

COMMITTEE OF THE WHOLE (WORKING SESSION) SEPTEMBER 9, 2008

ELECTION PROCESSES AND PROCEDURES PRELIMINARY REPORT

Recommendation

The City Clerk in consultation with the Commissioner of Legal and Administrative Services and City Solicitor recommends:

- 1) That Council authorize the issuance of an RFP for the provision of Vote Tabulating Equipment and other associated devices and services for use in conducting the 2010 general municipal election.

Economic Impact

It is estimated that the total cost of the 2010 general municipal election will be in the order of \$850,000 to \$1,000,000, to be funded by contributions to the Election Reserve Account. It is anticipated that approximately \$1.2 million will be available in the Reserve by November 2010.

Communications Plan

A communications plan will be developed to better inform voters of voting requirements and other details, and to support a high level of confidence in the election process and result.

Purpose

The purpose of this report is to advise Council of the work being undertaken in respect of planning for the 2010 general municipal election, and to seek authority for the issuance of an RFP for the acquisition of Vote Tabulating Equipment and associated devices and services.

Background - Analysis and Options

Pursuant to the *Municipal Elections Act, 1996*, as amended, municipal general elections are to occur every four years on the second Monday in November.

The next general municipal election will take place on November 8, 2010. Given the magnitude of running a successful election, and the scrutiny under which the City of Vaughan has been subjected regarding the 2006 municipal general election, planning for the election has already commenced.

This report seeks to advise Council of the major elements of election planning, and also seeks authorization to issue an RFP for the use of vote tabulating equipment. A companion report is being submitted on the carrying out of a ward boundary review.

Vote Tabulating Equipment

Since 1991 Vaughan has utilized vote tabulating equipment in running municipal elections.

It is recommended that Vote Tabulating Equipment ("VTE"s) again be employed for the purpose of tabulating ballots.

The use of VTEs at each poll location is recommended because of their reliability and ability to count votes efficiently while protecting the enfranchisement of the greatest number of voters. Care will of course be taken to take into account the criticisms associated with the manner in which tabulators were programmed during the 2006 municipal general election. In particular, the

VTEs will be programmed to alert voters of under- and over-votes. Anticipated delays associated with any resulting remarking of ballots (especially at busy polls) will be minimized by:

Careful physical layout of the polls

- o Providing separate areas for the remarking of ballots at some locations
- o Providing additional VTEs at some locations
- o Redesign of the ballot to minimize voter error
- o Advance advertising of proper voting procedures
- o Extensive training of voting day staff

If authorized, the City Clerk we will be issuing a Request for Proposals for the rental of Vote Tabulating Equipment and associated devices (such as equipment to read memory media and convey compiled information to independent computer and broadcast systems) and related services. A key element of evaluation of RFP responses will be the speed and accuracy of the recommended counting process in order to be able to present reliable results on election night within a reasonable period of time.

The RFP will also request proponents to provide recommended approaches on the marking of ballots. It is anticipated that a redesigned ballot will make use of a 'filled in arrow' or similar object in lieu of the traditional 'X', to optimize the capability of the vote counting technology:



At this time, and subject to whatever advice may be received through the process of RFP issuance and evaluation, the City Clerk will base the election count on the following points of verification:

- i) Direct oral and/or electronic secure communication from poll officials at each poll location;
- ii) Examination of the physical output generated by the vote counting equipment (such as result tapes);
- iii) Downloaded data from the secure memory media installed in each tabulator.

In addition, other forms of technology may be indentified to support speedy and reliable counting of votes at advanced polls, or for the purpose of specialized voting (i.e. within, for example, long term care facilities).

A further report will be issued at the time of the award of the contract for the provision of the vote counting equipment, detailing the types of technology to be acquired for use at the 2010 election. That report will seek authority for any necessary by-laws to be adopted by Council.

Communications

Given the extensive media coverage concerning the 2006 general municipal election, the resulting court applications and the recounts, it is important that public confidence in the conduct of the 2010 municipal election be assured. The City Clerk will customize pre-election advertising to take this need into account. City Clerk's staff will engage stakeholders, including the Task Force on Democratic Participation and Renewal and the Corporate Communications Department, for input.

Regulation of Election Signs

The regulation of election signs is typically one of the most administratively difficult tasks of conducting an election. The City Clerks Department is responsible for administering the election sign deposit provisions of the sign by-law. In addition, the literature provided to registered candidates contains information regarding election signs. The three week time restriction for sign placement has been quashed by the courts and so it will be necessary for the by-law to be reviewed. A separate report on election sign regulation, dealing with such things as permitted location, permitted time periods, and deposit issues, will be submitted for Council's consideration in due course.

Accessibility

Every poll location will be accessible to persons with disabilities. In addition, election information will be prepared on non-glossy paper with simple high-contrast formatting, to accommodate persons who are visually impaired or who may have a low literacy level. Processes will be put in place to accommodate persons with disabilities at each poll location.

Staffing

An enhanced supervisory element will be introduced for the 2010 general municipal election. Though staff planning has not yet been finalized, it is anticipated that additional 'Ward Captains' will be introduced. Ward Captains will be responsible for overseeing the persons in charge at each poll location (MDROs or DROs), troubleshooting in the field, and distributing ballots and supplies as required. One of their most important functions will be to monitor the polls and, throughout the day, remind MDROs and DROs of their election process and record keeping requirements, and checking for satisfactory implementation and completion. Ward Captains will also allow for better communication and consistent application of election rules throughout the City. The number of Ward Captains will depend on ward configuration and travel distances, and the success of this element of election management will depend on assigning an optimum number of poll locations to each of them

Consideration will also be given to having additional staff available to assist with the checking of identification, a point of dissatisfaction with some voters in 2006.

The hiring of a large population of workers for one day's work is an increasing challenge for municipal clerks responsible for the running of elections. It is hoped that City operations for Election Day can be modified in order to free up as many staff as possible. Discussions will be had with the City's Senior Management Team to explore this possibility. Consideration is also being given to approaching the school boards to see if senior students can be made available.

Record Keeping/Reconciliation

Rigorous records will be kept of ballots (issued, spoiled, blank, completed) and election day events to enable reconciliation. Throughout Election Day, MDROs and DROs will be reminded of their record keeping obligations by the Ward Captains, and offered assistance as necessary.

Election Results

Though it is the City Clerk's objective to return election results as quickly as reasonably possible on election night, this will not be done at the sacrifice of proper election processes. The speedy return of vote counts, in particular from advance voting, and compilation into an election reporting system, will be a major focus of the VTE RFP.

Compliance Committee

Should Council request it, a report can be prepared on the implementation of a compliance audit committee to oversee requests for compliance audits arising out of 2010 municipal election campaigns.

Voting Hours

Extending the hours of voting on Election Day at each poll location would have significant staffing implications. Staffing on a shift basis is not a viable alternative because it would interfere with the continuity of oversight at the polls.

The holding of advance polls, however, does give rise to an opportunity to schedule polls early in the day and later into the evening. The City Clerk will be exploring opportunities for alternative hours at advance votes and will be reporting back accordingly.

Ward Boundaries

A companion report on ward boundaries is being submitted for the consideration of Committee of the Whole (Working Session) and Council. Decisions arising from the ward boundary review will impact the delivery of the 2010 general municipal election, but at this point are unascertained.

Candidate Information Guides

Candidate information guides will be reviewed and made available at the time of candidate registration.

Election Web Presence

The internet provides an enormous opportunity for information sharing and collection. The election web presence on the City's web site will be reviewed for new opportunities for the sharing of information, including the provision of links to the candidate's own web sites.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications associated with this report, in that the conduct of municipal elections is entirely the responsibility of clerks of lower tier municipalities.

Conclusion

City Clerk's staff have reviewed the events of the 2006 general municipal election and have applied the lessons learned in planning for the 2010 election. Though a significant source of criticism in 2006, the use of vote tabulating equipment can support a fair, efficient and transparent election, if employed in accordance with the processes described in this report.

Attachments

N/A

Report prepared by:

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Respectfully submitted,

Jeffrey A. Abrams, City Clerk