Office once again consulted with Elections Systems and Software (ES&S), the City of Mississauga's vendor, to look at a rental option. In this scenario, instead of using the M100s, the City would rent DS200 optical scan tabulating units, which can accommodate RBE without upgrades. DS200s are already rented by the City of Mississauga when additional tabulators are required for an election. The estimated cost to rent the DS200s and for the associated support required from ES&S is \$252,100 for the 2018 election. Additional anticipated and estimated costs associated with RBE are outlined in the Financial Impact section of this report. Once the regulations are determined, the Elections Office will have a better understanding of exact requirements and will continue to investigate the costs.

Financial Impact

It is estimated that the cost of implementing RBE will be approximately \$991,000. Costs associated with the implementation of RBE include the rental of equipment, support from ES&S, Information Technology staffing, the development and roll out of comprehensive education and outreach programs, Communications staffing to support these initiatives, an increase in the cost of printing ballots, and a possible increase in the number of locations. As per the Explanatory Note preceding Bill 181, the regulations noted above may also stipulate requirements with respect to public consultation and it is anticipated that further costs may be associated with this process.

Conclusion

If City Council wishes to pursue RBE, it is recommended that equipment that can already accommodate RBE be rented rather than retrofitting the equipment that the City currently owns. Until the regulations mentioned above are established, the Elections Office is unable to comment with respect to the exact procedures for RBE, but once the regulations are established the Elections Office will report back to Governance Committee with respect to the details and procedures of implementing RBE.

Attachments

Appendix 1: Corporate Report - 2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-Election review and technology options for future Municipal Elections, dated August 25, 2015 from the Director of Legislative Services and City Clerk

Appendix 2: Corporate Report - Ranked Choice Voting – Addendum Report to August 25, 2015 Report, dated October 30, 2015 from the Director of Legislative Services and City Clerk

Prepared by: Laura Wilson – Election Officer

City of Mississauga
Corporate Report



<p>Date: August 25, 2015</p> <p>To: Governance Committee</p> <p>From: Crystal Greer, Director, Legislative Services and City Clerk</p>	<p>Originator's files:</p> <p>File names:</p>
	<p>Meeting date:</p> <p>September 21, 2015</p>

Subject

2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-Election review and technology options for future Municipal Elections

Recommendation

1. That the Corporate Report dated August 25, 2015 from the Commissioner of Corporate Services and Chief Financial Officer, entitled 2014 Municipal Election, 2015 Municipal By-Election Review and technology options of future Municipal Elections be received.
2. That the Ministry of Municipal Affairs and Housing be requested to do the following:
 - a. Address concerns related to the accuracy of the Voters' List with the Municipal Property Assessment Corporation and that the Ministry insist on a lower acceptable margin of error with respect to the Voters' List.
 - b. Specify the parameters for the administration of internet voting in the *Municipal Elections Act, 1996*.
3. That staff be requested to prepare amendments to the City of Mississauga's Records Retention By-law 537/96 to align with section 88 of the *Municipal Elections Act, 1996*.

Report Highlights

- This report considers successes and areas for improvement with respect to the City of Mississauga's 2014 General Election and 2015 By-election
- The report lists recommendations intended to address election related concerns and challenges
- The report looks at possible technological advancements and possible changes to voting procedures for future elections

Background

Following each municipal election, a review is conducted to assess successes and determine areas for improvement. A review was initiated following the 2014 General Election, however, prior to completion the Elections Office was required to administer the 2015 By-Election. This report provides comments on both elections.

Since the 2014 General Election, the Ministry of Municipal Affairs and Housing has initiated a review of the Municipal Elections Act (MEA). Areas for consideration include campaign finance, third party advertising, accessibility, enforcement and ranked ballots. At its meeting on June 17, 2015, the Governance Committee discussed these items and provided comments in response to the Ministry.

The comments and suggestions discussed in this report relate to the Election Office's review of the last 2 elections and can be grouped by the following subject areas: accuracy of the voters' list, technology, voter-turnout, communication to candidates, accessibility, election workers, Records Retention By-law537/96 review and innovation.

Comments

Detailed below are statistics relating to the 2010 and 2014 General Municipal Elections and the 2011 and 2015 Municipal By-elections which demonstrate the breadth of the project:

General Elections	2010	2014
Number of eligible electors	417, 919	444,755
Number of ballots cast	143, 501	162,655
Electoral turnout	34.34 %	36.57%
Number of workers	1, 919	4,400
Number of voting days	5	14
Compliance Audit Requests	0	0 <i>(To date)</i>
Expenditure	\$1,900,000.00	\$2,230,000.00

By-Elections	2011 Ward 5	2015 Ward 4
Number of eligible electors	42,704	42,786
Number of ballots cast	11,536	8,995
Electoral turnout	27.01%	21.02%
Number of voting days	3	4
Number of workers	461	203
Compliance Audit Requests	5	0 <i>(To date)</i>
Expenditure	\$458,000.00	\$275,000.00

Accuracy of the Voters' List

Following the 2014 General Election, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a Position Paper entitled *"Time to Fix the Voters' List"* (Appendix 1). The position paper concluded *"Ontario's municipal professionals take pride in being able to offer a high-level of service...when it comes to elections, their ability to do so is unjustifiably constrained by an unclear, inaccurate and broken system for managing the voters' list... the purpose of this paper was not to advocated for a particular solution... but simply to state that this is a problem that can no longer go unaddressed."* In both the 2014 General Election and the 2015 By-election, the Elections Office received comments from electors expressing concern over the accuracy of the Voters' List. Unfortunately, the Elections Office has come to expect inaccuracies and anticipate elector dissatisfaction at not being included on the List or their information on the List being incorrect. As a result it is suggested that electors be encouraged to address their concerns with the Municipal Property Assessment Corporation (MPAC), that the Ministry of Municipal Affairs and Housing be requested to address Voters' List issues with MPAC and that the Ministry insist on accuracy.

Technology

Election Project Information Centre

In an effort to address elector lineups and costs associated with updating and printing Voters' Lists following Advance Poll Days, the City of Mississauga's Information Technology Division, in collaboration with the Elections Office, created the Election Project Information Centre (EPIC) for the 2014 General Election. EPIC provided the opportunity for "Vote Anywhere" which allowed all eligible electors to vote at the Civic Centre on Advance Poll Days during the 2014 General Election. During the 2015 Ward 4 By-election, "Vote Anywhere" was used on all voting days and in all locations. It was observed that with "Vote Anywhere" electors were given options and lineups were less likely as electors were not limited to a specific Deputy Returning Officer (DRO). EPIC also incorporated a scanning system that allowed DROs to scan the barcode on an elector's Voter Notification Card and immediately access an elector's information in EPIC. The ability to scan a barcode rather than having to look electors up in Voters' List books also helped to reduce wait times. Additionally, Voters' Lists were updated automatically and only a limited number had to be re-printed following each voting day, reducing costs. EPIC is also a database that managed election related data including, voting times and locations, election worker information and assignments and candidate registration information.

Due to the positive impact of the "Vote Anywhere" system, staff will investigate the possibility of using "Vote Anywhere" and/ or "Vote Anywhere in your Ward" for the 2018 General Election. As a laptop and secured internet access is required for each DRO and Revising Officer, options related to computer hardware must be further investigated.

Website

Leading up to the 2014 General Election, the Information Technology eCity Portal and Mobility Team, in consultation with the Elections Office re-designed the Mississauga Elections website. The look of the site was updated; it was made more user friendly and included an election worker and candidate login to help with the distribution of information. The site was also developed to be viewed and used on mobile devices.

Going forward the Elections Office will review the information and functionality of the website and will look for areas of improvement and innovation including online application and training modules for election workers.

Equipment

During the 2014 General Election and 2015 By-election, all equipment, including the tabulators, accessible ballot marking equipment, EPIC, laptops, scanners etc. functioned efficiently and effectively. However, going forward, the Elections Office, in conjunction with the Information Technology Division, will review the functionality of all equipment and supplies and determine if upgrades are required.

Voter Turnout

In an effort to create convenience for the elector and encourage voter turnout the number of voting days was increased for the 2014 General Election. 13 Advance Poll Days were offered in addition to Election Day, compared to the 5 total voting days scheduled during the 2010 General Election. In 2014, both weekday and weekend Voting Days were offered between 10 am and 5 pm from September 29 to October 11 and polls were open on Election Day between 10 am and 8 pm. Despite the number and variety of voting days, voter turnout increased by only 1.15% between the 2010 and 2014 General Elections.

Another indicator that increasing the number of voting days does not significantly impact voter turnout is to compare voter turnout in Ward 5 during the 2010 General Election and the 2011 Ward 5 By-election and to compare voter turnout in Ward 4 during the 2014 General Election and 2015 By-election (see below):

	# of Voting Days	Voter Turnout
2010 General Election (Ward 5)	5 (38 hours)	34.5%
2011 By-Election (Ward 5)	3 (24 hours)	27.01%
2014 General Election (Ward 4)	14 (101 hours)	35.65%
2015 Ward 4 By-Election	5 (24 hours)	21.02%

The City's experience with two By-elections, indicates a lower voter turnout during each By-election. The number of advance poll days does not seem to correlate with voter turnout.

It is important to note that the additional Voting Days offered during the 2014 General Election required a significant increase in the number of election worker positions that had to be filled, the number of election worker training sessions that were required, the number of supplies and equipment that had to be purchased and distributed and a substantial increase in City of

Mississauga staff time and labour. With these things in mind, the added value of increasing the number of voting days must be weighed moving forward. Elections staff therefore recommend that the number of voting days be reviewed and other ways of encouraging voter turnout such as “Vote Anywhere” on Election Day be considered.

Communication to Candidates

The Elections Office creates a Candidate Package for distribution to candidates leading up to an election. The package includes a variety of important information and key dates and this information will be reviewed and updated in preparation for the 2018 General Election. However, it is evident that more information must be provided with respect to election campaign finances. Currently the Candidate Package includes a Ministry of Municipal Affairs and Housing manual that details the rules and procedures related to election campaign finances. In addition The Office of the City Clerk hosted an education session for candidates at which Ministry staff gave a presentation including detailed information related to campaign finances and a question and answer element. However, due to the nature of the MEA, candidates continue to find the rules and dates confusing. The Elections Office will therefore look at creating additional information pieces to include in the package to help candidates navigate the election campaign finances rules and procedures.

Accessibility

The Elections Office is committed to the accessibility of Elections in the City of Mississauga. During the 2014 General Election and 2015 By-election 3 key areas were focused on to ensure accessibility including customer service, communication of information and physical barriers. A variety of tools were used to mitigate these barriers including accessible customer service training for election workers, accessible voting machines, and the examination of all polling locations to ensure that each location met with accessibility standards. At its meeting on January 14, 2015, General Committee considered a Corporate Report dated December 8, 2014 from the Commissioner of Corporate Services and Chief Financial Officer entitled *Accessible Municipal Elections* regarding the accessibility of the 2014 General Election (Appendix 2). Measures used to mitigate barriers to accessibility during the 2014 General Election were also utilized during the 2015 By-election.

Election Workers

During the 2014 General Election, approximately 4,400 election worker positions were filled to ensure adequate staffing at the polling locations over the course of the 14 voting days (for a comparison of the number of election workers hired in 2010 please see the chart on page 2). The process involved in the hiring of election workers includes the administration of the hiring process, training workers, creating and distributing manuals, distributing election worker supplies, ensuring that workers had adequate support at the polling locations and paying election workers. It was a monumental task that was successfully completed, however going forward, the Elections Office will review the administrative processes and will identify areas for improvement and innovation including an online application process and internet based training modules.

Records Retention By-law 537/96 Review

It is suggested that the City of Mississauga's Records Retention By-law 537/96, be updated to reflect section 88 of the MEA (Appendix 3) which outlines the parameters for election records retention, including a 120 day retention period for all ballots and other documents and materials related to an election. Currently, the Records Retention By-law requires a variety of election related material to be retained anywhere between 2 and 6 years which is inconsistent with the MEA.

Innovation

The Elections Office is committed to innovation in the administration of elections. As the landscape of election administration changes, it is important to look at new approaches and technology and investigate their merits and challenges. This will include incorporating any changes to the MEA that are made as part of the Ministry's current review of Elections procedures. Technological options for consideration in future elections include internet voting and ranked ballots also known as Ranked Choice Voting (RCV).

Internet Voting

The use of internet voting continues to be of interest to many voters and the Elections Office, in partnership with the Information Technology Division is investigating implementation options.

Areas for consideration include:

- Infrastructure – the implementation of internet voting will require new infrastructure including hardware and software. The Elections Office and Information Technology Division must conduct a detailed investigation to determine the appropriate infrastructure required to provide internet voting.
- Legislative Framework – currently the MEA does not specifically speak to the use of internet voting and does not set out the parameters for administration. The Elections Office suggests that before internet voting is implemented, the Ministry of Municipal Affairs and Housing be requested to set out the guidelines for administration including the type of identification that is acceptable for electors who vote online.
- Security – from our review to date, amongst municipalities that have implemented internet voting, Personal Identification Numbers (PINs) are provided to electors. In some cases, PINs are mailed to every elector on the Voters' List and in other instances a registration process has been developed. While the use of PINs and registration processes offer a level of security, a concern arises with respect to the interception of PINs sent through the mail and with respect to the accuracy of the Voters' List as addresses can be incorrect and PINs can be mailed to the wrong elector.
- Cost – the use of internet voting will not reduce the cost of administering an election unless it replaces traditional voting methods, which is not recommended. Currently, approximately \$150,000.00 has been allocated to conduct a study into internet voting. As part of this review,

the Elections Office will investigate the cost to implement internet voting in consultation with technical experts and will report back to Governance Committee.

Ranked Choice Voting (RCV)

As part of the review of the MEA, the Ministry will consider allowing the use of RCV in Municipal Elections. Currently, Municipalities across Ontario are legislated to use the First Past the Post (FPTP) system of voting. The winner is the candidate who receives the highest number of votes but it is not a requirement that the candidate receive more than 50% of the votes. The RCV system requires an elector to rank candidates for each office in order of preference. For example, the elector may be asked to rank 3 candidates for each office on a ballot. The winner is the candidate who receives more than 50% of the vote. If no candidate receives more than 50% after the initial vote count, a run-off is required. A run-off eliminates one or more of the lowest ranked candidates and instead, counts the second choice on those ballots. Run-offs are required until a candidate for each office receives 50% of the vote.

If the Ministry amends the legislation and allows RCV they have indicated that it will be each Council's decision whether to implement RCV. It is not possible to identify detailed procedures until the legislation and any related regulations have been reviewed. In the interim, areas for consideration are as follows:

- Voting equipment required – current vote counting equipment and systems must be updated or replaced in order to accommodate RCV. The City of Mississauga currently owns 201 M100 vote tabulators and in 2014 the City rented an additional 20 DS200 vote tabulators. M100 vote tabulators would require retrofitting to accommodate RCV. In addition, with RCV M100 vote tabulators and DS200 vote tabulators cannot be used in conjunction with each other. Because the existing number of tabulators owned by the City is not sufficient, an increased number of DS200 vote tabulators will have to be rented. In addition to the above, the software that is currently used cannot accommodate RCV and must be upgraded. The City of Mississauga has a services contract with Elections Systems and Software (ES&S) until the end of the 2022 General Election. The cost of these upgrades is being determined.
- Framework – framework must be established including the number of candidates that an elector can vote for on a ballot and the number of candidates that can be eliminated for each run off. In addition, expert staff and auditors will likely be necessary to verify algorithms and results.
- Ballots – traditionally the City of Mississauga has used a single sided ballot with three columns to identify the contests for Mayor, Councillor and School Board Trustee. Once the RCV framework is defined, the ballot style will be determined; however, it is most likely that non-resident electors will require two ballots for the offices of Mayor and Councillor and three individual ballots for the offices of Mayor, Councillor and School Board Trustee will be required for all other elector types, English Public, English Separate, French Public and French Separate. This will increase printing costs, slow down elector processing and could make it more difficult for election workers to manage and balance ballots. In addition, managing 3 ballots may become confusing for electors.

- Public Education – an extensive public education initiative will be required to ensure that electors, election workers and candidates are aware of the change in voting procedure. According to research undertaken, the City of San Francisco, which has roughly the same electoral population as the City of Mississauga, conducted approximately 700 public information sessions to educate electors prior to implementation. In addition, cities that have implemented RCV have had to create information videos and other information pieces to educate electors.
- Results – results will take longer to determine as multiple run offs will likely be required. It is possible that official results will not be declared for several days following a General Election depending on how many run offs are required for each contest. The Elections Office will also investigate the need for independent auditors to verify results to ensure accuracy.
- Administrative Costs – implementation of RCV will involve a significant administrative cost. Costs will include:
 - Retrofitting and/or acquiring new voting equipment;
 - Replacing election software;
 - Increased ballot printing costs;
 - Additional staff to research and lead the implementation;
 - Public education programs;
 - Additional election workers to work at polling locations and extensive training for election workers specific to ranked ballots.

Financial Impact

The cost of the 2014 General Election was approximately \$2,230,000.00. The bulk of the expense was allocated to labour, printing and postage, tabulating equipment and communications/ promotions.

The cost of the 2015 By-election was approximately \$275,000.00 which was less than the initial proposed budget. Cost savings were seen as a result of the below:

- The “Vote Anywhere” initiative allowed the Elections Office to use fewer voting locations and hire fewer election workers.
- Voters’ Lists did not have to be manually updated after each voting day and only a small number had to be re-printed after each voting day.
- The Elections Office did not have to pay for the approximately 160 laptops that were required to administer “Vote Anywhere”; laptops that had already been purchased as part of the City of Mississauga’s equipment replacement program were used at no cost to the Elections Office.
- The preparation time leading up to the 2015 By-election was significantly less than the preparation time leading up to the 2011 By-election lowering Elections staff costs.
- As only City of Mississauga employees were hired as election workers, training sessions were offered only during the day and overtime payment was reduced.

As new elections initiatives such as “Vote Anywhere”, internet voting and RCV are identified, investigated and implemented, it is anticipated that the cost of elections may increase. For example, while “Vote Anywhere” allowed for the reduction of polling locations and election workers in the 2014 Ward 4 By-election, the cost of equipment required to implement “Vote Anywhere” across the City of Mississauga must be reviewed against potential savings. The Elections Office in consultation with Information Technology will continue to look at the

most cost effective and secure ways to implement new technologies and advancements as the implementation plan for the 2018 Municipal Election is prepared. In addition, the Elections Office will report back to Governance Committee, once the Ministry's Amendments to the *Municipal Elections Act* have been introduced.

Conclusion

Following each Municipal General Election and By-election, processes and procedures are reviewed. The Elections Office continues to monitor legislative changes, and improve the administration of elections through the use of technology, innovation and review and update of best practices.

Attachments

Appendix 1: Association of Municipal Managers, Clerks and Treasurers of Ontario Discussion Paper: Time to Fix the Voters' List

Appendix 2: Corporate Report dated December 8, 2014 from the Commissioner of Corporate Services and Chief Financial Officer entitled "*Accessible Municipal Elections*"

Appendix 3: *Municipal Elections Act, 1996* Excerpts: sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2)



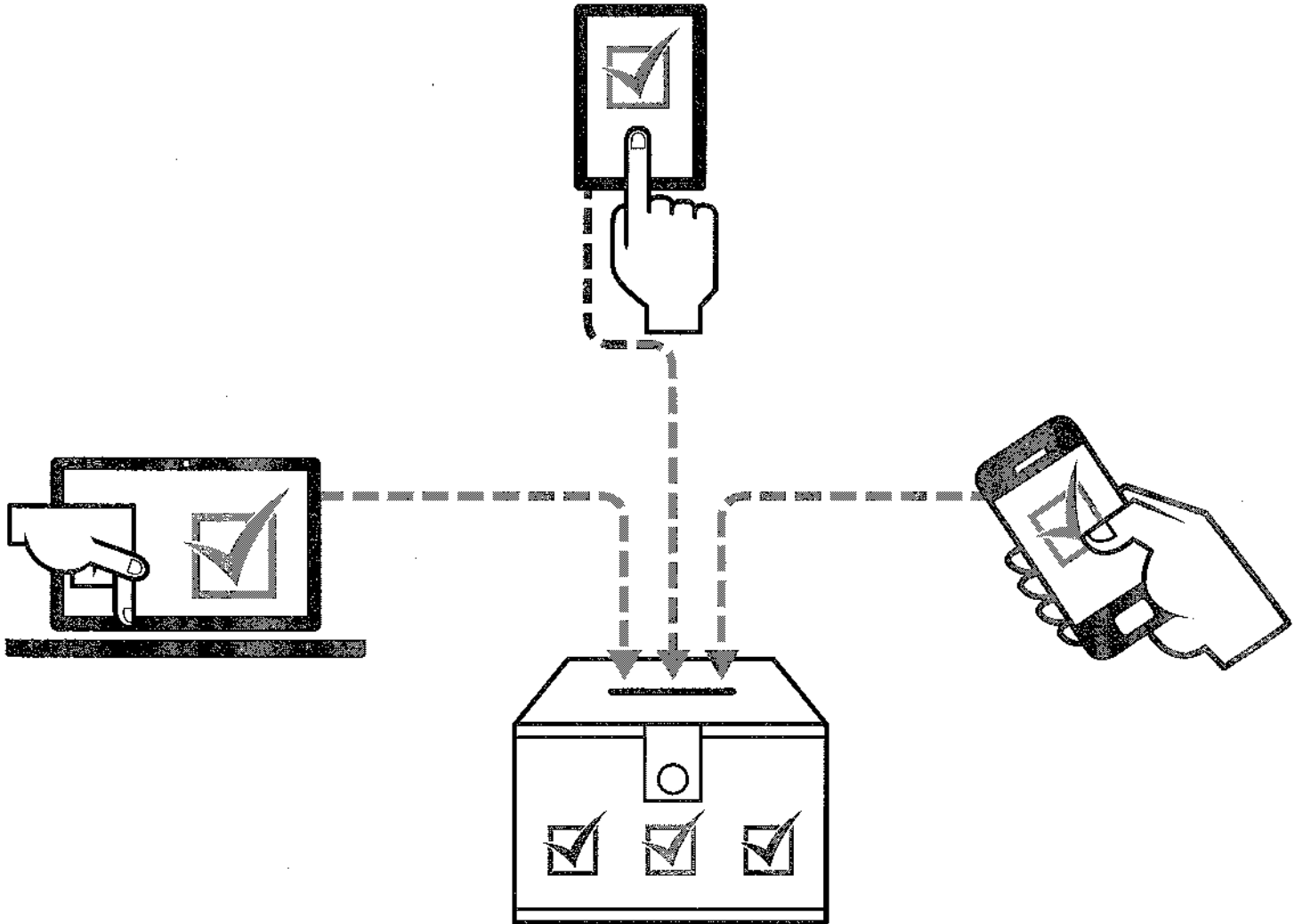
Crystal Greer

Director, Legislative Services and City Clerk

Prepared by: Crystal Greer, Director, Legislative Services

AMCTO POSITION PAPER

TIME TO FIX THE VOTERS' LIST



About AMCTO:

AMCTO represents excellence in local government management and leadership. AMCTO has provided education, accreditation, leadership and implementation expertise for Ontario's municipal professionals for over 75 years.

With approximately 2,200 members working in 98 per cent of municipalities across Ontario, AMCTO is Canada's largest voluntary association of local government professionals, and the leading professional development organization for municipal administrative staff.

Our mission is to provide management and leadership service to municipal professionals through continuous learning opportunities, member support, and legislative advocacy.

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INTRODUCTION

Every four years millions of Ontarians exercise their democratic franchise by voting in municipal elections. Municipal Clerks, as the professionals who administer local government elections, work hard to ensure that these elections are free and fair, and that the right to vote is protected for all who seek to exercise it.

Over the past 20 plus years in Ontario, the rapid expansion of the information age has made elections increasingly more complex to administer. At the same time, citizens have become progressively disengaged and voter turnout for elections at all three levels of government has steadily dropped. In response, election administrators at the municipal level have pioneered the use of electronic tabulators and other new vote-counting technologies and introduced Internet voting alongside a range of other alternative voting methods. Yet, their best efforts to offer a high-level of service, have been consistently compromised by one of the most elementary ingredients of a free and fair election: an accurate list of eligible voters.¹

The voters' list in Ontario is plagued by inaccuracies, and despite previous promises of reform, has remained a thorn in the side of election administrators across the province, and a constant source of frustration for voters. Neither the use of new technology, nor a willingness to explore new methods of voting have altered the reality that every four years municipalities will be provided with a list of electors that is deeply flawed.

The purpose of this position paper is to advocate for a new approach to building the voters' list in Ontario, a position that AMCTO has long supported for its impact on election administration and the integrity of the election process. There are few issues affecting AMCTO's approximately 2,200 members that generate such a visceral reaction as the state of the voters' list for municipal elections in Ontario. The status quo is no longer an option.

PROBLEMS WITH THE CURRENT APPROACH

The current approach to the voters' list has been premised on two underlying assumptions: that municipal elections are particularly susceptible to fraud, and that the property assessment roll should serve as the basis for developing the list of eligible electors.

However valid these building blocks may have been for the creation of our voters' list regime at conception, their relevance for today's context is questionable. For one, since the creation of our current system the risk of voter fraud has decreased significantly. New sophisticated and secure forms of personal identification have been developed, election administration has become more sophisticated, and the penalties for voter fraud have been strengthened. Even

¹ The voters' list in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC). Though MPAC does not explicitly create the "voters' list," they create the Provincial List of Electors (PLE), which forms the voters' list. This paper will refer to the PLE as the "voters' list."

in jurisdictions with alternative systems, such as Alberta where there is no voters' list, there is no evidence to suggest that voter fraud is a significant concern.

Increasingly, there is also little justification for the voters' list to be based on the property assessment roll. Aside from concerns about equity and representation, this system was designed with what data was available, rather than what information was needed. Better sources of information are now available, and using the property assessment role as a starting point is no longer a viable or desirable way to provide this service.

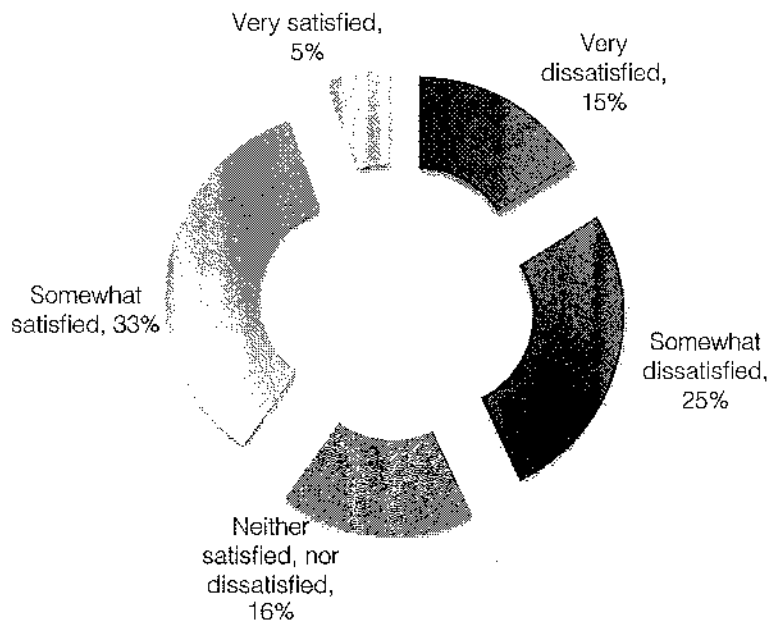
However, the larger concern is that these assumptions have given rise to a method for creating the voters' list that simply does not work. Instead the voters' list is plagued by a host of problems that not only create an administrative nightmare every four years, but also threatens the legitimacy of municipal elections in Ontario.

ACCURACY

The most obvious, and potentially severe problem with the voters list is its inaccuracy. The errors with the voters' list are widespread and systematic. They occur in large and small municipalities, rural and urban, northern and southern, and whether there has been significant voter migration since the last election, or none.

Figure 1:

Overall, how satisfied were you with MPAC's service during the 2014 election?



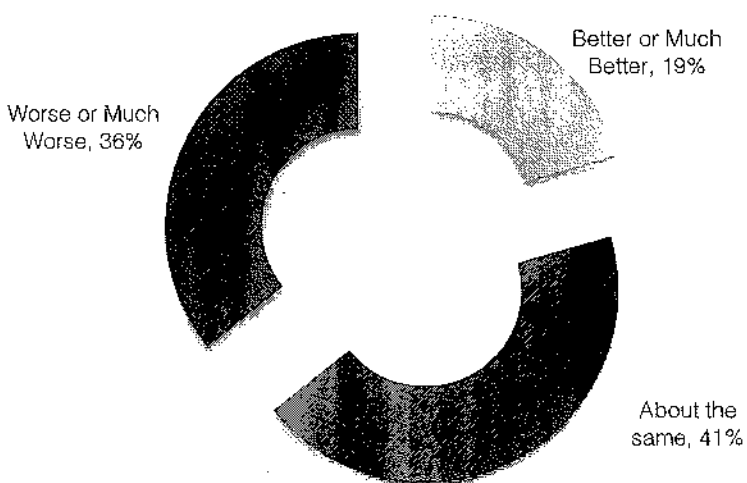
Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

In 2014 for example, data was often incomplete, incorrect or simply inaccurate. Many eligible electors, even those who had voted in the last election in the same municipality, were not on the voters' list, while many ineligible electors were. Election administrators feel this reality acutely. For instance, Figure 1 shows that 40 per cent of respondents to AMCTO's post-election survey were either 'somewhat dissatisfied,' or 'very dissatisfied,' with MPAC's ability to provide accurate and useful data for the 2014 voters' list.

The accuracy of the voters' list was a significant issue during the 2014 election, but it was far from being a novel concern. Following municipal elections in 2010², administrators across the province declared 2010 to be one of the most challenging election years ever experienced, as a result of the volume of errors on the voters' list. However, Figure 2 shows that 36 per cent of respondents to AMCTO's 2014 post-election survey indicated that data supplied by MPAC for the 2014 voters list was 'worse,' or 'much worse' than in 2010, while 41 per cent felt that it was 'about the same.' Clearly this is a situation that is not improving, and indeed appears to be getting worse.

Figure 2:

Compared to 2010, how would you rate the accuracy of MPAC's data in 2014?



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

Creating a voters' list that is 100 per cent accurate is not possible in a province that experiences as much internal and external migration as Ontario. However, there is an acceptable threshold of errors, and our current voters' list does not come close to meeting it.

² AMCTO, *AMCTO Discussion Paper: Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario*, January 30, 2012, 8.

COSTS

While the accuracy of the voters' list is the most consequential concern, it is not the only one. There is also an increasing level of unease about the costs, in staff time and, data storage, cleansing and management that municipalities and MPAC are being forced to pay to maintain a broken system. During the 2010 municipal election, MPAC spent over 4 million dollars to deliver the Preliminary List of Electors (PLE). As Table 1 indicates, however, despite this significant expenditure, municipalities also incurred significant costs to revise and correct the data that they received from MPAC.

Table 1:

Sample of Financial Costs for Municipalities to Revise MPAC Data During 2010 Municipal Election

Activity	Cost, by population		
	87,000	121,000	350,000
MPAC PLE Revisions	\$10,750	\$15,000	\$6,500
Voters' List Revisions	\$15,750	\$20,500	\$15,000
Advance Vote and Election Day Revisions	\$19,500	\$23,600	\$91,500
Post-voting Revisions	\$1,000	\$16,000	\$31,500
Operating expenses (to complete revisions)	\$5,600	\$4,000	\$11,300
Total	\$51,600	\$79,100	\$155,800

Source: AMCTO Discussion Paper: *Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario*, January 30, 2012, 11

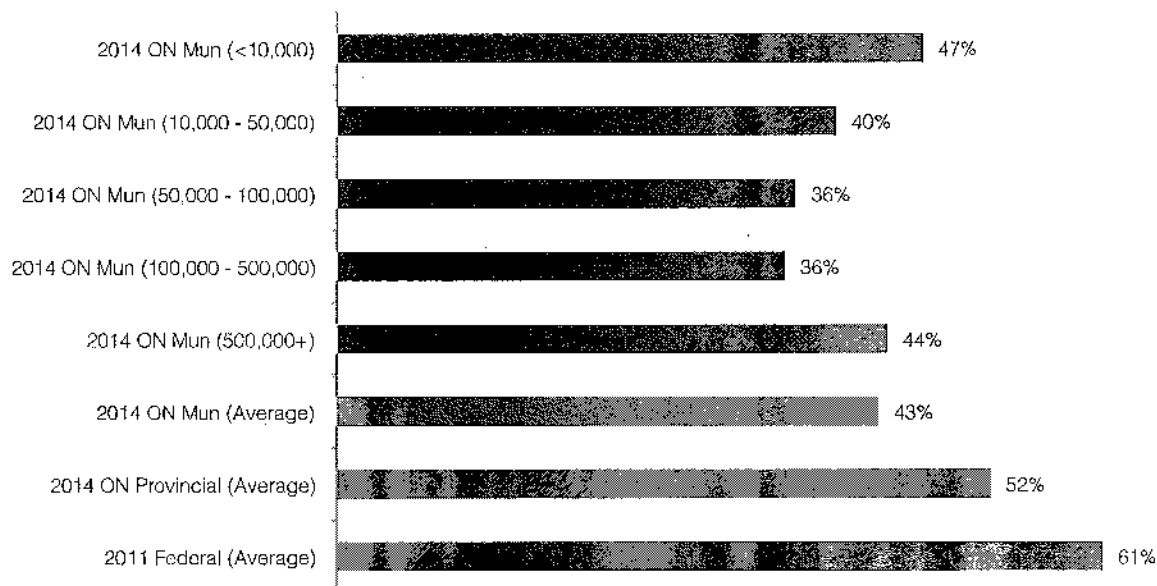
Creating a voters' list is a difficult task, and municipal administrators recognize this. However, municipalities are required to pay MPAC to create the PLE and then spend additional resources correcting it. Several AMCTO members have noted that the current quality relative to costs of the voters' list would not be tolerated in any other procurement process. Surely, the standards for fiscal responsibility and proper stewardship of increasingly scarce taxpayer dollars should apply to the voters' list as well.

VOTER TURNOUT AND THE DEMOCRATIC PROCESS

There is also mounting concern about the possible effects that the poor quality of the voters' list is having on citizen participation, voter turnout, and the democratic process. Low voter

turnout is a concern at all three levels of government in Canada. However, as seen in Figure 3, participation during municipal elections is especially low.

Figure 3:
Voter Turnout by Population, 2014 Ontario Municipal Election³



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

There is no doubt that multiple factors cause citizens to disengage with the democratic process, or forgo voting. A poor quality voters' list is not the sole, or even likely the most important factor contributing to low and declining levels of voter turnout. However, while there are many conditions that election administrators cannot control, ensuring an accurate voters' list is one thing that can be ensured. There is no need to risk inadvertently creating a barrier to eligible electors participating in elections.

ACCESSIBILITY

There is also no need to create unnecessary barriers for the use of alternative and unsupervised voting technologies. The use of unsupervised voting is increasing at a rapid pace in Ontario, especially with respect to Internet voting, with over 20 per cent of municipalities using it in 2014. Similarly, close to 60 per cent of respondents to AMCTO's post-election survey indicated that they would recommend that their municipality use Internet

³ Voter turnout average for the 2014 Ontario Municipal Election is based on responses to AMCTO's 2014 Post-Election Survey, and is not meant to serve as a statistically representative sample of the province as a whole.

voting in the 2018 municipal election⁴. However, unsupervised voting requires an accurate and legitimate list of electors, and the current problems with the voters' list threaten to jeopardize the use of this technology. Some AMCTO members have opted to forgo the data provided by MPAC and create their own lists in order to ensure that their data can be trusted, thus protecting their ability to innovate and make use of alternative forms of voting.

ACCOUNTABILITY

The current approach to the voters list is also bereft of any rational accountability. While Clerks are the mandated authority to administer free and fair elections, they have limited control over the voters' list. This creates a fragmented accountability relationship, where though MPAC is responsible for delivering the data that forms the municipal voters list, they are one step removed from the implementation and delivery of municipal elections. As a result, their accountability to the voter, who relies on the list to exercise their democratic franchise, is unclear. In the eyes of the public the burden of this responsibility rests with the municipality, unfair as that may be.

ONE VOTER, THREE LISTS

The accountability relationship is further complicated by the confusing structure of elections in Ontario, where there is one voter, and three separate voters' lists. Regardless of the merits of this composition, it creates confusion and frustration amongst the public, who wonder why they get a voting card for federal or provincial elections, but not for those at the local level.

The average voter may or may not be able to differentiate the responsibilities or functions of different levels of government, or understand why they are all creating their own separate lists. Regardless, the fragmentation of the one voter, three lists system in Ontario only serves to further confuse, disenchant and disengage Ontarians.

⁴ AMCTO 2014 Post Election Survey, January 2015 (n=112)

WHY NOW?

Concern over the quality of the voters' list is not a new phenomenon, and neither is the desire to see it improved. In December of 2012 representatives of a number of municipalities, associations, and MPAC agreed that a different approach to the voters' list was necessary⁵. Since that time AMCTO has attempted to work with MPAC to find a solution and improve the enumeration process, yet fundamentally nothing has changed. Minor reforms have been implemented, but the larger system has not changed, and therefore not improved.

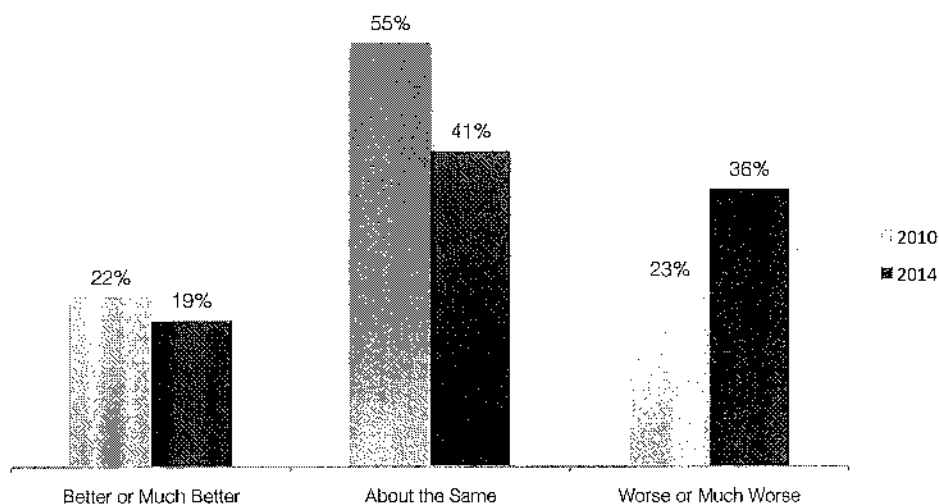
“Something has to be done about the quality of the voters' list. Each election it is the same excuse and nothing changes.”

—AMCTO Member (Source: AMCTO 2014 Post-Election Survey, January 2015)

The simple truth is that the current system is broken, and cannot be fixed. Since the municipal election in 2010, the quality of data that makes up the voters' list has not improved, and appears to have gotten worse (see Figure 4). Regardless of whether they lack the tools or the access, MPAC has not been able to fix the data for the voters' list, despite their attempts to do so.

Figure 4:

Quality of MPAC's Data, Compared to Previous Election (2010 and 2014)



Source: AMCTO 2014 Post Election Survey, January-February 2015 (n=112); and, AMCTO 2010 Post Election Survey, February-March 2011 (n=168)

⁵ ICA Associates Inc., Results: Ontario Voters' List Forum, December 5, 2012.

CONCLUSION

Ontario's municipal professionals take pride in being able to offer a high-level of service to the members of their respective communities. However, when it comes to elections their ability to do so is unjustifiably constrained by an unclear, inaccurate, and broken system for managing the voters' list.

There are no shortage of options to create a better outcome for all citizens and stakeholders. In 2012 AMCTO produced a discussion paper, which outlined many of these potential options. The purpose of this paper was not to advocate for a particular solution to the problem, but simply to state that this is a problem that can no longer go unaddressed. It is an issue that affects every citizen, and the very sanctity of the democratic process.



Corporate Report

Clerk's Files

Originator's
Files

/ /

DATE: December 8, 2014

TO: Chair and Members of General Committee
Meeting Date: January 14, 2015

FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: Accessible Municipal Elections

General Committee

JAN 14 2015

RECOMMENDATION: That the report dated December 8, 2014, from the Commissioner of Corporate Services and Chief Financial Officer, entitled "Accessible Municipal Elections", be received for information.

BACKGROUND: The City Clerk is responsible for the administration of Municipal Elections in accordance with the *Municipal Elections Act, 1996*, which includes the following provisions related to accessibility:

12.1 (1) A Clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.

12.1 (2) Within 90 days after voting day in a regular election, the clerk shall submit a report to council about the identification, removal and prevention of barriers that affects electors and candidates with disabilities.

COMMENTS: As part of the planning and implementation of the 2014 Municipal Election, all election processes and practices were reviewed to identify barriers to accessibility. As a result, a number of actions were undertaken to either remove or prevent the barriers, in the context of

the following areas: Communication and Information; Voting Locations; Voting Process; Staff Training and Voting Methods (i.e. Vote tabulators).

The Election Accessibility Report in accordance with the *Municipal Elections Act, 1996* is attached as Appendix 1. One of the most significant measures undertaken to accommodate voters with disabilities was the availability of the Automark accessible voting equipment at voting locations for the 13 advance poll voting days. Areas for consideration for the 2018 Municipal Election have also been identified such as online voting.

FINANCIAL IMPACT: The majority of measures taken to accommodate voters had minimal cost given that accessibility options were incorporated into the overall election project. The exception was the cost of renting the Automark accessible voting equipment used at the Advance voting locations for approximately \$45,000.00.

CONCLUSION: In accordance with Section 12.1 (2) of the *Municipal Elections Act, 1996*, this report has been prepared to outline the identification, removal and prevention of barriers that affect electors and candidates with disabilities. The actions noted in the report will be used in the planning of the 2018 Municipal Elections.

ATTACHMENTS: Appendix 1: City of Mississauga Election Accessibility Report

G. Kent.

Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared By: Katie McConkey, Elections Coordinator

Appendix 1

City of Mississauga Election Accessibility Report

Identification of Barriers

The following actions were taken to identify barriers that affect electors and candidates with disabilities:

Actions	Considerations for 2018
<p>Assessed past election administration practices, identifying the likelihood of our practice creating a risk to accessibility of candidates and electors and then identified the impact of the risk and developed measures to mitigate or minimize the risk.</p> <p>Assessed and addressed accessibility issues that arose in the 2010 Elections and took necessary measure to avoid issues.</p> <p>Discussed the need of persons with disabilities insofar as they relate to municipal elections and made accommodations based on these needs.</p>	Practice to be repeated in 2018.
<p>Met with the Accessibility Advisory Committee (AAC) to review initiatives and consider additional options based on the committee's feedback.</p> <p>Updated the Accessibility Staff Working Group regarding steps taken to ensure the election was administered in accordance with applicable legislation.</p>	Practice to be repeated in 2018.
<p>Gathered comments and recommendations from the municipality's Accessibility Coordinator on methods to meet accessibility needs.</p>	Continue this consultation process on a routine basis.
<p>Updated voting location site inspection checklist to include feedback from Accessibility Coordinator to ensure all standards are met.</p>	Continue expanding checklist to exceed current standards, including assessing distance from parking and doorways to the voting locations within the facility; identifying locations with working accessibility mechanisms for door openers, and ensuring washroom facilities meet size standards.
<p>Assessed accessible voting equipment options to meet the needs of the elector.</p>	Investigate accessible equipment options which would streamline the voting process so that the process is less time consuming.

11c

Removal and Prevention of Barriers

We took the following actions to remove and prevent barriers that affect electors and candidates with disabilities:

Actions	Considerations for 2018
<p>Ensured communications initiatives and information for candidates and electors were available in alternate formats, and that election related materials were available through TTY phone service and 3-1-1.</p>	<p>Continue to ensure that all information is universally accessible through the use of appropriate:</p> <ul style="list-style-type: none"> -fonts -text sizing -colours -spacing -lighting <p>Continue to make information available in a variety of formats upon request.</p>
<p>Posted all information to municipality's website to ensure all material would be available to all persons. The majority of missississaugavotes.ca content are text based making easy for screen readers to translate the content. All images have "alt" and "title" description describing the content of the image.</p>	<p>Practice to be repeated in 2018.</p>
<p>Had the ability to provide all documentation and forms in large print request, to aid those with low vision.</p>	<p>Practice to be repeated in 2018.</p> <p>Acquire magnifiers to assist at all polling locations.</p> <p>As in 2014, ensure all forms online are a fillable format and expand the list of forms available in this format.</p>
<p>Provided candidates and staff with information relating to accessible customer service.</p>	<p>Continue directing candidates to organizations and information to encourage open dialogue regarding persons with disabilities and ensuring that persons with disabilities have access to campaigns.</p>

Appendix 1

Provided information to candidates regarding Campaign expenses and particular rules affecting disabled candidates.	Practice to be repeated in 2018.
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Voting Locations

Actions	Considerations for 2018
Conducted site visits of all potential voting locations to ensure full accessibility. In the event that city standards were not met the following actions were taken: -Hired hall monitors who could open doors and direct electors directly to the voting place. -Ensured that ramps could be installed. -Made provisions for an increased number of accessible parking spots.	Increase our expectations/standards regarding the physical accessibility of voting locations; stay abreast of any legislative changes regarding the Building Code to ensure that locations used in 2018 exceeds standards.
Developed a template for voting location set-up to ensure full accessibility which included: - Advance Poll and Election Day set ups allowed electors to easily maneuver through the polling location. -Having regard to specific needs of election workers who might have difficulty sitting or standing for long periods of time, etc.	As per the AAC's suggestion, investigate the possibility of online voting as a way to support persons with disabilities.
Provided voting locations on advance voting days with accessible voting equipment.	Practice to be repeated in 2018.
Provided an operator at each advance poll location to operate the Automark (accessible voting equipment).	
Addressed accessibility concerns with school boards and ensured that steps could be taken to avoid barriers such as erecting temporary ramps and providing staff to open manual doors etc.	Practice to be repeated in 2018.
Provided appropriate signage at voting locations so that information was clearly visible to those with low vision.	Practice to be repeated in 2018.
Set up a process to facilitate notifications of any last minute disruptions in service or voting location changes, should an emergency occur including posting signage and having hall monitors relay information to electors upon entry to the voting location.	Practice to be repeated in 2018.
Ensured designated or reserved parking for persons with disabilities at each voting location and made provisions to provide additional accessible parking if necessary.	Practice to be repeated in 2018.

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Voting Process

Actions	Considerations for 2018
Ensured that workers were equipped to provide service to persons who required assistance on election day. Workers were trained to provide bed side voting at Institutions and retirement homes.	Investigate provision of online voting for persons who have difficulty going to the voting locations. Investigate provisions of curb-side voting to accommodate electors with mobility issues.
Provided instructions on the use of the accessible voting equipment and made an Automark operator available to assist persons with disabilities.	Practice to be repeated in 2018.
Additional advance poll days scheduled to provide more opportunities for the electors with disabilities who would like to use the accessible voting machine (Automark).	Practice to be repeated in 2018.
Promoted advance voting opportunities for electors with disabilities as well as extending the communications to multiple media channels to ensure a broad audience was captured.	Practice to be repeated in 2018.
As per the <i>Municipal Act, 1996</i> , provided voting opportunities on the premises of (a) an institution in which 20 or more beds are occupied by persons who are disabled, chronically ill or infirmed; (b) a retirement home in which 50 or more beds are occupied	Practice to be repeated in 2018. Update inventory of institutions and retirement homes eligible for on-site polling location.
Added tools to assist with ensuring accessibility such as sharpies that are easily gripped for filling in ballots.	Practice to be repeated in 2018.

Staff Training

Actions	Considerations for 2018
Training incorporated provisions to meet accessible customer service standards which also included a comprehensive online training module.	Practice to be repeated in 2018.

Appendix 1

Provided reference materials such as the City of Mississauga's "May I Help You?" and "Understanding Accessible Customer service" booklet.	Practice to be repeated in 2018.
Monitored elector's concerns and ensured that their needs were met, i.e. if an individual with a walker was in a long line, a chair was offered and the elector's place in line was maintained.	Practice to be repeated in 2018.
Encourage election workers to approach an elector if it appeared that the elector required assistance maneuvering through the voting location and offer to assist.	Practice to be repeated in 2018.
Checked the access doors frequently to offer assistance and watch for electors unable to easily enter the building.	Practice to be repeated in 2018
Evaluated effectiveness of training post-election.	Practice to be repeated in 2018

Voting Methods

Actions	Considerations for 2018
Traditional paper ballot, markers were provided that were easy to grip.	Practice to be repeated in 2018. Magnifiers to be provided at each voting location.
Reviewed the accessible voting equipment with Accessibility Advisory Committee (AAC). Considered recommendation made by the AAC and the Accessibility Staff Working Group regarding online voting.	Practice to be repeated in 2018. Further investigate online voting. Making accessible voting machines available on Election day.
Audio ballots available using the Automark.	Practice to be repeated in 2018.
Other assistive devices (sip and puff, rocker paddles, etc.) were used in conjunction with the Automark.	Practice to be repeated in 2018.

Municipal Elections Act, 1996

Excerpts: sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2)

The following are excerpts of the *Municipal Elections Act, 1996* including sections 78.(1) to 78(5), 79.(1), 88.(1) and 88.(2):

Financial statement and auditor's report

78. (1) On or before 2 p.m. on the filing date, a candidate shall file with the clerk with whom the nomination was filed a financial statement and auditor's report, each in the prescribed form, reflecting the candidate's election campaign finances,

- (a) in the case of a regular election, as of December 31 in the year of the election; and
- (b) in the case of a by-election, as of the 45th day after voting day. 1996, c. 32, Sched., s. 78 (1); 2000, c. 5, s. 35 (1); 2002, c. 17, Sched. D, s. 29 (1); 2009, c. 33, Sched. 21, s. 8 (41).

Supplementary financial statement and auditor's report

78. (2) If the candidate's election campaign period continues during all or part of the supplementary reporting period, he or she shall, before 2 p.m. on the supplementary filing date, file a supplementary financial statement and auditor's report for the supplementary reporting period. 1996, c. 32, Sched., s. 78 (2); 2002, c. 17, Sched. D, s. 29 (2); 2009, c. 33, Sched. 21, s. 8 (42).

Supplementary report

78. (3) A supplementary financial statement or auditor's report shall include all the information contained in the initial statement or report filed under subsection (1) and in any previous supplementary statement or report under subsection (2), as the case may be, updated to reflect the changes to the candidate's election campaign finances during the supplementary reporting period. 2000, c. 5, s. 35 (2).

Auditor

78. (4) An auditor's report shall be prepared by an auditor licensed under the *Public Accounting Act, 2004*. 1996, c. 32, Sched., s. 78 (4); 2004, c. 8, s. 46.

Exception re auditor's report

78. (5) No auditor's report is required if the total contributions received and total expenses incurred in the election campaign up to the end of the relevant period are each equal to or less than \$10,000. 1996, c. 32, Sched., s. 78 (5).

Surplus and deficit

79. (1) A candidate has a surplus if the total credits exceed the total debits, and a deficit if the reverse is true. 2009, c. 33, Sched. 21, s. 8 (44).

120-day retention period

88. (1) The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election under section 55. 1996, c. 32, Sched., s. 88 (1); 2009, c. 33, Sched. 21, s. 8 (49).

Destruction of records

88. (2) When the 120-day period has elapsed, the clerk,

- (a) shall destroy the ballots, in the presence of two witnesses; and
- (b) may destroy any other documents and materials related to the election. 1996, c. 32, Sched., s. 88 (2); 2009, c. 33, Sched. 21, s. 8 (50).

Exception, recount

88. (3) However, the clerk shall not destroy the ballots, documents or materials if,

- (a) a court orders that they be retained; or
- (b) a recount has been commenced and not finally disposed of. 1996, c. 32, Sched., s. 88 (3).

Exception, election campaign finance documents

88. (4) Subsection (2) does not apply to documents filed under sections 78 and 79.1, which the clerk shall retain until the members of the council or local board elected at the next regular election have taken office. 1996, c. 32, Sched., s. 88 (4); 2009, c. 33, Sched. 21, s. 8 (51).

City of Mississauga
Corporate Report



Date: October 30, 2015	Originator's files:
To: Chair and Members of Governance Committee	Meeting date: 2015/11/16
From: Crystal Greer, Director, Legislative Services and City Clerk	

Subject

Ranked Choice Voting - Addendum Report to August 25, 2015 Report

Recommendation

That the Report dated October 30, 2015, from the Director of Legislative Services and City Clerk providing an update on the financial and administrative impact of Ranked Choice Voting, be received for information.

Background

A report dated September 21, 2015 was prepared for consideration by the Governance Committee, titled "2014 City of Mississauga Municipal Election, 2015 City of Mississauga Municipal By-election review and technology options for future Municipal Elections". As part of this report, the concept of Ranked Choice Voting (RCV), which has been introduced by the Ministry of Municipal Affairs and Housing as part of the Municipal Elections Act review, was addressed.

Although no further information has been made available by the Ministry with respect to their consultation, the Elections Office has continued to research the concept of Ranked Choice Voting and the financial and administrative impact for the City of Mississauga.

Comments

As the City of Mississauga reviews the feasibility of implementing RCV it has been determined that the current vote counting equipment and systems must be updated or replaced in order to accommodate RCV. The City currently owns 201 M100 Vote Tabulators which would have to be upgraded or replaced by renting or purchasing DS200 Vote Tabulators. In addition new software would be required for the election administration. The City of Mississauga currently has a contractual agreement with Elections Software and Systems (ES&S) until the end of the 2022 General Election. Should the City of Mississauga implement RCV prior to the end of the ES&S contract, all equipment would be required to be provided through ES&S. The cost of upgrading the equipment and software has been explored and the initial estimate is between \$900,000 to \$1,000,000. The cost to replace the equipment would be higher, but has not been explored. As a reference, the cost to purchase the existing equipment and software in 2000 was \$1.6 million. A preferred

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Governance Committee

October 30, 2015

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option would be to coordinate the introduction of RCV with the timing of the replacement of the existing election equipment following the 2022 Municipal Election.

Financial Impact

Initial estimates of the cost of the upgrading of existing election equipment and software to accommodate RCV indicate the cost to be approximately \$900,000 to \$1,000,000.

Conclusion

Research continues to be undertaken by the Elections Office regarding RCV, however, until the Municipal Elections Act review is completed by the Province, no firm recommendations can be made, as RCV is currently not permitted by legislation.



Crystal Greer, Director, Legislative Services and City Clerk

Prepared by: Crystal Greer, Director, Legislative Services and City Clerk

Appendix 3 – Vote Anywhere

Executive Summary

- Vote Anywhere (VA) is a system of voting that allows electors to vote at any location through the use of an electronic voters list.
- Following the VA pilot in the 2014 Municipal Election and the 2015 By-Election, the Elections Office has investigated the possibility of using VA on Election Day for the 2018 General Election as it positively impacts the voting process by improving customer service and administrative practices and reduces pressure on election workers.
- Rolling out VA City wide on Election Day would involve a significant amount of equipment and staff resourcing to support the initiative.
- Using Vote Anywhere for Advance Polls Days only would require fewer resources and the Elections Office recommends proceeding with Vote Anywhere on Advance Poll Days in addition to one of the other technology advancements.

Background

Traditionally, the Voters' List is divided into polling subdivisions representing various areas of the City and electors are assigned to a polling subdivision and voting location. Hard copies of the Voters' List are printed by subdivision and one Deputy Returning Officer (DRO) is responsible for a polling subdivision Voters' List book. Only the assigned DRO can issue ballots to the elector's listed in the polling subdivision Voters' List book, restricting where electors may vote and which DRO can issue their ballot. While this system has worked well, the Elections Office has noted the following challenges:

- Lineups occurring at the voting locations, particularly on Election Day;
- Having to manually update and re-print Voters' Lists following Advance Poll Days;
- Unbalanced workloads as some DROs are processing a disproportionate number of electors depending on which polling subdivision they are responsible for and how many electors from that polling subdivision vote;
- Applications for Revision to the Voters' List having to be processed by Elections Office staff following Election Day;
- Hiring a high number of election workers to administer the current system of voting.

Increasing the number of voting days and the number of election workers has not sufficiently addressed the above concerns as the majority of electors continue to vote on Election Day.

VA utilizes the Election Program Information Centre (EPIC) which was developed in 2014 by the City's Information Technology Division. EPIC allows election workers to access an online Voter's List so that every DRO across the City can see in real time, which electors have voted. Because the Voters' List can be seen City wide, electors are no longer restricted to a specific location or DRO. The Elections Office piloted VA on Advance Poll Days during the 2014 General Election and on all voting days during the 2015 Ward 4 By-election. As a result of VA the following was observed:

- Improved customer experience:
 - Electors were no longer limited to one voting location, eliminating the frustration of attending at the wrong location;
 - Electors could attend at the location most convenient for them and despite reducing the number of locations during the 2015 Ward 4 By-election, electors had more voting location options;
 - Lineups were reduced as EPIC made processing electors faster and electors did not have to wait for a specific DRO;
- The number of election workers was reduced while improving the workload:
 - DROs were no longer processing a disproportionate number of electors;
 - Poll Clerks were no longer required;
 - Only one Assistant Supervisor was necessary;
- There was a significant time savings as the Voters' List did not have to be updated and re-printed following Advance Poll Days, and Applications for Revision to the Voters' List could be processed at the voting locations;
- Within 24 hours, Candidates received Voters' List updates showing who had voted the previous day.

Comments

VA has a number of positive outcomes however implementation will require a significant amount of equipment and staff resourcing. To implement VA for Advance Poll Days and Election Day, approximately 965 tablets and associated accessories and equipment would be required so that the online Voters' List can be accessed at the polls. In addition, a significant amount of IT support will be required to implement, test and monitor the equipment and systems, however by implementing VA on Advance Poll Days only, the number of tablets required and the amount of staff resourcing will be reduced.

Financial Impact

To implement Vote Anywhere on Advance Poll Days for the 2018 General Election the Elections Office estimates the cost at approximately \$327,000 including the purchase of equipment. To implement VA for Election Day and Advance Poll Days the estimated cost is \$809,000.

The Elections Office recognizes that implementing VA would involve a significant investment, but as there is a growing need for tablet technology throughout the City, it is anticipated that the tablets could be distributed to other City of Mississauga divisions, following the 2018 General Election.

Conclusion

VA positively impacts the voting process by improving the customer experience and administrative practices and by reducing pressure on election workers. However, it also involves significant cost and staff resourcing which must be evaluated against other innovations and changes proposed to improve the elections process. Regardless of whether VA is implemented on Election Day, the Elections Office recommends implementing VA for Advance Polls in 2018.

Prepared by: Laura Wilson – Elections Officer