



Feasibility of an E-Petition Program

Date: November 17, 2016

To: Executive Committee

From: City Clerk

Wards: All

SUMMARY

The purpose of this report is to report on the feasibility of an e-petition program as requested by the Executive Committee and to seek direction on whether City Council wishes to implement such a program.

An e-petition program like ones used in other municipal jurisdictions is feasible if:

1. City Council is prepared to fund the capital and operating costs of the program.
2. City Council is prepared to amend the Council Procedures to establish rules that allow the public to use petitions to identify issues that require consideration by committees and Council.

If City Council wishes to pursue such a program, it should direct the City Clerk to prepare the necessary budget, policy and by-law submissions for Council consideration.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council authorize the City Clerk to submit the capital and operating budget requirements for the 2018 budget process for an e-petition program.
2. City Council request the City Clerk to prepare the necessary amendments to the Council Procedures to give effect to an e-petition program.

FINANCIAL IMPACT

An e-petitions program cannot be implemented within the existing budget of the City Clerk's Office.

There will be capital costs of between \$200,000 and \$300,000 for the development of a website and secure application, as well as infrastructure costs. Based on experience in other jurisdictions, this program will require up to 1.0 FTE to carry out with an operating budget impact of \$120,000.

If Council wishes to establish such a program, a more detailed capital and operating budget submission will be prepared for the 2018 budget which Council will have the opportunity to consider.

DECISION HISTORY

The Executive Committee requested the City Clerk to report to its December 1, 2016 meeting on the feasibility of an e-petition system similar to the one implemented by other jurisdictions such as the House of Commons.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.49>

COMMENTS

What is an e-petition program?

An e-petition is a form of petition that allows people to initiate, sign and submit a petition electronically, usually through a website.

There are a number of popular e-petition websites that allow people to organize petitions independent of government. These include change.org and avaaz.org.

Several government jurisdictions have implemented e-petition programs which they administer directly through their own websites. These include the House of Commons (Canada), Quebec National Assembly, Scottish Parliament and the British House of Commons. The Province of Ontario is also currently in the process of implementing an e-petition program.

A number of municipal e-petition programs also exist in the UK. Many of these programs are modelled after the Bristol City Council.

The purpose of most government e-petition programs is to give the public a platform to draw attention to issues in their communities. Typically when e-petitions are submitted to the government, the petitioner and signatories will receive a response describing what will be done related to the petition's request. In some cases, petitions are discussed or debated by elected officials to decide what action, if any, will be taken.

See Appendix 1 for descriptions and links to these selected existing programs. See Appendix 2 for a sample of petitions currently online in a comparable municipal e-petition scheme in Bristol, UK.

Pros and Cons of using e-petitions

The benefits of an e-petitions program include:

- Making it easier for members of the public to learn about and sign petitions
- Eliminating some of the obstacles to gathering signatures on a traditional paper-based petition
- Providing an opportunity for the public to identify and express community needs and views directly to City Council

The risks of an e-petition program include:

- Potential fraud, impersonation or the use of "bots" to artificially inflate the number of signatories
- Limited ability to restrict signatories to residents of Toronto
- Management of personal information and prevention of privacy breaches contained in the resulting database

Is an e-petition program feasible for the City of Toronto?

An e-petition program is feasible if City Council is prepared to fund its development and to amend the procedures by-law to give the public more input to Council's agenda.

The Executive Committee directive made reference to federal and provincial systems, however, these are not the appropriate comparisons. Better comparators are municipal models developed in Britain designed to give consideration to local issues.

a) Budget requirements

This would be a new program with material capital and operating cost of up to \$300,000 and \$120,000 respectively. If Council wishes to implement this program, detailed budget submissions will be prepared for the 2018 budget for Council review.

b) Impact on Council and committee agendas and priorities

The central purpose of e-petition schemes is to enhance local democracy by letting the public identify issues that require an official review and response by government. City Council would need to amend its procedures to establish the mechanisms under which Council could review and respond to petitions.

Options include:

- Authorizing the City Clerk to place petitions directly on the agenda of the appropriate standing committee;
- Establishing a special committee of Council to review petitions and decide whether to receive or refer them to City officials or committees for further study; or
- Submitting all petitions to City Council as a whole for review and disposition.

How would an e-petition program work in the municipal context?

- A petition organizer creates a petition on the City's web site
- The Clerk reviews the petition against Council-established criteria and either accepts or rejects the petition
- The Clerk posts accepted petitions on the City's web site for a pre-determined period of time
- The organizer encourages people to sign the online petition
- When the petition is closed, it is reviewed by the Clerk and/or Council or a committee established for that purpose and either:
 - Received for information and no further action
 - Referred to committee or Council as communications on an existing agenda item
 - Referred to the appropriate committee of Council for consideration as a new business item.

Some things are out of scope for e-petitions

Provincial law contains several provisions that allow for people to petition the City on certain matters. Generally speaking, these statutory provisions are not compatible with an e-petition scheme because they require signatures.

Until these statutes are modernized, the City will not be able to accept e-petitions for things like:

- Ward boundary petitions under s. 129 of the City of Toronto Act
- Petitions under s. 4 of the Fluoridization Act
- Petitions under s. 4 of the Drainage Act

What steps are required to establish an e-petition program?

The following steps are required to establish an e-petition program:

- City Council decision on whether to proceed with a program (this report)
- Approval of a capital budget project for the development of e-petition system
- Development of a secure e-petition website and application
- Completion of a privacy assessment in line with the recommendations of the Information and Privacy Commissioner of Ontario
- Adoption of business rules for the program
- Adoption of procedure by-law amendments for the program

Areas for further analysis

If City Council wishes to establish an e-petitions program, the City Clerk's Office will prepare a detailed follow-up report on program implementation. This report would include an analysis of business rules related to the following areas:

- Rules and criteria for e-petition submissions
- The role of the City Clerk in processing e-petitions

- The role of Members of Council in the e-petition process
- How petitions will be reviewed by Council and/or committees, including on delegated matters

Alternatives considered

We considered the following alternatives to a full e-petition system:

1. Recognition of third party e-petitions

In this option, the City Clerk would prepare amendments to the Council Procedures to better recognize petitions and communications received from third party petition platforms. The City Clerk would also publish guidelines for petition organizers setting out minimum guidelines for accepting petitions from these sites. The Council Procedures pre-date the rise of these external sites and currently do not recognize them.

2. Downloadable petition templates and improved public information

In this option, the City Clerk would provide a downloadable template for use by people organizing paper petitions, together with better information about the petition process at the City of Toronto.

Both of these options can be implemented without any additional costs and within existing budgets.

CONTACT

John D. Elvidge, Deputy City Clerk, Secretariat, john.elvidge@toronto.ca, 416-392-8641.

SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1 - Description of e-petition programs in other government jurisdictions
Attachment 2 - Sample List of Petitions on the City of Bristol UK petition website as of November 15, 2016