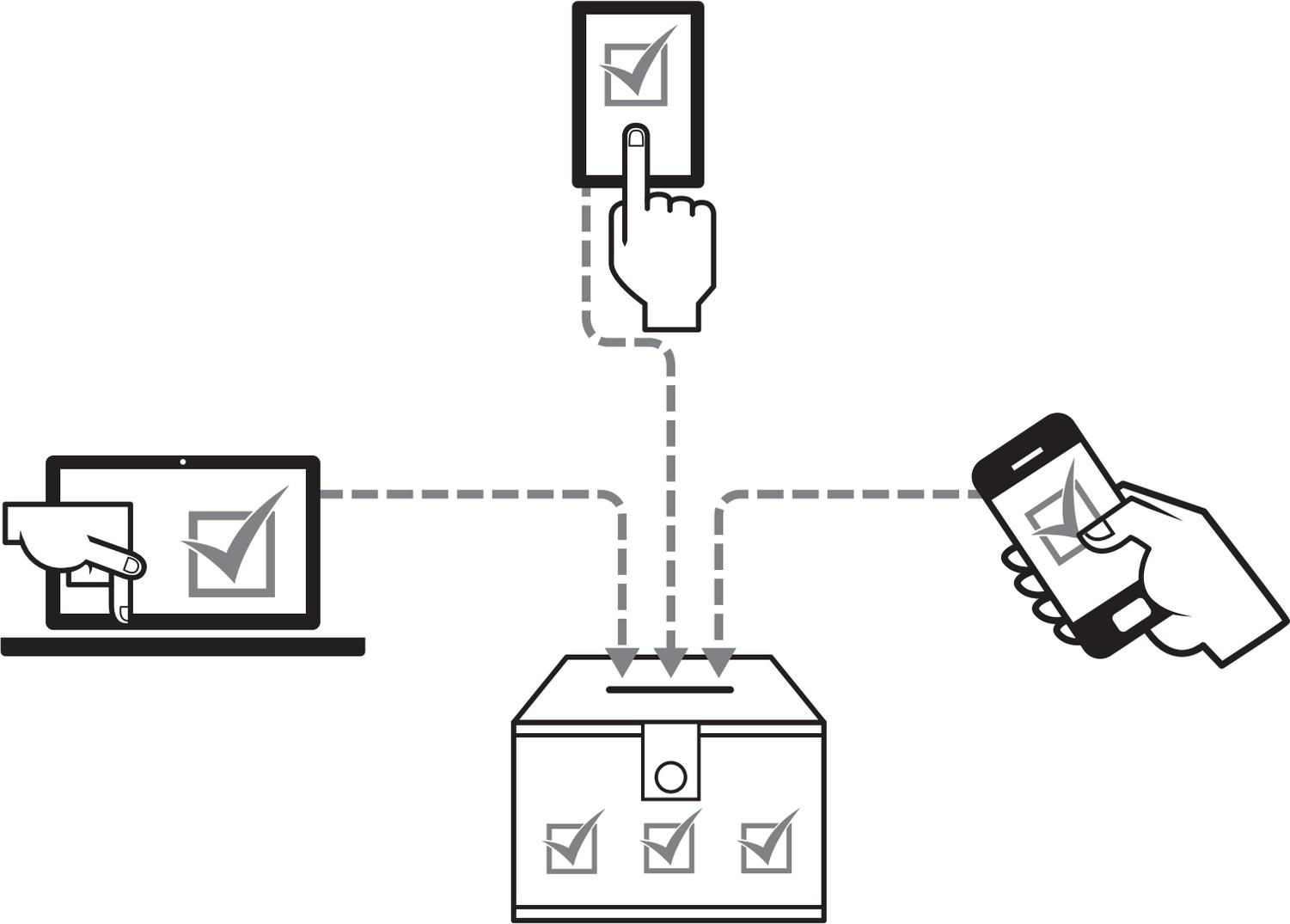


AMCTO POSITION PAPER

TIME TO FIX THE VOTERS' LIST



About AMCTO:

AMCTO represents excellence in local government management and leadership. AMCTO has provided education, accreditation, leadership and implementation expertise for Ontario's municipal professionals for over 75 years.

With approximately 2,200 members working in 98 per cent of municipalities across Ontario, AMCTO is Canada's largest voluntary association of local government professionals, and the leading professional development organization for municipal administrative staff.

Our mission is to provide management and leadership service to municipal professionals through continuous learning opportunities, member support, and legislative advocacy.

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INTRODUCTION

Every four years millions of Ontarians exercise their democratic franchise by voting in municipal elections. Municipal Clerks, as the professionals who administer local government elections, work hard to ensure that these elections are free and fair, and that the right to vote is protected for all who seek to exercise it.

Over the past 20 plus years in Ontario, the rapid expansion of the information age has made elections increasingly more complex to administer. At the same time, citizens have become progressively disengaged and voter turnout for elections at all three levels of government has steadily dropped. In response, election administrators at the municipal level have pioneered the use of electronic tabulators and other new vote-counting technologies and introduced Internet voting alongside a range of other alternative voting methods. Yet, their best efforts to offer a high-level of service, have been consistently compromised by one of the most elementary ingredients of a free and fair election: an accurate list of eligible voters.¹

The voters' list in Ontario is plagued by inaccuracies, and despite previous promises of reform, has remained a thorn in the side of election administrators across the province, and a constant source of frustration for voters. Neither the use of new technology, nor a willingness to explore new methods of voting have altered the reality that every four years municipalities will be provided with a list of electors that is deeply flawed.

The purpose of this position paper is to advocate for a new approach to building the voters' list in Ontario, a position that AMCTO has long supported for its impact on election administration and the integrity of the election process. There are few issues affecting AMCTO's approximately 2,200 members that generate such a visceral reaction as the state of the voters' list for municipal elections in Ontario. The status quo is no longer an option.

PROBLEMS WITH THE CURRENT APPROACH

The current approach to the voters' list has been premised on two underlying assumptions: that municipal elections are particularly susceptible to fraud, and that the property assessment roll should serve as the basis for developing the list of eligible electors.

However valid these building blocks may have been for the creation of our voters' list regime at conception, their relevance for today's context is questionable. For one, since the creation of our current system the risk of voter fraud has decreased significantly. New sophisticated and secure forms of personal identification have been developed, election administration has become more sophisticated, and the penalties for voter fraud have been strengthened. Even

¹ The voters' list in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC). Though MPAC does not explicitly create the "voters' list," they create the Provincial List of Electors (PLE), which forms the voters' list. This paper will refer to the PLE as the "voters' list."

in jurisdictions with alternative systems, such as Alberta where there is no voters' list, there is no evidence to suggest that voter fraud is a significant concern.

Increasingly, there is also little justification for the voters' list to be based on the property assessment roll. Aside from concerns about equity and representation, this system was designed with what data was available, rather than what information was needed. Better sources of information are now available, and using the property assessment role as a starting point is no longer a viable or desirable way to provide this service.

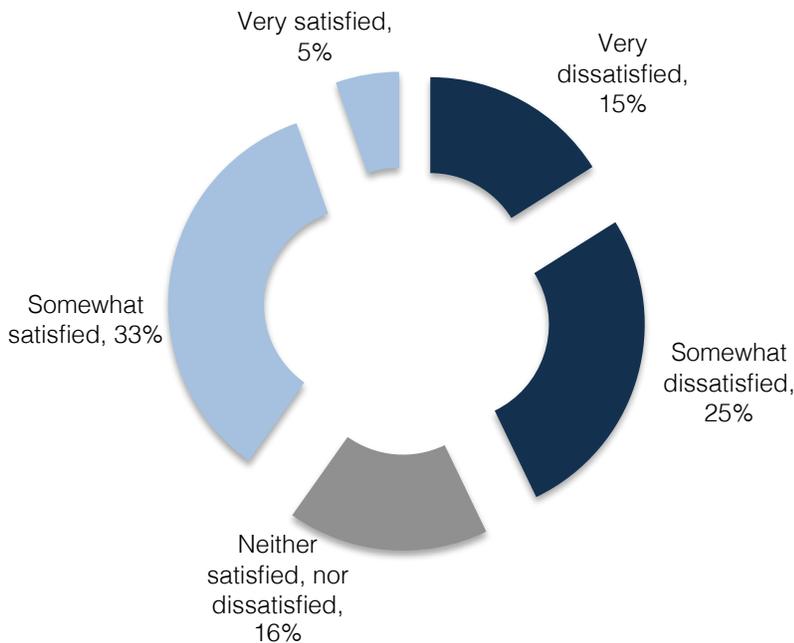
However, the larger concern is that these assumptions have given rise to a method for creating the voters' list that simply does not work. Instead the voters' list is plagued by a host of problems that not only create an administrative nightmare every four years, but also threatens the legitimacy of municipal elections in Ontario.

ACCURACY

The most obvious, and potentially severe problem with the voters list is its inaccuracy. The errors with the voters' list are widespread and systematic. They occur in large and small municipalities, rural and urban, northern and southern, and whether there has been significant voter migration since the last election, or none.

Figure 1:

Overall, how satisfied were you with MPAC's service during the 2014 election?



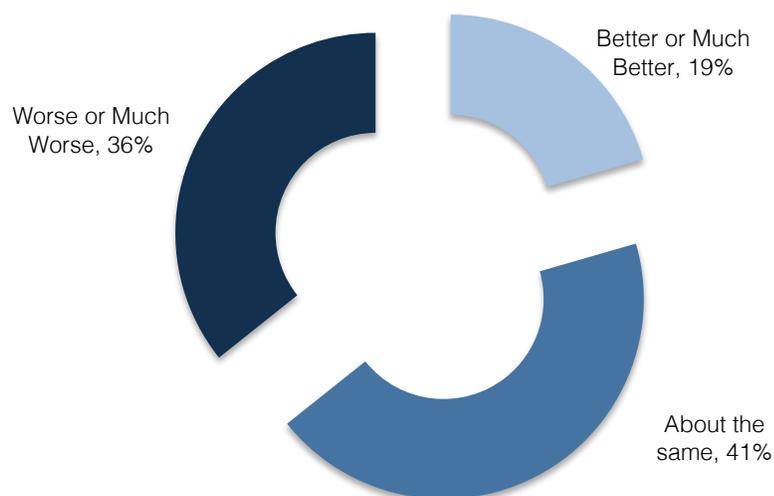
Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

In 2014 for example, data was often incomplete, incorrect or simply inaccurate. Many eligible electors, even those who had voted in the last election in the same municipality, were not on the voters' list, while many ineligible electors were. Election administrators feel this reality acutely. For instance, Figure 1 shows that 40 per cent of respondents to AMCTO's post-election survey were either 'somewhat dissatisfied,' or 'very dissatisfied,' with MPAC's ability to provide accurate and useful data for the 2014 voters' list.

The accuracy of the voters' list was a significant issue during the 2014 election, but it was far from being a novel concern. Following municipal elections in 2010², administrators across the province declared 2010 to be one of the most challenging election years ever experienced, as a result of the volume of errors on the voters' list. However, Figure 2 shows that 36 per cent of respondents to AMCTO's 2014 post-election survey indicated that data supplied by MPAC for the 2014 voters list was 'worse,' or 'much worse' than in 2010, while 41 per cent felt that it was 'about the same.' Clearly this is a situation that is not improving, and indeed appears to be getting worse.

Figure 2:

Compared to 2010, how would you rate the accuracy of MPAC's data in 2014?



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

Creating a voters' list that is 100 per cent accurate is not possible in a province that experiences as much internal and external migration as Ontario. However, there is an acceptable threshold of errors, and our current voters' list does not come close to meeting it.

² AMCTO, *AMCTO Discussion Paper: Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario*, January 30, 2012, 8.

COSTS

While the accuracy of the voters' list is the most consequential concern, it is not the only one. There is also an increasing level of unease about the costs, in staff time and, data storage, cleansing and management that municipalities and MPAC are being forced to pay to maintain a broken system. During the 2010 municipal election, MPAC spent over 4 million dollars to deliver the Preliminary List of Electors (PLE). As Table 1 indicates, however, despite this significant expenditure, municipalities also incurred significant costs to revise and correct the data that they received from MPAC.

Table 1:

Sample of Financial Costs for Municipalities to Revise MPAC Data During 2010 Municipal Election

Activity	Cost, by population		
	87,000	121,000	350,000
MPAC PLE Revisions	\$10,750	\$15,000	\$6,500
Voters' List Revisions	\$15,750	\$20,500	\$15,000
Advance Vote and Election Day Revisions	\$19,500	\$23,600	\$91,500
Post-voting Revisions	\$1,000	\$16,000	\$31,500
Operating expenses (to complete revisions)	\$5,600	\$4,000	\$11,300
Total	\$51,600	\$79,100	\$155,800

Source: AMCTO Discussion Paper: Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario, January 30, 2012, 11

Creating a voters' list is a difficult task, and municipal administrators recognize this. However, municipalities are required to pay MPAC to create the PLE and then spend additional resources correcting it. Several AMCTO members have noted that the current quality relative to costs of the voters' list would not be tolerated in any other procurement process. Surely, the standards for fiscal responsibility and proper stewardship of increasingly scarce taxpayer dollars should apply to the voters' list as well.

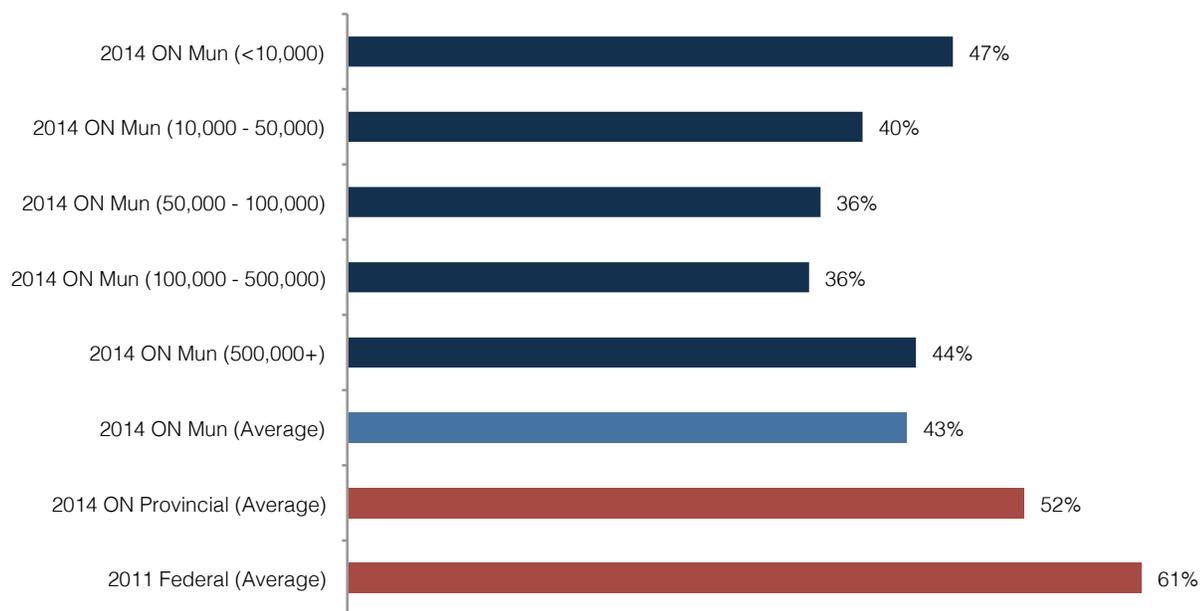
VOTER TURNOUT AND THE DEMOCRATIC PROCESS

There is also mounting concern about the possible effects that the poor quality of the voters' list is having on citizen participation, voter turnout, and the democratic process. Low voter

turnout is a concern at all three levels of government in Canada. However, as seen in Figure 3, participation during municipal elections is especially low.

Figure 3:

Voter Turnout by Population, 2014 Ontario Municipal Election³



Source: AMCTO 2014 Post Election Survey, January 2015 (n=112)

There is no doubt that multiple factors cause citizens to disengage with the democratic process, or forgo voting. A poor quality voters' list is not the sole, or even likely the most important factor contributing to low and declining levels of voter turnout. However, while there are many conditions that election administrators cannot control, ensuring an accurate voters' list is one thing that can be ensured. There is no need to risk inadvertently creating a barrier to eligible electors participating in elections.

ACCESSIBILITY

There is also no need to create unnecessary barriers for the use of alternative and unsupervised voting technologies. The use of unsupervised voting is increasing at a rapid pace in Ontario, especially with respect to Internet voting, with over 20 per cent of municipalities using it in 2014. Similarly, close to 60 per cent of respondents to AMCTO's post-election survey indicated that they would recommend that their municipality use Internet

³ Voter turnout average for the 2014 Ontario Municipal Election is based on responses to AMCTO's 2014 Post-Election Survey, and is not meant to serve as a statistically representative sample of the province as a whole.

voting in the 2018 municipal election⁴. However, unsupervised voting requires an accurate and legitimate list of electors, and the current problems with the voters' list threaten to jeopardize the use of this technology. Some AMCTO members have opted to forgo the data provided by MPAC and create their own lists in order to ensure that their data can be trusted, thus protecting their ability to innovate and make use of alternative forms of voting.

ACCOUNTABILITY

The current approach to the voters list is also bereft of any rational accountability. While Clerks are the mandated authority to administer free and fair elections, they have limited control over the voters' list. This creates a fragmented accountability relationship, where though MPAC is responsible for delivering the data that forms the municipal voters list, they are one step removed from the implementation and delivery of municipal elections. As a result, their accountability to the voter, who relies on the list to exercise their democratic franchise, is unclear. In the eyes of the public the burden of this responsibility rests with the municipality, unfair as that may be.

ONE VOTER, THREE LISTS

The accountability relationship is further complicated by the confusing structure of elections in Ontario, where there is one voter, and three separate voters' lists. Regardless of the merits of this composition, it creates confusion and frustration amongst the public, who wonder why they get a voting card for federal or provincial elections, but not for those at the local level.

The average voter may or may not be able to differentiate the responsibilities or functions of different levels of government, or understand why they are all creating their own separate lists. Regardless, the fragmentation of the one voter, three lists system in Ontario only serves to further confuse, disenchant and disengage Ontarians.

⁴ AMCTO 2014 Post Election Survey, January 2015 (n=112)

WHY NOW?

Concern over the quality of the voters' list is not a new phenomenon, and neither is the desire to see it improved. In December of 2012 representatives of a number of municipalities, associations, and MPAC agreed that a different approach to the voters' list was necessary⁵. Since that time AMCTO has attempted to work with MPAC to find a solution and improve the enumeration process, yet fundamentally nothing has changed. Minor reforms have been implemented, but the larger system has not changed, and therefore not improved.

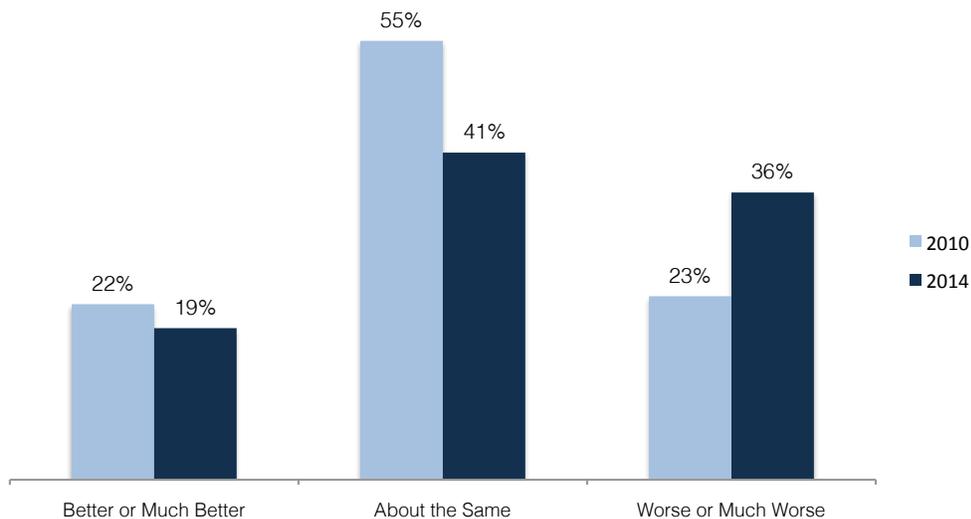
“Something has to be done about the quality of the voters’ list. Each election it is the same excuse and nothing changes.”

—AMCTO Member (Source: AMCTO 2014 Post-Election Survey, January 2015)

The simple truth is that the current system is broken, and cannot be fixed. Since the municipal election in 2010, the quality of data that makes up the voters' list has not improved, and appears to have gotten worse (see Figure 4). Regardless of whether they lack the tools or the access, MPAC has not been able to fix the data for the voters' list, despite their attempts to do so.

Figure 4:

Quality of MPAC’s Data, Compared to Previous Election (2010 and 2014)



Source: AMCTO 2014 Post Election Survey, January-February 2015 (n=112); and, AMCTO 2010 Post Election Survey, February-March 2011 (n=168)

⁵ ICA Associates Inc., Results: Ontario Voters' List Forum, December 5, 2012.

CONCLUSION

Ontario's municipal professionals take pride in being able to offer a high-level of service to the members of their respective communities. However, when it comes to elections their ability to do so is unjustifiably constrained by an unclear, inaccurate, and broken system for managing the voters' list.

There are no shortage of options to create a better outcome for all citizens and stakeholders. In 2012 AMCTO produced a discussion paper, which outlined many of these potential options. The purpose of this paper was not to advocate for a particular solution to the problem, but simply to state that this is a problem that can no longer go unaddressed. It is an issue that affects every citizen, and the very sanctity of the democratic process.