



September 23, 2020

VIA EMAIL

C/O Catherine Regan, Clerk for the City of Toronto Executive Committee

Re: EX16.8 The Impact of COVID-19 on 2022 Election Preparation Activities

Dear Mayor Tory and Members of the Executive Committee,

It is often said that people tend not to notice things until they go wrong. This certainly is **the case for Toronto's elections, which have been conducted so professionally and effectively that** the public is largely unaware of how significant an undertaking each one really is. Toronto has been considered the Canadian election gold standard for more than 21 years, largely in part due **to Election Systems & Software's (ES&S's) technology; our service, and our ongoing and dedicated support for each of Toronto's** election events.

Since the boroughs were brought together through amalgamation, the City of Toronto has carried out timely and well-organized elections whilst adapting to significant challenges, such as the redrawing of ward boundaries in 2018, or the constantly changing telecommunication and infrastructure networks in Ontario. Amidst all of these challenges, Toronto Elections has always maintained the utmost election integrity, transparency, and voter confidence.

While Toronto Elections Services has made this look easy; the public and Members of Council should take note that changing technology providers presents significant, real-world, challenges. Challenges where other municipalities in Ontario and across Canada have recently not always fared well. For example, in 2018; 51 jurisdictions municipal elections were delayed and their election integrity put into jeopardy, resulting in the formulation of a working group to seek damages through legal process. In 2018 in Vancouver, a large City was fraught with voter discontent as voters threw ballots on the voting location floor refusing to wait 2 hours in line to cast their votes on glitchy machines. Customization, proper preparation, and additional security were not available through these jurisdictions technology rental agreements which inevitably lead to less control over their elections. Control that the City of Toronto values, requires, and has benefited from in the past by owning its own voting equipment.

We understand that COVID-19 has put undue pressures on municipalities across the Country. This is the time to sharpen our pencils, and we do believe the costs of ownership strongly outweigh the risks and hidden costs of event-based technology renting for the City.

However, while the current technology in Toronto has reached the end of its life, it could still be used for other forms voting, such as mail-in voting and ES&S would be happy to enter into an extension agreement to cover the 2022 election. Additionally, we do not foresee any issues with impacts on manufacturing or delivery of any new technology and do not consider that a high enough risk rationale to consider leasing/renting units from other levels of government. The customization and added security that comes with ownership has provided the City with the ability to run excellent elections for decades. The current peripheral systems and software that the City has in place work in unison through integration with the ES&S technology and platforms.

We appreciate that **the City Clerk's Office have indicated that a Negotiable Request for Proposal (nRFP)** will be released and would hope that an open procurement process will come to fruition for any new technology needs. ES&S welcomes a competitive and transparent bidding process for new technology because we are confident in our products, services, and our long-standing partnership with the City of Toronto.

Additionally, we would hope that the selected Fairness Monitor, cyber-security professional, and accessibility expert do not have any potential conflicts of interest from working on prior bids with provincial bodies such as Elections Ontario, as it would be difficult to justify that they were truly impartial, particularly in our very small, yet very competitive industry. The idea of implementing value-based procurement for these experts should be taken into consideration, and not just be awarded to the lowest bidder, if the City truly wants to uphold integrity in the procurement process and not to just fulfill requirements.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Glenn Foote', written in a cursive style.

Glenn Foote
Senior Managing Director, ES&S Canada