



STAFF REPORT ACTION REQUIRED

Actions to Ensure Enfranchisement of Electors

Date:	June 1, 2010
To:	Executive Committee
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

This report discusses the actions underway by the City Clerk and the City administration to ensure that enfranchisement is promoted to all electors, consistent with the principles and terms of the *Municipal Elections Act, 1996* (MEA).

RECOMMENDATIONS

The City Manager recommends that City Council receive this report for information.

Financial Impact

There are no financial implications as a result of this report.

DECISION HISTORY

At its meeting on February 1, 2010, the Executive Committee referred the report entitled, *The Follow Up Report to Requests from Council re: 2010 Municipal Election*, to the City Manager to “report further to Executive Committee at its March 1, 2010, if possible, on the previous direction of Council, including such outside expertise as he deems necessary.” The Executive Committee also referred Councillor Moscoe’s motion to the City Manager for consideration.

The full report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ex/bgrd/backgroundfile-26721.pdf>

The December 2, 2009 Council direction and Councillor Moscoe's motion are attached as Appendix A and relate to enfranchisement and enumeration activities, the voters' list, polling stations, and voter accessibility.

COMMENTS

This report responds to the elements of both the Council directives and Councillor Moscoe's motion that relate to the 2010 Municipal Election. Although the *Municipal Elections Act* (MEA) gives City Council limited jurisdiction in municipal elections and restricts the City Clerk's ability to conduct broad enumeration, there are activities that the City can undertake to promote voting in the upcoming municipal election. This report outlines the process to compile, correct and improve the voters' list and summarizes the activities underway by the City Clerk and the City administration with respect to voter enfranchisement activities.

The City Manager received external legal advice in preparing his response to this directive and this advice is attached as Appendix B.

1. The Voters' List

The voters' list has long been an important component of the electoral process. At one time, voters' lists were "closed" lists in the sense that a voter's name had to appear on the list prior to voting day in order for a person to be permitted to vote. For over 30 years now voters' lists in Toronto municipal elections have been "open" lists, enabling eligible electors to vote even if their name is not on the list. More recently, provincial and federal elections have also made the shift to the use of "open" voters' lists. For the 2010 municipal election, an eligible elector whose name is not on the list is able to vote by showing proper identification proving name and residence and completing the necessary form at the voting location on election day or at an advance poll.

The responsibility for the accuracy of the voters list in a municipal election is shared between the Municipal Property Assessment Corporation (MPAC), municipal clerks and individual electors. MPAC is responsible for enumeration and compiling the preliminary list of electors (PLE). Municipal clerks have responsibility to correct obvious errors on the PLE and notify MPAC of these corrections. Electors have the ability to check if their name is on the voters' list and, if not, to take the necessary action to have their name added to the list. At any time, an eligible elector can complete and send to MPAC an Occupant Information Form (also known as the MPAC Municipal Enumeration Form) in order to have her or his name added to MPAC's database.

The Clerk has requested MPAC to provide the PLE on or before July 31, 2010, to allow the month of August to correct obvious errors. The correction of obvious errors generally includes such matters as removing duplicate names and names of deceased electors, correcting address and spelling errors, and correcting errors resulting from new developments and condominium conversions. Municipal clerks rely on a variety of

resources and information to correct obvious errors including subdivision and building approvals.

When correcting the PLE for obvious errors, staff currently use the City's Boundary Re-aligner application (a geographic mapping of the voting subdivisions used to confirm the correct ward and voting subdivision) and the Toronto Property System (the City's taxation database used to verify roll numbers and multi-residential unit numbers). Staff also use MPAC's Municipal Connect application to verify property types, e.g. nursing homes and seniors residences.

The corrected PLE becomes the voters' list. Municipal clerks may approve the addition, deletion or correction of names on the voters' list upon application from an eligible elector at anytime from September 7 to October 25, 2010. During the revision period (from just after Labour Day until close of voting on voting day) an eligible elector may apply to the City Clerk pursuant to s. 24 of the MEA to have his or her name added to (or removed from) the voters' list using a City application form.

After the election, municipal clerks prepare and provide MPAC with a certified list of the changes made to the voters' list together with a copy of all approved applications from eligible electors. MPAC updates its database with this and other information.

2. Toronto Votes 2010

A. Improving the Preliminary Voters' List (PLE)

In an effort to improve the PLE compiled by MPAC, the City Clerk has implemented a number of strategies in 2010 including:

- Requesting MPAC redesign their Municipal Enumeration Forms and ensuring availability in multiple languages.
- Making Municipal Enumeration Forms available at City service counters and on the City's website.
- Partnering with the Federation of Metro Tenants Association and Greater Toronto Apartment Association to have Municipal Enumeration Forms available at all rental offices and provided to new tenants when they sign their lease.
- Meeting with and encouraging MPAC to develop and disseminate instruction sheets in multiple languages on how to complete Municipal Enumeration Forms.
- Meeting with and encouraging Elections Ontario, Elections Canada and MPAC to strengthen their data sharing arrangements.

The City Manager and City Clerk have also met with MPAC to stress the importance of an accurate PLE and MPAC has acknowledged its responsibility in this regard.

Recent amendments to the MEA now provide the City Clerk authority to use information under the City's custody and control for the purposes of correcting obvious errors on the PLE. The City Clerk is currently examining the utility of City information that may be

used for this purpose for future elections. The City Manager will continue to support the City Clerk in this regard including identifying ways to improve City information that may be used for this purpose.

B. Key Message: Get on the Voters' List

As part of her statutory duties, the City Clerk provides notice to the public of the voters' list and how to be added to, deleted from or corrected on the voters' list, through newspaper ads and information sent to every household in the City, including apartments.

The City Clerk has developed a communications campaign to encourage people to get on the voters' list as part of her broader elections communications and outreach strategy. Electors on the voters' list receive notification of their voting location prior to voting day, making the voting process easier for both the voter and election staff. The Clerk is using existing City channels and information sources wherever possible to disseminate information to the public about the benefits of and how to get on the voters' list. Additionally, the Clerk facilitated access to MPAC's database by 3-1-1, the City's central customer service centre, to ensure they can effectively respond to public inquiries about the voters' list.

The City Manager has received and reviewed external advice on how the City can ensure eligible electors are on the voters' list. The Clerk may perform activities that promote enfranchisement as long as they are consistent with the principles of the MEA. For example, as the Clerk does not have the same right as candidates to access multi-residential buildings, she makes available to candidates copies of the forms eligible electors must complete to be added to the voters' list. Candidates can distribute the forms to eligible electors as they conduct their door-to-door campaigning. In addition, she monitors relevant developments likely to impact the composition of the voters' list. Notwithstanding the Clerk's own review of new developments, candidates and electors are able to bring to the attention of the Clerk information relevant to the accuracy of the voters' list.

The Clerk is working closely with Toronto Community Housing Corporation (TCHC) and other housing organizations to encourage tenants and shelter residents to get on the voters' list. In that regard, the Clerk has recently concluded a signed agreement with TCHC. Under the MEA, the Clerk cannot conduct broad enumeration activities (broad enumeration is MPAC's responsibility) or enumeration activities that would not be, or would not appear to be, consistent with the principles of the MEA and she is therefore undertaking alternative outreach mechanisms as described above.

C. Key Message: Get Out and Vote

The City Clerk has a statutory responsibility to provide information to eligible electors in order that they may exercise their right to vote. To that end, the City Clerk has developed a broad communications and outreach strategy that aims to:

- (i) Educate the general public and diverse communities about the 2010 Election and municipal elections generally, for example:
- Promoting the 2010 Election on the City's homepage banner.
 - Working with settlement and immigration organizations and groups to provide information and education about the voters' list and the 2010 Election.
 - Working with tenant and landlord groups, associations and information centres to distribute information about the 2010 Election.
 - Hiring the Civics Education Network to produce a resource guide for teachers and students with lesson plans and activities to promote understanding of municipal elections that is posted on the school boards' and City's websites.
 - Exploring the provision of election materials to new Canadians as part of citizenship ceremonies.
- (ii) Build community and public capacity by providing appropriate, accessible, and reliable information through presentations, displays, demonstrations, and both hardcopy and online resources, for example:
- Outreach, presentations and information to seniors, homeless, youth electorate through organizations, forums and facilities.
 - Targeted communications and campaigns including contests, social media, kits and promotional materials to youth, universities and colleges, persons with disabilities, seniors, and City program participants.
 - Providing elections resources to ESL classes.
 - Working with groups, organizations and associations that serve persons with disabilities to promote the accessibility of the 2010 election.
 - Partnering with universities and colleges to provide information on their websites, at orientations, and through campus radio and communications.
 - Working with Toronto Public Library to promote the youth campaign and link to youth volunteers.
- (iii) Encourage participation in the election through outreach with existing organizations, groups, associations, websites and by participating in community celebrations and events and through the provision of employment opportunities, for example:
- Employing individuals from "transition to work" programs, youth, and individuals with second languages in voting locations.
 - Partnering with universities to provide students with letters to confirm their residence and their subsequent right to vote.

The City Clerk's Engagement Strategy for the 2010 Election is available at:

www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-25318.pdf

3. Role of City Administration

A. In the 2010 Municipal Election

The City Clerk, in her role as election administrator and under her authority, relies on the City administration to support election-related activities that promote enfranchisement. The Clerk is working closely with City divisions including Strategic Communications and the Civic Engagement Office to leverage existing City networks, and outreach and information sources as a means to promote voting in the 2010 Election.

City divisions support the City Clerk's elections objectives through their programs, initiatives and engagement activities including promotion of the 2010 Election in divisional publications and newsletters (e.g. Engagement Practitioners News, Toronto Fun Guide, Garbage, Recycling and Green Bin Collection Calendar).

B. Civic Participation and Engagement

Voting is a fundamental aspect of civic participation in democracies, and is one of many ways members of the public engage with their local government. City staff engage the public as part of the City's commitment to civic engagement which includes civic literacy and accessible and inclusive opportunities to contribute to municipal decision-making.

Providing people with accessible information about the role and responsibilities of local government and the City's programs and services increases the likelihood that eligible electors will learn about and participate in municipal elections. Current corporate and divisional engagement activities which support election participation include:

- (i) City's Civic Engagement Website with:
 - Introductory guides to City government including basic information on City planning, finances, governance, decision-making, affordable housing and elections in multiple formats and languages, hardcopy and online.
 - Online Engagement calendar listing City consultations, open houses, and candidate information sessions.
 - Information on organizing all-candidate meetings in multiple languages.
 - Toronto Civics 101 information session, videos and presentations on key municipal issues along with self-directed lessons and learning plans.
- (ii) Providing information about the City and civic engagement to new Canadians as part of citizenship ceremonies.
- (iii) City of Toronto's Open Data Strategy, an online catalogue of official data sets.
- (iv) Presentations and information sessions to the City's engagement practitioners and outreach staff about municipal elections, civic literacy and access and equity.
- (v) Information on municipal government for civics curriculum for grade 10 teachers.

4. Areas for Further Review

The City Clerk, under the MEA, is responsible for the preparation and conduct of municipal elections, and has broad powers and discretion in discharging her statutory duties. The City Clerk's election responsibilities are a statutory obligation, independent from City Council's limited election authority and distinct from other aspects of her role which involve duties assigned by other statutes and by City Council.

The City Manager received external advice that there would be merit in reviewing the City's policies and processes to ensure election related responsibilities and authorities are consistent with the principles of the MEA. The City Manager will undertake a review of relevant City policies and processes and report back to City Council for any required approvals.

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SIGNATURE

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ATTACHMENTS

Appendix A: Directions Related to the 2010 Municipal Election
Appendix B: Memorandum from Stikeman Elliot