



REPORT TO Finance & Administrative Services

TO: Mayor and Members of Council

FROM: Sheila Birrell, Town Clerk

PREPARED BY: same as above

DATE OF MEETING: 2004-02-16 -

SUBJECT: 2003 Municipal Election

RECOMMENDATION:

That the Council of the Town of Markham petition the Province of Ontario for:

- An improved municipal election voters' list or a registration process for the voters' list; and
- Amendments to the Municipal Elections Act that would require residents to provide proof of residency and for a cut off date for additions to the municipal election voters' list;

And that staff be directed to proceed with a public meeting to receive input on: (1) a sign deposit of \$1,000; (2) a charge for removal of all illegal signs, including those over the number covered by deposit; and (3) signs being permitted on private property only.

PURPOSE:

To report on the results of a survey of 2003 municipal election candidates regarding the election processes and the Election Sign By-Law and to make recommendations for improvements in the 2006 and subsequent municipal elections.

BACKGROUND:

At the request of Mayor Cousens, a questionnaire was forwarded to all registered candidates who were involved in Markham's 2003 Municipal Election process. The survey was undertaken in November and the results are tabulated on Schedule "A". The question regarding overall satisfaction received a rate of 67.8 per cent.

Markham was the first large municipality in Canada to implement internet voting for a municipal election. Internet voting was intended to improve customer service by improving access to the election process.

BACKGROUND (cont'd.)

The 2003 Municipal Election Staff in Markham took the Town of Markham from a manual count system of ballot processing to a three-way integrated electronic process that included internet voting. 17% of the more than 42,000 votes cast were cast over the internet. There were no requests for recounts or applications to the court for controverted elections. The timely presentation of the results was well received by the public. Those facts, and the fact Markham has and is being approached by other municipalities, e.g. Winnipeg, Halifax interested in this approach for the future suggests the 2003 municipal election was successful. The Town is also being highlighted in various media for its innovative approach to elections.

OPTIONS/DISCUSSION:

24 responses were received from the questionnaires sent to all 64 candidates in the 2003 municipal election. The questionnaire is attached hereto as Schedule "B". The survey requested responses in eight categories:

- a) the two-step internet voting process
- b) Markhamvotes.ca website
- c) Performance of scrutineers at polling stations
- d) Material provided
- e) Dealings with staff of Clerk's Office
- f) Security measures regarding identification taken at polling stations
- g) Overall satisfaction with the election process
- h) Application of Markham's Election Sign By-Law

A summary of the results can be seen in Schedule "A" with more detailed comments in Schedule "C".

Two-Step Internet Process When internet voting was approved, Election Staff communicated to Council a one-step process. In August, Election Systems & Software (ES&S) refused to provide internet voting unless a two-step approach was used. Staff decided to move to a two-step process to deal with security concerns. This was not adequately communicated. ES&S, at that time, agreed to go forward with a one-step process but verbalized their concerns in a letter dated September 16, 2004, attached hereto as Schedule "D".

When the concerns from candidates came forward in September regarding the two-step approach, the deadline for changing the procedures for alternative methods of voting had passed. Section 42(3)(a) of *The Municipal Elections Act* stipulates that the Clerk shall, by September 1, establish procedures and forms for the use of any voting and vote-counting equipment authorized by by-law and any alternative voting method authorized by by-law. Consequently, as staff had complied with the Act, a decision was made to proceed with the two-step process.

Technology for internet voting is in its infancy stage and unable to run concurrent with and including the in-line voting on Election Day because every polling location would require internet access. Improvements regarding concurrent advance polling is possible for subsequent elections.

OPTIONS/DISCUSSION: (cont'd.)

There was a 56.7 per cent satisfaction rate for the two-step process. As can be gleaned, disappointment ranged from the known two-step process to a lack of trust for the security of internet voting in general, regardless of whether it was a one-step or two-step process. There were comments received that related to the communication of information that was conveyed to the residents of Markham and they have been noted for improvement in 2006.

Staff are committed to further improvements for the 2006 municipal election and will be presenting recommendations to Council well in advance of election year in that regard.

The Markhamvotes.ca website – The survey response indicated a 72 per cent satisfaction rate. The site was excellent and it was generally well received.

Performance of Scrutineers at Polling Stations – A 70 per cent satisfaction rate was obtained. All candidates were provided with information on Scrutineers' responsibilities and authority as established by legislation. Staff encountered some difficulty with scrutineers in certain areas that appeared to be the result of an apparent lack of understanding of the process involved in challenging a voter. Information on this matter will be emphasized in the 2006 election.

Materials provided – The satisfaction rate in this category was 66.3 per cent. One of the criticisms appears to be regarding the Access file provided for the contribution rebate program. Many candidates did not have recent enough versions of Access to open the file. Staff anticipated that this could be a problem and included an Excel file as well. An attempt will be made to make the file more accessible on multiple formats in 2006. Staff will also endeavour to improve the mapping in 2006.

Dealings with Staff of Clerk's Office – This category obtained the most favourable response at 81.1 per cent satisfaction rate. It is to be noted that in the absence of Messrs Edwards and Gunn, the Town Clerk was available to assist candidates.

Security Measures Regarding Identification Taken at Polling Stations – The satisfaction rate in this category is 61.3 per cent. The Act does not provide the authority for staff to unequivocally require residents to provide proof of identification, residency and citizenship; rather in their absence, residents are able to declare or attest to their eligibility. A decision was made by staff to request Town-wide proof of identification. The voter's card is not proof of qualification and to request identification in some polls and not in others would open up the Town for criticism. The list provided to the Town by MPAC is inadequate. Some voters' cards were returned at the poll by residents who, when questioned, advised they were not Canadian citizens.

OPTIONS/DISCUSSION: (cont'd.)

Most problems were encountered at advance polls and on Election Day in Ward 7 and were regarding residency. Most of the thousands of people who were added at the polls were able to present proof of citizenship but some failed to provide satisfactory proof of residency. Many were required to sign an oath declaring their identification, citizenship and residency. Despite staff's reluctance, names were added to the list because oaths were sworn, in accordance with the Act.

Security Measures Regarding Identification Taken at Polling Stations: (cont'd.)

An observation at the Ward 7 advance polling and on Election Day was the inappropriate behaviour on the part of scrutineers and/or campaign workers both inside and outside of the building. Individuals were observed approaching incoming voters and appeared to be campaigning on the poll station property to sway their vote. York Region Police had to be called for assistance because individuals refused to leave the premises when requested to do so by staff.

Election Sign By-Law – This particular issue is, of course, not an election issue. Only 43.3 per cent of those who responded were satisfied. Enforcement Staff gave considerable priority to enforcing this by-law. It is to be noted that approximately 3000 illegal signs were confiscated during the permitted sign period. It should also be noted that signs were replaced as quickly as they were removed during the process. The by-law currently provides for a \$200.00 deposit and a \$10.00 per illegal sign charge to be deducted from the deposit. There were several candidates who had well above the 20 illegal signs the deposit actually covered. Staff is requesting permission to proceed with a public meeting to receive input on: (1) a sign deposit of \$1,000; (2) a charge for removal of all illegal signs, including those over the number covered by deposit; and (3) signs being permitted on private property only.

FINANCIAL CONSIDERATIONS:

None

ENVIRONMENTAL CONSIDERATIONS:

None

ACCESSIBILITY CONSIDERATIONS:

None

ENGAGE 21ST CONSIDERATIONS:

None

BUSINESS UNITS CONSULTED AND AFFECTED:

None

ATTACHMENTS:

Schedule "A" - Tabulation of Percentage of Satisfaction of 2003 Election Process

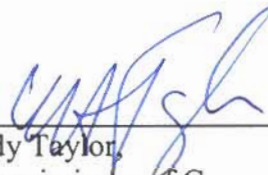
Schedule "B" - Candidate Satisfaction Survey

Schedule "C" - Comments

Schedule "D" - Letter from ES&S

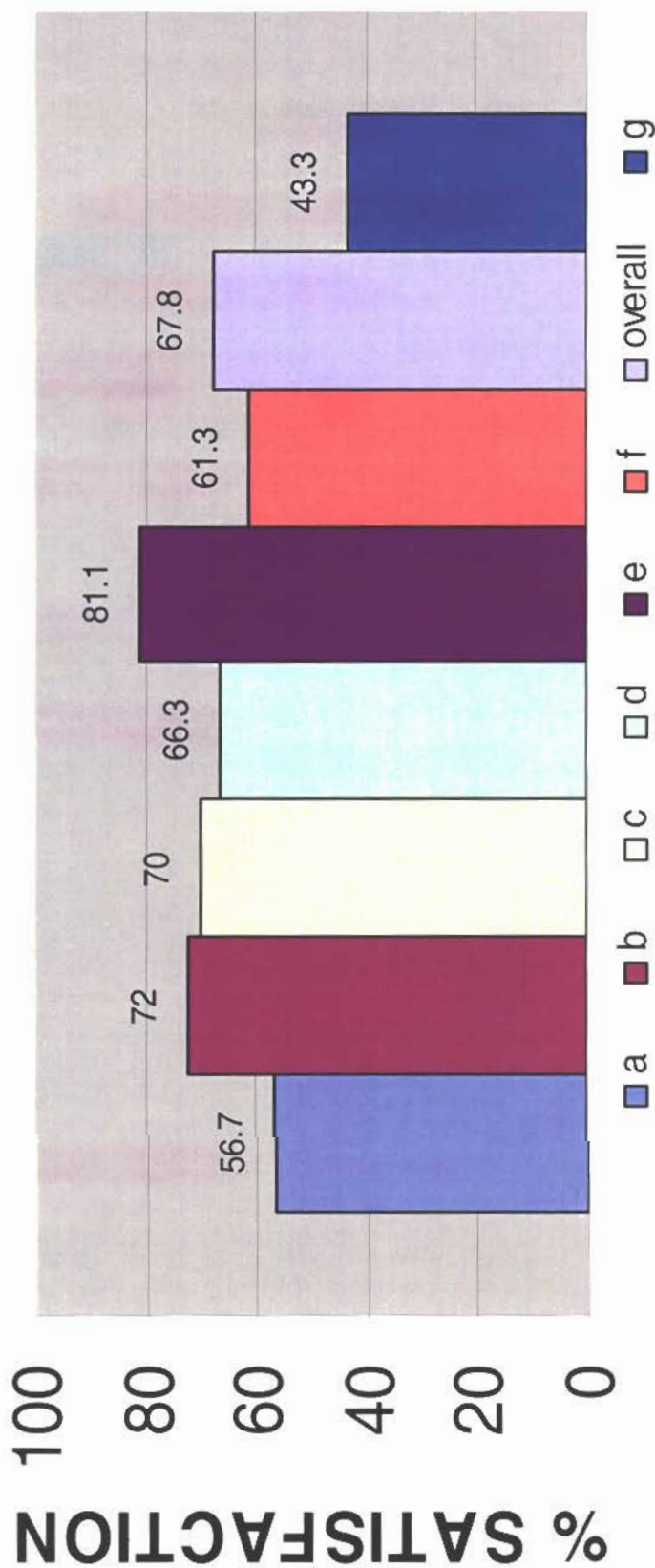


Sheila Birrell,
Town Clerk.



Andy Taylor,
Commissioner of Corporate
Services

2003 ELECTION PROCESS



QUESTIONS

n = 26

- a - the two-step internet voting process
- b - Markhamvotes.ca website
- c - performance of scrutineers at polling stations
- d - materials provided (including diskette, maps and information meetings)
- e - dealings with staff of Clerk's Office
- f - security measures regarding identification taken at polling stations
- g - application of Markham's Election Sign Bylaw

2003 ELECTION PROCESS
CANDIDATES SATISFACTION SURVEY

Please check appropriate box for each question and provide comments as you see fit, including specific improvement suggestions.

Please rate your satisfaction with:	Extremely Satisfied	Very Satisfied	Satisfied	Not very Satisfied	Not at all Satisfied
• the two-step internet voting process <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• the Markhamvotes.ca website <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• the performance of scrutineers at polling stations <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• materials provided (including diskette, maps and information meetings) <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVER 

	Extremely Satisfied	Very Satisfied	Satisfied	Not very Satisfied	Not at all Satisfied
<ul style="list-style-type: none"> dealings with staff of Clerk's Office <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> security measures regarding identification taken at polling stations <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> the application of Markham's Election Sign Bylaw <u>Comments:</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, how would you rate your level of satisfaction with the 2003 Election process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Other Comments/Suggestions:</u>					

2003 Election Process Comments

The two-step Internet voting process.

- Disappointed we could not have 1 step!
- The "on-line" process should flow as smoothly as the "in line process" ie. Constituent should receive their voting id and be ready to vote, rather than having to pre-register.
- The on-line voting dates should be the same as advanced poll dates.
- Many people we talked to destroyed their internet card since they were going to the poll but then did not have their election cards.
- Some could not validate their password.
- We need to stop Internet voting. There are many examples of how voting cards can be abused. Very concerned about security and abuse.
- I remain confused on the steps needed, many would like to see more information on security results – did they work?
- We had agreed there would be no registration
- The protocol was changed without consultation with council or VC of IT
- People I spoke with confirmed my opinion that the 2 step process was too complicated. Many picked up their envelopes and looked at them for the first time the week of Nov. 3 – 7 or on Nov. 10. The phone reminders reached households but not all voters in households.
- It was not foolproof. There was no way of proving that the person who registered to vote was in fact a Canadian citizen.
- The legal age of the person could not be honestly verified.
- Too many, particularly South Asians whose first and last names are similar, along with 20 to 25 characters to their names can and I have no doubt abused the system by abbreviating their names, thereby voting several times on-line.
- I would like to see Internet polls separate from other polls.
- Created several opportunities for voters to use several aliases thereby voting numerous times.
- Align the "on-line" with the "in-line" voting process in terms of common advance poll dates, one-time single on-line access on advance polling days as well as election day.

- Finally Internet voting is not a viable option. It is only good for the dishonest. I suggest not to recommend the use of Internet voting in Markham in any subsequent elections.
- Reduce timeline if re-applying internet voting to that of advance polls-although not necessarily the same timeline.
- The whole process and dates re: internet voting was confusing to people.

The Markhamvotes.ca website.

- Lots of good info.
- I didn't use very much.
- It had most of the information required for voters. Early on it was hard to find.
- Some initial dead ends. No poll X poll on election night.
- There were times when the website was hard to access. It was good thinking to have the flash and non-flash versions available. People with older PCs found the site slow.
- This whole website could be simplified.

The performance of scrutineers at polling stations.

- Not well mannered.
- Not same instructions in all cases, need more training.
- No position.
- More concerned about candidates at polling stations. One candidate was asked to leave parking lot of same polling station twice on Election Day.
- I didn't deal with them much.
- We didn't do much in this area.
- Not applicable did not use.
- We did not have complex contact lists and were content to get results off the Internet. Scrutineers would have served no purpose given the style of ballots and vote counting machines used.
- Did not participate.

- Too many of one dominant culture in Wards 7 and 8 thereby allowing voters with suspect ID to go forward and vote.
- No comment.

Materials provided including diskette, maps and information meetings).

- The diskette was not in a common format. My CFO had to spend \$3-400 on SW
- For trustee candidates, the diskette should be separated by public and catholic. Having both constituents on the same diskette creates a nightmare for trustee candidates.
- The town should install a program to separate the constituents.
- The diskette was on access. No candidate that I spoke to could open it. We do not all have state of the art computers. Maps were of low quality with few streets identified and of small print. They were of little value.
- I didn't take the diskette. The lists were good but we found many mistakes; many people on who have moved away not eligible. A few sheets were mixed up. I didn't attend any meetings.
- The voters list on CD was very inaccurate. I would say it was only about 85% accurate. Very often when we got sign locations the person living in the house was not the same on your lists. Also many addresses were not on the list.
- Adding an entire poll (114) after we got started was good but we were not informed and were giving incorrect information to voters when we canvassed.
- The access database was not useable. We modified the Excel spreadsheet to serve the purpose intended. The maps were very helpful but the "breaks" in the individual poll maps did not appear to follow a logical sequence. It was very helpful to have the street names and addresses. The information meetings would have been more helpful if the complete candidates' package had been provided at the time of filing nomination papers. The internet voting meetings cancelled each other out and defeated their purpose.
- Did not receive some materials.
- Maps should be printed with larger letters. Difficult to read small print.

Dealings with staff of Clerk's Office.

- I was told on one important question – “well you should get a legal opinion.” Why have in house experts if there are no answers!
- Very good staff.
- Ken Gunn was very helpful.
- The staff were friendly and helpful. On two occasions I arrived to find that Frank and Ken were both at lunch and no one else could assist. Better break scheduling is required during an election year.
- Always helpful
- The process could be improved perhaps by asking questions of past candidates. The last question on the form I assume includes sign bylaws etc. and so I would have to say – not very satisfied.
- The people esp K. Gunn were great.

Security measures regarding identification taken at polling stations.

- I understand that in one poll in Ward 4 the person at the door was not very sympathetic to the voters.
- The lady at 408 was the most pleasant person I met at the polls (Ms. Lumley)
- Must have a better voters list.
- Town needs to do its own census. The voters list was very inaccurate!
- Heard comments that some people did not want to provide photo id. The voting card should not be sole source of identification. Either have photo id or some other form of acceptable id but we should not rely solely on voting card.
- I generally thought the officials handled it well and believe many voted who shouldn't have.
- I heard there were problems (some people who weren't Canadian citizens getting voting cards). We did not see any first hand.
- Too extreme – especially for many seniors who have no photo id. Inconsistent with internet voting security!
- I understand (John O'Gorman e-mail) that there were "problems" – I didn't hear of any.
- Not applicable.
- What security measures? I saw no ID verification take place. One of the helpers at Rouge River Community Centre made several mistakes matching voter cards to names to be crossed off the list.
- Some voters were not Canadian citizens.
- Too few staff.
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- It was a mistake to reduce the number of polling stations and not pleased as to where they were on some of those deleted!
- Moving polling station 105 to the Thornhill Community Centre was a disaster. Instead of walking to the polling station at Johnsvie Village School in Johnsvie Village, they had to get in their car. Result 682 voters in 2000 and about 300 in 2003 (less than half). Move it back ... make it easy to vote.

- I think you could get better voter turnout if you left some of the polls in the large apartments especially Yonge and Royal Orchard Area. There are also a lot of older people in those buildings (especially Gazebo).
- It was a total abuse of the system. Thirty minutes before polls closed there were lines of approximately 50 or more waiting to be verified as voters. Identification was difficult for all polling clerks to accurately check for correct identification. An absolute cut-off the voters list should be done 7 days before Election Day. This will avoid bogus voters and eliminate cheaters.
- No comment.

The application of Markham's Election Sign By-law.

- We need to supply a larger budget for the enforcement side.
 - They did a good job with the available resources.
 - Very friendly and accommodating service.

 - Not enforced as the by-law was intended
 - 1) We need to tighten the by-law
 - 2) Assign several people and trucks from Works and Parks to assist by-laws to sweep all illegal signs during the first week and not return any sign until after election day

 - Unevenly administered.

 - An absolute disgrace with total disregard by many candidates for the by-laws. The signs may very well have exasperated many voters to the point that they did not vote!

 - Needs to be totally reviewed! Town Clerk and staff even disagreed on an interpretation. Suggestions:
 1. No road signs at all (or limited to a number of specific locations).
 2. Only lawn signs and only on private property (where no sidewalks can be on municipal land at front with consent).

 - My task first of all is to win the election. When so many abuse the sign by-law to look for an advantage. I am forced to do the same.

 - Depends on how you look at it. Virtual every election sign on blvd areas was illegal (all too small). Since nothing was done to anybody it was fair. But why not just leave the min size of signs to 0.25m². Second, these were signs almost 1m² on private property especially around polling stations. Also, signs not removed on voting day. There were at the advanced poll.

 - By-law needs important revisions. But notification should have been provided to candidates, of standards to be applied, and increased enforcement should have been carried out.
-
- Regulations are stated in a very obscure manner.
 - Nobody pays attention to them. So to be "competitive" everyone is forced to put up illegal signs.

 - Not applicable – no signs put out

 - It was disappointing to see experienced candidates lead the way in thumbing their noses at the sign by-law. Enforcement was haphazard at best and lacked consistency. Interpretation by by-law enforcement did not coincide with the by-law's wording.

- It was a mock and total disrespect for the sign law. A great number of the cheap plastic signs littered the boulevards. Some candidates felt that their and only their signs should litter the boulevard and consequently created a sign war. Signs were removed by competing candidates, at times totally destroyed. The Town should limit signage to each candidate on any given boulevard.
- Too many illegal signs on regional roads.
- I am still annoyed that by-laws did not interpret the sign by-law as intended by council and writers of the by-law
- I am still upset that large signs remained on lawns from the first day to two days after November 10th, despite two calls to by-laws.
- Replace signs on public property – except extended front lawns with community notice boards.
- I understood that if there was a problem, by-laws would give you 24 hour notice.
- Bill Wiles removed many of my signs (he did an unannounced sweep) including signs on private property.
- When justification was requested none was given
- I was concerned of the sign vandalism and lack of security at the polling station.
- The destruction of signs and the number of signs must be addressed by 2006.
- Election by-law was not enforced by the Town in Ward 6.
- Stricter by-laws should be in place for next election. Limit small cheap plastic signs for each candidate.
- There must be some limit to signs.
- Councillor x per number in ward
- Regional x per number in town

September 16, 2003

Mr. Frank Edwards
Elections Director
101 Town Center Boulevard
Markham, Ontario L3R 9W3
Canada

Re: Pre-Registration Security

Dear Mr. Edwards:

The following will explain ES&S' position and concerns with respect to the issue of voter pre-registration for e-voting currently facing the Town of Markham. ES&S offers its support for what ever decision Markham independently chooses to take with respect to this issue, as long as Markham town officials understand ES&S' position and concerns in advance.

As a basis of contention we would like to report from results taken during two UK pilots conducted this last spring by the Office of the Deputy Prime Minister ("DPM").

Rushmoor, one of the jurisdictions noted in the above pilots, implemented an extra security measure known as a pre-registration period. During this "pre-registration" the user selected one of a series of simple questions (such as favorite place) and then entered the appropriate answer. This was known as the "security question" and the voter was required to answer correctly the security question at the time of voting. The question, though simple in its design, provided an extra assurance against "would-be attackers" who had the ability to manually intercept polling cards. Resultantly, this intrusion would not be able to make use of the credentials or gain access to the system without having knowledge of the voters' answer to the security question. The pre-registration processes as designed for Rushmoor and conducted solely by ES&S.

Resulting figures supplied to ODPM show that the usage of remote e-voting channels during these pilots were comparable to and did not severely differentiate from other pilots which implemented similar types of early e-voting methods. That being said, the e-voting application supplied to Rushmoor neither hindered nor promoted the turnout of voters who choose to vote using an internet option.

ES&S is one of the main providers of an internet based voting solution. With a database of knowledge and experience gained from several implementations of our system, we feel we are sufficiently knowledgeable, and can with great certainty ensure you that pre-registration of information is not only an acceptable, but vital, part of a secure voting system which ES&S is comfortable supporting.

Understanding this, and the issues with which we are faced, we feel confident in the fact that ES&S as the technological partner and supplier of services to the Corporation of the Town of Markham recommend the pre-registration process be considered a best practice.

It is important to remember that with the implementation of services of this nature security should be as strong as possible and that is why we urge the Town of Markham to utilize the pre-registration process.

ES&S strongly recommends that pre-registration be an acceptable and vital process that will increase the security of the overall election.

In the long-term, it will be beneficial for pre-registration to be combined with an overall individual electoral registration process.

Very truly yours,

Jonathon Hollins

cc: Guy Duncan
Eric A. Anderson, Esq.