

## **Report on Proposed Electoral Reforms**

<b>Date:</b>	April 24, 2013
<b>To:</b>	Government Management Committee
<b>From:</b>	City Manager and City Clerk
<b>Wards:</b>	All

### **SUMMARY**

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This report responds to various Committee requests on the feasibility of implementing electoral reforms in the City's elections: (1) holding elections on a Saturday or Sunday; (2) allowing permanent residents the right to vote; (3) using ranked choice voting; and (4) providing internet voting for voters with disabilities.

The *Municipal Elections Act, 1996* ("MEA") governs the administration of municipal elections in Ontario. A number of amendments to the MEA and possibly other affected legislation are required in order for the proposed reforms to take effect. Due to the size, scope and complexity of elections in Toronto, it takes years to plan for each regular election. A decision to implement any electoral reforms should be made as early as possible, well in advance of a regular election year. A late-term decision to implement any of the reforms may impact the successful delivery of the election which could expose the City to potential court challenges.

The full implications of the reforms cannot be determined until the specific details of the policy and legislation have been determined. The nature of these proposed reforms also requires extensive consultation with various stakeholders. This report outlines some of the key considerations and issues should Council wish to request the province for legislative amendments.

### **RECOMMENDATIONS**

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The City Manager and City Clerk recommend that Council receive this report for information.

## Financial Impact

The cost of implementing any new electoral reform(s) is expected to increase the cost of the election. The specific financial impact is unknown and is dependent on a number of factors, including the details of the legislation, technology requirements, stakeholder consultations and voter readiness. Once these are known, the impact on voting places, the voters' list, voting equipment, IT infrastructure, staffing, ballots, supplies and all the associated costs can be determined.

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

## DECISION HISTORY

At its January 24, 2012 meeting, the Executive Committee requested the City Manager and the City Clerk to report to the Government Management Committee on the feasibility of the following electoral reforms: (Item #3 at EX15.16, Enhancing the City of Toronto's Engagement with Citizens, Transforming City Hall)

- a. holding elections on Saturdays or Sundays
- b. using ranked ballots and instant run-off voting
- c. improving the City's elections website, including ward search information, links to candidate websites and contact information
- d. proactively promoting the nominations process and encouraging nominations

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX15.16>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM14.3>

At its January 31, 2013 meeting, the Community Development and Recreation Committee (CDRC) requested the Executive Director, Social Development, Finance and Administration and the City Clerk to review and report to the CDRC on the opportunity to have permanent residents in Toronto be given the right to vote in municipal elections, and that report to include the feasibility of implementing this in time for the 2014 municipal election. (Item #1 at CD18.4, Immigration and Settlement Panel)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CD18.4>

At its March 20, 2013 meeting, the Executive Committee referred to the Government Management Committee that the City Clerk be requested to report on a strategic plan to allow for internet voting for voters with disabilities for the 2014 election. (EX29.4, Disabilities Issues Committee – 2010 Municipal Election Update)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX29.4>

## COMMENTS

Council may request the Province to amend the current legislation to permit certain electoral reforms. While an amendment may be desired to specific areas of the *MEA*, a review of the entire election framework and process should be undertaken. Piecemeal changes to election law can render unintended consequences and leave municipalities to uncover how they should be implemented and administered, thereby affecting the integrity of the election and increasing election administration costs.

Toronto has one of the most complex elections to administer in North America due to the number of candidates, electors and voting places required. In the 2010 municipal election, Toronto had a record 476 active candidates for 84 offices (mayor, councillor and school board trustee), 1.6 million eligible electors, 10,000+ voting place staff and 220 unique ballot types. Toronto's municipal election is larger than elections in 9 of the 13 provinces and territories in Canada.

### 1. Voting day on a Saturday or Sunday

In Ontario, voting day for municipal elections is prescribed by section 5 of the *MEA*, which requires it to be held on the fourth Monday in October in a regular election year.

Section 50(1) of the *MEA* recognizes that 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."*

#### Considerations for moving voting day to a Saturday or Sunday:

- *Legislative change required:* Moving voting day to either a Saturday or a Sunday requires an amendment to the *MEA*.
- *Voting tradition:* Voting has historically taken place on a Monday in Ontario. Voting day is set for a weekday and not a Saturday or Sunday to avoid conflicts with religious observances and/or conflicts with family time.
- *Review of other Canadian jurisdictions:* Three of the thirteen Canadian provinces/territories hold their municipal election on a Saturday or Sunday. Table 1 identifies the voting days for municipalities across Canada. Jurisdictions with weekend voting are highlighted.

Table 1 – Municipal election dates across Canada

Jurisdiction	Municipal Election Date
Newfoundland and Labrador	Last Tuesday in September
Prince Edward Island	1 <sup>st</sup> Monday in November
Nova Scotia	3 <sup>rd</sup> Saturday in October
New Brunswick	2 <sup>nd</sup> Monday in May
Quebec	1 <sup>st</sup> Sunday in November
Ontario	4 <sup>th</sup> Monday in October
Manitoba	4 <sup>th</sup> Wednesday in October
Saskatchewan	4 <sup>th</sup> Wednesday in October
Alberta	3 <sup>rd</sup> Monday in October
British Columbia	3 <sup>rd</sup> Saturday in November
Northwest Territories	3 <sup>rd</sup> Monday in October
Yukon	3 <sup>rd</sup> Thursday in October
Nunavut	3 <sup>rd</sup> Monday in October

- In Toronto, voting already available on a Saturday and Sunday:* The MEA allows for an advance vote to be held on one or more days. Since 2001, the City has provided electors the chance to vote on Saturday and Sunday during the advance vote. Table 2 shows the number of electors who voted on the weekend and on voting day in the past three regular elections. The majority of electors are still choosing to wait until voting day (Monday) to cast their ballot.

Table 2 – Advance vote turnout in the 2003, 2006 and 2010 elections

Advance vote day	2003 Election	% of Total Number of Voters in 2003 (699,492)	2006 Election	% of Total Number of Voters in 2006 (597,754)	2010 Election	% of Total Number of Voters in 2010 (827,723)
Weekday	10,899	1.558%	8,367	1.399%	16,089	1.944%
Weekend	31,700	4.531%	34,046	5.695%	61,260	7.401%
Total	42,599	6.089%	42,413	7.095%	77,349	9.344%

- Voting place availability:* Many schools and religious buildings are used on voting day. It is increasingly more difficult to gain access to schools as voting places during the weekday due to security concerns for students. Moving voting to a weekend will alleviate this concern. However, it will reduce the availability of religious buildings and community centres currently used for voting places.
- Voter turnout:* Moving voting day to a weekend may not increase voter turnout. Voter turnout tends to increase based on candidates, issues and number of close races. Table 3 compares voter turnout in Toronto to Canadian municipalities where voting occurs on either a Saturday or a Sunday.

Table 3 – Voter turnout in municipalities with Saturday or Sunday voting day

Municipality	Voting Day	Election Year	Voter Turnout
Halifax	3 <sup>rd</sup> Saturday in October	2004	37%
		2008	48% <sup>1</sup>
		2012	37%
Montreal	1 <sup>st</sup> Sunday in November	2005	39%
		2009	39%
Toronto	2 <sup>nd</sup> Monday in November	2003	38%
		2006	39%
	4 <sup>th</sup> Monday in October <sup>2</sup>	2010	51%
Vancouver	3 <sup>rd</sup> Saturday in November	2005	32%
		2008	31%
		2011	35%

1. Turnout may be attributed to a province-wide referendum on Sunday shopping.

2. The *Municipal Elections Act, 1996* was amended in December 2009 and voting day was moved from the 2<sup>nd</sup> Monday in November to the 4<sup>th</sup> Monday in October.

### Next Steps

If Council wishes to change the current voting day from the fourth Monday in October to a Saturday or Sunday, it must request the Legislature for an amendment to the *MEA*. Consultations with other stakeholders such as the school boards and Ministry of Education also need to take place.

The Clerk could implement this amendment for the 2014 election with little operational impact. Negotiations with the school boards would need to start soon to ensure the availability of schools as voting places as well as the availability of custodial staff. An appropriate education campaign informing electors of the change would need to be conducted. Finally, costs must be determined in order to fund the education campaign and overtime pay of school custodial staff.

## **2. Permanent residents and the right to vote**

Toronto remains among the most diverse cities in the world, with more than half of all city residents born outside of Canada. While historically the great majority of Canadian immigrants achieve full citizenship, a number of residents are finding it increasingly difficult to attain Canadian citizenship due to changes in federal legislation, policies and procedures. In some cases, permanent residents may choose not to attain citizenship due to fear of loss of status in their home country. Toronto's permanent residents are active members of the city and their communities.

As non-citizens, immigrants living in Toronto with permanent resident status are not eligible to participate in the elections process. This restriction has been repeatedly raised by researchers and community advocates as a disincentive to permanent residents' greater

participation in Toronto's municipal civil society and an unnecessary marginalization of particular voices in municipal elections. These residents contribute to the financial viability of Toronto as property taxpayers and consumers of City programs with user fees, without representation.

As part of City Council's recent consideration of the *Toronto Newcomer Strategy*, the Community Development and Recreation Committee heard from a number of academics, community-based service providers and community funders on a range of immigration and settlement issues, including the eligibility of permanent residents to participate in municipal elections. The following are issues for consideration by Toronto Council should it endorse expanding the municipal franchise to permanent residents.

Considerations for allowing permanent residents the right to vote:

- *Legislative changes required:* Section 17(2) of the *MEA* prescribes that only Canadian citizens are entitled to vote in a municipal election. This qualification applies not only to Council elections, but also to school board elections and for determining candidate eligibility. A legislative amendment is required to change the voter qualifications. Voting rights are likely a matter of provincial interest. If the Province extends the franchise to include permanent residents, all legislation referring to "electors" or "voters", including the *MEA*, must be revisited to determine how it impacts other legislated activities. Other affected statutes include the following: *Assessment Act*, *City of Toronto Act, 2006*, *Education Act*, *Fluoridation Act*, and *Liquor Licence Act*. As there is likely other legislation affected as well, it is vital that a thorough legal review be conducted.
- *Eligibility to run for office:* The definition of "candidate" would also be affected. Section 202 of the *City of Toronto Act, 2006* and section 219 of the *Education Act* both state that every person who is entitled to be an elector is also qualified to be elected or hold office as a member of Council or a school board. Unless the province provides otherwise, if voting rights were extended to permanent residents, they would also be able to file nomination papers and become candidates in the municipal election.
- *Impact for school board elections:* In order for the school board elections to remain concurrent with the municipal election, voting requirements need to be consistent. If the school board election had different voting qualifications than the municipal election, then a separate process needs to be developed to administer the school board elections at a significant cost. It should also be noted that school board jurisdictions cross over municipal boundaries. For example, the two French school boards that operate in Toronto have boundaries that extend into the surrounding municipality. As such, a change to voting rights would have to include all municipalities so that the elector qualifications are the same for all trustee positions. The Ministry of Education and school boards would need to be involved early in the consultation process.

- *Impact on voters' list:* The Municipal Property Assessment Corporation (MPAC) has the statutory responsibility for providing the preliminary list of electors, which is used to create the voters' lists for all of Ontario's municipalities. Extending the municipal election franchise to include permanent residents will have significant implications for how the voters' list is compiled. MPAC's database does not collect permanent resident information. There is no known updated list that provides the names and addresses of individuals with permanent resident status. It is unknown whether Citizenship and Immigration Canada, a federal government department, is prepared to share its data with MPAC for municipal election purposes. MPAC would need to be involved early in the consultation process.
- *Extensive consultation required:* Extending voting rights to permanent residents is a fundamental change to Ontario's municipal voting process. The Province will have to undertake extensive consultation with the public and all affected stakeholders, including: MPAC, Ministry of Education, Ministry of Community and Social Services, the Association of Municipal Managers, Clerks and Treasurers of Ontario and school boards.
- *Extensive public education required:* The requirement for Canadian citizenship is consistent across all three levels of government in election legislation. Permitting permanent residents to vote in municipal elections, but not in provincial and federal elections, may cause voter confusion. Extending the franchise to permanent residents will require a comprehensive communication strategy in advance of voting day.
- *Increased administrative costs:* The cost for administering the election is unknown but will increase in order to accommodate the increased number of eligible electors, necessitating more ballots, staff, voting places, vote-counting equipment, election supplies, translation requirements, etc.

### Next Steps

Council will need to request the Legislature for amendments to the *MEA* to allow permanent residents the right to vote. As many other statutes will be impacted by this amendment, the Province will likely want to conduct a careful and thorough review of all legislation that refers to "elector", "voter" and "candidate".

There is insufficient time to develop, plan and implement an amendment of this nature for the 2014 municipal election. If amendments are made to take effect after the 2014 election, MPAC and the Clerk will need to develop a strategy to identify Toronto's eligible electors in order to maintain the integrity of the election. An extensive communication campaign will be required to educate the public, candidates and other key stakeholders on this amendment. A budget would also need to be determined in order to fund the additional costs for this initiative.

### 3. Ranked Choice Voting

Elections in every Canadian jurisdiction require an elector to select one candidate for each office on the ballot. The winning candidate is the person who receives the highest number of votes (plurality), per section 55(4)(a) of the *MEA*. It is not a requirement for the person elected to receive a majority of the votes cast. This method is commonly known as "First Past the Post" (FPTP).

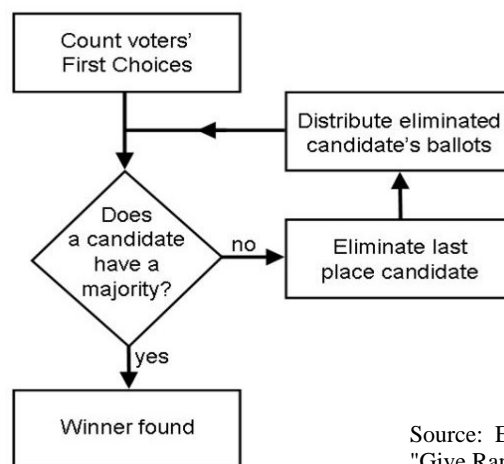
FPTP is the most familiar vote counting method and also the easiest to use, understand and administer. However, there has been increased interest in examining other voting methods.

Ranked Choice Voting (RCV) is one of many alternative vote counting methods which require the winning candidate to receive a majority of votes. Although this report highlights the feasibility of implementing RCV, it does not provide a detailed comparison of the merits of RCV over other methods. A further detailed analysis would be required.

RCV requires the winning candidate to receive a majority of the votes, i.e. more than 50 per cent. With RCV, an elector ranks more than one candidate on the ballot for each office, in order of preference (first, second, third, fourth, etc.). If the 50 per cent threshold is not met after the first count, a series of instant run-off elections occur, each eliminating a predetermined number of the lowest ranked candidate(s) and transferring the vote to the second, third, etc. place choice until a candidate achieves a majority. The exact procedures for how the results calculated would have to be determined.

Chart A illustrates generally how votes are counted in a RCV election. RCV in some jurisdictions is referred to as Ranked Ballots and Instant Run-off Voting or Single Transferable Vote depending on the procedures established for the counting.

*Chart A – Ranked Choice Voting flowchart*



Source: Erik Connell,  
"Give Ranked Choice a Chance"  
May 15, 2009



## Considerations for implementing ranked choice voting:

- *RCV is one of many alternative vote counting methods:* There are other vote counting methods that require the winning candidate to receive a majority that could be examined in addition to RCV.
- *New voting technologies required:* The City's current vote-counting equipment and results system cannot accommodate RCV. New voting equipment is scheduled to be acquired following the 2014 municipal election and it would be appropriate to include RCV-related requirements in the Request for Proposal (RFP). The cost to acquire new voting equipment and associated software to calculate RCV is unknown until the framework is established and understood. A detailed testing and auditing strategy of all integrated technologies must also be developed to ensure public trust and integrity of the election.
- *Public acceptance and support:* There needs to be extensive public consultation before implementing any change to the current electoral system. Every jurisdiction that has contemplated alternative voting systems has appointed a task force to explore the matter in detail and held a referendum. Since 2005, three Canadian provinces have held referenda on major electoral reform initiatives, including RCV, but did not receive sufficient support for change:
  - **Ontario** – 2007 Mixed Member Proportional Representation referendum: <http://www.elections.on.ca/NR/ronlyres/61A53BBE-4F27-41F7-AF0E-5D3D6F8D153D/0/ReferendumStatisticalResults.pdf>
  - **Prince Edward Island** – 2005 Mixed Member Proportional Representation referendum: <http://www.electionspei.ca/plebiscites/pr/index.php>
  - **British Columbia:**
    1. 2005 Single Transferable Vote Referendum: <http://www3.elections.bc.ca/docs/rpt/SOV-2005-ReferendumOnElectoralReform.pdf>; and
    2. 2009 Single Transferable Vote Referendum: <http://www.elections.bc.ca/docs/rpt/2009Ref/2009-Ref-SOV.pdf>
- *RCV in other jurisdictions:* Although RCV has not been adopted in anywhere Canada, it has been by other jurisdictions. However, those elections are administered under different statutory requirements. Table 4 identifies some municipal jurisdictions that have implemented RCV, are planning to implement or have repealed it due to the cost or other factors.

Table 4 – Other municipal jurisdictions that currently use the RCV

<b>Municipalities where RCV is used*</b>	<b>Population*</b>	<b>RCV Used For</b>	<b>RCV First Used</b>
Berkeley, California	113,905	Mayor, City Council, other city offices	2010 (adopted in 2004)
London, England	8,174,100	Mayor	2000
Memphis, Tennessee	652,050	City Council (Single Member Districts) and other city offices	Adopted in 2008; scheduled for 2013 election
Minneapolis, Minnesota	387,753	Mayor, City Council, other city offices	2009 (adopted in 2006)
Oakland, California	395,817	Mayor, City Council, other city offices	2010 (adopted in 2006)
Portland, Maine	66,363	Mayor	2011 (adopted in 2010)
San Francisco, California	812,826	Mayor, Board of Supervisors, City Attorney and most other city offices	Board of Supervisors since 2004 Mayor since 2011 (adopted in 2002)
San Leandro, California	84,950	Mayor, City Council	2004 (adopted in 2002)
Santa Fe, New Mexico	67,947	N/A	Adopted 2008 (not yet implemented)
Sarasota, Florida	52,025	N/A	Adopted 2008 (not yet implemented)
St. Paul, Minnesota	288,488	Mayor, City Council	2009 (adopted in 2009)
Wellington, New Zealand	379,000	Mayor	2003
<b><i>Municipalities where RCV was Repealed</i></b>			
Burlington, Vermont	42,645	Mayor	2006 (repealed in 2010)
Pierce County, Washington	807,904	Various county offices	2008 (repealed in 2009)
Cary, North Carolina	139,633	Judicial vacancies	2007 pilot program (repealed in 2009)

\*Only jurisdictions having a population of over 40,000 residents are included in this chart.

- San Francisco has often been referred to as an example of a municipality of significant size using RCV, which was adopted following a 2002 citywide referendum. Prior to adoption, San Francisco had run-off elections for some of its city offices. Table 5 provides a chart comparing San Francisco and Toronto elections.

*Table 5 – Comparison between San Francisco and Toronto elections*

<b>Description</b>	<b>San Francisco</b>	<b>Toronto</b>
<b>Population (approx.)</b>	801,377 (as of 2008)	2,615,060 (as of May 2011)
<b>No. of Voters (approx.)</b>	420,000	1.6 million
<b>Election-related matters</b>		
<b>Election cycle</b>	Every two years (alternating) to replace half of the Board of Supervisors, who are elected for four year terms. The mayor is elected every four years.	Mayor, Councillors and School Board Trustees are elected every four years (since 2006).
<b>Open offices</b>	Many offices: 1 Mayor 11 Supervisors (6 offices after 2012 term; and 5 offices after 2014 term) The City also administers elections for other city offices (e.g. City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, etc.)	84 offices: 1 Mayor, 44 City Councillors and 39 School Board Trustees for 4 school boards
<b>Mayoral candidates in the last election</b>	16	40
<b>Voting System Prior to RCV</b>	Traditional run-off voting prior to 2002 referendum, where the majority voted in favour of RCV.	Plurality Voting System
<b>Declaration of Results</b>	3 weeks (delay may be attributable in part to RCV and absentee ballots)	Unofficial results are usually available on election night. The <i>MEA</i> requires the results to be published as soon as possible after Voting Day.

- *Framework required to be established:* There are many variations as to how RCV can be implemented, including the number of preferences an elector is permitted to mark on the ballot (e.g. first, second, third choice), the number of offices subject to RCV, and the number of candidates to eliminate in the run-off rounds. For example, in the City's 2010 election, if one candidate was eliminated after each round of instant run-off, there could have been up to 39 rounds of

- elimination for the office of mayor. The City needs to determine which of the many methods to use and which of the complicated algorithms to apply. Expert staff and auditors would be required to verify algorithms and results.
- *Ballot considerations:* Toronto uses a composite ballot, where candidates for the offices of mayor, councillor and trustee appear on a single-sided sheet. Due to the high number of candidates in Toronto's elections, it will be necessary to vote on multiple ballots. This could present a number of issues:
    - It could be confusing to electors thereby taking longer to vote as they rank candidates for each office. This could lead to frustration and longer line-ups.
    - It will be more time-consuming and difficult for voting day workers to issue, manage, balance and reconcile multiple ballots.
    - Voters may mark ballots incorrectly leading to more spoiled ballots.
  - *Extensive education required for electors and voting place staff:* To successfully implement RCV in a diverse city like Toronto, an extensive voter education campaign must take place over a number of years and a number of elections. In San Francisco, the Department of Elections held approximately 700 public sessions to educate voters on RCV prior to implementing it. Voting place staff would also need additional training in order to be prepared to explain the voting method to electors. Other jurisdictions that have implemented RCV have also indicated the importance of voter education prior to its implementation.
  - *Election results delay:* The FPTP vote count is quick and easy. With the City's current vote counting equipment and election night procedures, unofficial election results have been historically generated very quickly. Typically, the results are available within a few hours after the close of the polls. With RCV, election results will take longer to determine, especially where races trigger instant run-off contests. Auditors would also need to verify the results.
  - *Increased administrative costs:* In light of these considerations, the cost to administer the election will increase due to the following:
    - Acquisition of new voting equipment and results system.
    - Ballot production costs will increase as each elector will receive multiple ballots.
    - Additional staff with expertise in conducting RCV elections will need to be recruited to research, plan, implement and audit the process.
    - The extensive public education program will require additional staff and promotional materials.
    - More voting place workers will be required to assist voters who are unclear of the new voting method.
    - Additional training will be needed for voting place workers.

## Next Steps

Council will need to request the Legislature for an amendment to the *MEA* to authorize the use and establish the framework of RCV for a municipal election. A careful and thorough legal review needs to be conducted as other pieces of legislation may also be affected by this amendment.

There is insufficient time to develop, plan and implement an amendment of this nature for the 2014 municipal election. There is also insufficient time to gauge public opinion and acceptance to this reform. The City's current voting equipment is not designed to calculate RCV results. However, the City may include in its upcoming RFP for new voting equipment the requirement to accommodate multiple vote counting methods.

If amendments are made to take effect after the 2014 election, the Clerk will need to understand the framework, hire expert staff, engage in extensive communication to educate electors. Also, the appropriate IT infrastructure and elections budget must be determined in order to fund the increased costs of this initiative.

## **4. Internet voting for voters with disabilities**

Making elections accessible is a priority for the Clerk. It is also a legislated requirement under section 12.1(1) of the *MEA*, which requires the Clerk to have regard to the needs of electors and candidates with disabilities when conducting an election. Section 42(1)(b) of the *MEA* provides that Council may pass a by-law authorizing electors to use an alternative voting method, including internet voting.

It is not possible to identify an elector with a disability without an elector self-identifying. If Council chooses to authorize internet voting, it should be available to all electors without singling out certain individuals as this could result in basic human rights violations.

The Clerk is also required to ensure the integrity of the election, administering it according to the following principles which have developed over time and been endorsed by the courts:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and must not favour one candidate over another;
- the election shall be accessible to the voters;
- the integrity of the process shall be maintained throughout the election;
- the proper majority vote decides the election, which is achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
- voters and candidates shall be treated fairly and consistently

City staff have attended conferences on internet voting, visited other municipalities that offer internet voting, hosted vendor information sessions on the topic, have followed the latest research and have noted a number of concerns identified in the following considerations.

Considerations for internet voting for voters with disabilities:

- *Other jurisdictions:* Smaller Canadian municipalities have adopted internet voting for their municipal elections, including, but not limited to: Burlington, Stratford, Brockville, Peterborough and Markham. Elections Canada and Elections Ontario have both deferred their consideration of internet voting. Other municipalities have decided not to implement online voting including:
  - **Vaughan, Ontario:** [https://www.vaughan.ca/council/minutes\\_agendas/AgendaItems/CW\(WS\)0212\\_13\\_2.pdf](https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW(WS)0212_13_2.pdf)
  - **Edmonton, Alberta:** <http://sirepub.edmonton.ca/sirepub/mtgviewer.aspx?meetid=952&doctype=MINUTES>
  - **British Columbia:** <http://www.elections.bc.ca/docs/eac/EAC-Minutes-2012-Oct-23.pdf>
- *Technology risks:* The introduction of internet voting will require extensive new technologies including hardware and software integrated in a very robust and secure infrastructure. A considerable body of research still maintains that security risks associated with protecting the integrity of the election are high. Major online elections are a tempting target for hackers who may subvert the integrity of the election by either accessing the system internally or by attacking the system externally in such a way as to prevent voter access.
- *Unsupervised voting:* Internet voting changes the voting landscape from one that is public, open, and transparent under the watchful eye of voting place staff, candidates and scrutineers to one that is private, behind closed doors in an unsupervised environment. The relationships between the voter, the candidates, scrutineers and elections administrator change. It is also difficult to ensure that there is only one ballot cast by one voter or that the voter is not being coerced to vote against their will.
- *Voters' list accuracy remains a concern:* Having an accurate, current and complete voters' list is vital in order to ensure the integrity of an election. Municipal Clerk's across Ontario continue to question the quality and accuracy of the Preliminary List of Electors provided by MPAC. This inadequacy adds another element of risk to internet voting.
- *Voter authentication and security:* Currently, electors are required to prove their identity at the voting place. Internet voting requires a robust voter

authentication process to be developed to identify qualified electors and to assign each voter a Personal Information Number (PIN). Some municipalities mail a PIN to each voter on the voters' list for use when voting. A few municipalities, however, use a multi-step online registration process to further authenticate its user by requiring they register in advance online to create a PIN and possibly answer secure questions. A second PIN is then sent electronically or mailed to the elector for use when voting. Both processes create a security risk as PINs can be intercepted if sent electronically or through regular mail.

- *Timing and planning:* Experience from various Ontario municipalities with smaller populations than Toronto suggests that a municipality requires at least two years of planning to implement internet voting plus additional time for each subsequent use. Staff training and recruitment of experts is essential for planning and implementing internet voting as there are no in-house expertise on this matter. A dedicated team is required to research, plan and implement internet voting in order to ensure its successful execution as an alternative voting method.
- *Extensive public education required:* Implementing internet voting will require an extensive education, communication and outreach strategy in advance of voting. Information must be communicated over time, through various media, in order to educate the public on this new voting method. Some municipalities have even conducted mock elections as pilot projects in order to allow the public not only to familiarize themselves with internet voting but also to provide feedback.
- *Increased administrative costs:* Post-election reports from Ontario municipalities that have adopted internet voting have concluded that it should be offered as an alternate voting channel, not a replacement. No efficiencies can be realized as there still is a need for traditional voting places, workers, election equipment, etc. Therefore, the cost to administer the election will increase due to the following:
  - Technology costs will increase to acquire, implement and test new equipment, hardware, software and other IT components.
  - Additional staff with expertise in internet voting will need to be recruited to research, plan and implement.
  - The extensive public education program will require additional staff and promotional materials.
  - Increased audit services required to protect integrity of the system and processes.

### Next steps

There is insufficient time to develop, plan and implement internet voting for the 2014 municipal election. The City Clerk will continue to closely monitor developments in internet voting to determine whether it should be adopted in the City's municipal elections. Security of internet voting systems is a priority, as is the need to maintain the integrity of the election.

For the 2014 election, the Clerk will provide services to electors and candidates with disabilities by providing voter assist terminals (VAT) at various voting places across the City. A VAT is a device that permits voters with disabilities to vote privately and independently.

## **5. Communications initiatives for the 2014 municipal election**

Under the *MEA*, the City Clerk is required "to provide electors and persons who are eligible to be electors with information to enable them to exercise their rights under the Act". For the 2014 election, the Clerk will be launching a newly redesigned elections web page. There are enhanced online tools for electors and candidates that provide specific information on voting places, candidates running in a specific ward, ward profiles, ballot samples, voting days and times, etc.

Consistent with past elections, the Clerk will work closely with the City Manager's Office and other City divisions, including Social Development, Finance and Administration, to educate the public about the election.

## **CONCLUSION**

Modernizing elections is important in response to societal expectations and technological advancements. In administering the election, the Clerk must balance the need to make elections accessible to all electors, maintain integrity in the process and carefully manage costs.

Careful consideration should be made regarding election reform. One legislative amendment could impact other legislation and may yield unintended consequences. If election reform is to be undertaken, the entire framework of the legislation should be examined and researched, rather than implementing changes in one area with little consideration to another. The impact of changes on the voter must also be contemplated.

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## **SIGNATURES**

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Joseph Pennachetti  
City Manager

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Ulli S. Watkiss  
City Clerk