

2014 Election Advance Vote and Voting Hours By-law

Date:	June 18, 2013
To:	Executive Committee
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

The *Municipal Elections Act, 1996* ("MEA") provides Council with the authority to pass certain election by-laws, including the establishment of the dates and hours for the advance vote and voting hours on election day.

This report recommends that Council pass a by-law to establish the dates and hours for the advance vote. This is a mandatory by-law that Council must pass before each election and by-election. A copy of the proposed bill is attached in Appendix "A" to this report.

There are significant legal and practical limitations when determining the beginning and end of the advance vote period, as well as the dates and hours. The Clerk must have adequate time between the end of advance vote and election day to update, verify, format, print and distribute the voters' list to all 1,500+ voting places on election day. The Clerk must also have sufficient time between the end of nomination day and the beginning of the advance vote to produce and test 220 different ballot styles on the voting equipment. Finally, the Clerk must schedule reasonable days and hours to avoid the risk of voting place worker fatigue, resulting in increased administrative errors.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council authorize the dates and hours of advance voting for the 2014 election as follows:

- a. Tuesday, October 14, 2014 to Sunday, October 19, 2014, inclusive, from 10:00 a.m. to 7:00 p.m.
- b. Pass a by-law substantially in the form of the draft bill attached as Appendix "A".

Financial Impact

There are no financial implications arising from this report if Council adopts the Clerk's recommendation to authorize the dates and hours of advance voting. However, if Council amends any of the recommendations, there may be additional costs, depending on the nature of the amendment.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial implications.

ISSUE BACKGROUND

Under the *MEA*, the City Clerk is responsible for preparing and conducting the election in accordance with the statutory requirements.

With the exception of a few other matters, the *MEA* limits Council's authority to pass the following election by-laws:

- establishing the dates and hours for an advance vote (section 43(1))
- deciding whether voting places will be open on election day before the legislated time (section 46(2))
- deciding whether to reduce hours of voting in institutions, retirement and nursing homes (section 46(3))

2010 Advance vote experience

For the 2010 election, Council passed a by-law to provide for advance voting as follows:

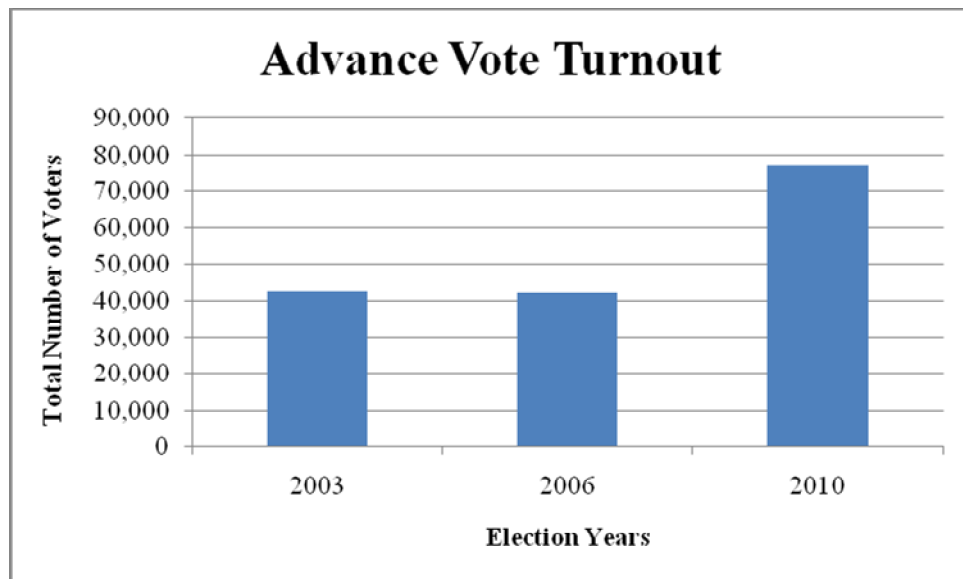
- a. October 5 to October 8, inclusive, and October 12 to October 13, inclusive, at six locations across the City, namely City Hall and at the City's five Civic Centres; and
- b. Saturday, October 16 and Sunday, October 17, at one location in each of the City's 44 wards.

Voting hours were from 10:00 a.m. to 6:00 p.m. on each of the above days.

For the 2010 advance vote, 77,349 electors voted or 9.3% of the total number of voters for the election. This was an 82.4% increase in voter turnout from the previous advance vote in 2006, where 42,413 electors voted during the advance vote. However, voters experienced significant line-ups and voting rooms in Civic centres were not large enough to accommodate the necessary staff, equipment and advance voters.

Table 1 compares the number of voters during the advance voting period in the 2003, 2006 and 2010 municipal elections.

Table 1 – Advance Vote turnout during the 2003, 2006 and 2010 elections



Advance voting	2003 Election		2006 Election		2010 Election	
	No. of voters	% of Total Number of Voters (699,492)	No. of voters	% of Total Number of Voters (597,754)	No. of voters	% of Total Number of Voters (827,723)
Weekday	10,899	1.6%	8,367	1.4%	16,089	1.9%
Weekend	31,700	4.5%	34,046	5.7%	61,260	7.4%
Total	42,599	6.1%	42,413	7.1%	77,349	9.3%

COMMENTS

1. Longer Voting Hours and more Voting Places for Advance Voting

2014 Advance Vote

For the 2014 advance vote, the service delivery model must:

- increase the capacity for electors to vote, with more voting places that are better suited to voting
- make voting more accessible to voters by expanding voting places into the community and providing voters with the opportunity to vote closer to home
- ensure effective and efficient processing of voters while maintaining the integrity of the election. In particular, the Clerk must have adequate time between the end of advance vote and election day to update, verify, format, print and distribute the voters' list to all 1,500+ voting places on election day.

To achieve this, the City Clerk recommends the following dates, hours and locations for the advance vote:

- six continuous days, from Tuesday, October 14, 2014 to Sunday, October 19, 2014, inclusive
- voting hours from 10:00 a.m. to 7:00 p.m.
- one voting place in each of the City's 44 wards, where electors vote in their ward
- City Hall on weekdays where any voter can cast a ballot regardless of where they live in the City.

A draft bill is attached at Appendix "A".

Advance Vote – Legal and Practical Limitations

It is important for the City Clerk to balance the maximum number of voting opportunities against various legal and practical limitations:

- a. *Update Voters' List:* Some Members of Council have suggested the advance vote should be offered on the weekend immediately preceding election day.

Section 43(7) of the *MEA* requires the Clerk to provide updated voters' lists to reflect the voters who voted at the advance vote. This will not be possible if voting were to occur one or two days before election day and will increase risks and potential legal challenges. The Clerk requires five days to update, verify, format, print and distribute the voters' list, which must be delivered to over 1,500+ voting places before election day.

There are new technologies which now allow for real-time updating of the voters' list. The exact cost to acquire this technology is unknown but estimated to cost more than \$15 million. There is also insufficient time to acquire, integrate, test and train 10,000+ election day workers on such a system.

- b. *Ballot Testing*: The Clerk requires adequate time between the end of nominations and the start of the advance vote in order to design, format and test the required 220 different ballots styles (44 wards x 5 different offices +Mayor) required in the Toronto election.
- c. *Days of Significance*: The Clerk must consider religious holidays of significance and the statutory holiday of Thanksgiving, which occurs on Monday, October 13, 2014.
- d. *Working Hours*: If the Clerk schedules too many advance vote dates and hours, there is a risk of voting place staff fatigue, resulting in administrative errors and possible legal challenges.

The City Clerk's recommendations offer voting on a weekend, which will occur seven days prior to election day. This provides the Clerk with sufficient time to update the voters' list with names of those who voted during the advance vote and to distribute a paper copy voters' list for use on election day. Allocating time between the advance vote and election day is consistent practice with other municipalities, as well as both Ontario provincial and Canadian federal elections.

2. Increased Election Day Voting Hours Not Recommended

Section 46(1) of the *MEA* states that on election day voting places must be open from 10:00 a.m. to 8:00 p.m. While Council may authorize an earlier opening, the City Clerk does not recommend it for the following reasons:

- a. Voting place staff already work an average of 13 hours on election day. They must arrive early to set-up the voting place and remain after hours to balance the ballots, close the polls and return the supplies and equipment. Extending voting hours will increase their work day resulting in greater fatigue and increased errors which could lead to legal challenges.

The recent Elections Canada Report – *Compliance Review: Final Report and Recommendations* stated that any voting model "must enable a typical election officer – a non-expert, with limited training, who works in the role only occasionally but for long hours, under intense pressure and public scrutiny – to achieve full compliance with all rules and procedures." Requiring voting place

staff to work in excess of 13 hours on election day may result in "irregularities" which "can result in votes being declared invalid".

http://www.elections.ca/res/cons/comp/crfr/pdf/crfr_e.pdf.

- b. Experience shows voting in Toronto's elections are heaviest in the last three hours of voting. The *MEA* does not permit extending voting hours past 8 p.m.
- c. Every additional hour that voting places are open costs the City an additional \$250,000 - \$300,000.
- d. The proposed voting hours are consistent with the City's practice for the last two regular elections and by-elections.
- e. Section 50(1) of the *MEA* recognizes that election day, which is on a Monday, is a working day for many and includes the following provision to ensure that electors have the time and opportunity to vote:

"any elector whose hours of employment are such that he or she would not otherwise have three consecutive hours to vote on voting day is entitled to be absent from work for as long as is necessary to allow that amount of time."

3. Election Day Voting Hours at Institutions and Retirement Homes Consistent with Other Locations

Section 45(7) of the *MEA* requires that voting places be provided at institutions (long-term care and nursing homes) and retirement homes. Section 46(3) permits Council to pass a by-law to provide reduced voting hours at institutions and retirement homes.

For the 2014 election, the City Clerk recommends institutional voting places be open for the full election day (10:00 a.m. to 8:00 p.m.). Keeping voting hours consistent at all facilities across the City ensures equal treatment for all electors.

This report has been prepared in consultation with Legal Services.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix "A" – Draft Bill to Establish the dates and hours for advance voting in the 2014
Municipal Election

Appendix "A" – Draft Bill to Establish the dates and hours for advance voting in the 2014 municipal election

CITY OF TORONTO

BY-LAW No. _____

To establish the dates and hours for advance voting in the 2014 municipal election

WHEREAS subsection 43(1) of the *Municipal Elections Act, 1996*, requires Council to pass a by-law to establish the dates and hours for advance voting at least 30 days before election day;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Advance voting for the 2014 municipal election shall be held on the following dates and during the following hours:
 - a. Tuesday, October 14, 2014 to Sunday, October 19, 2014, inclusive, from 10:00 a.m. to 7:00 p.m.

ENACTED AND PASSED this ____ day of _____, A.D. 2013.

ROB FORD
Mayor

ULLI S. WATKISS
City Clerk