

Discussion Paper

Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario

Discussion Paper developed by

AMCTO

(Association of Municipal Managers, Clerks and Treasurers of Ontario)

January 30, 2012

The AMCTO Board wishes to acknowledge the contribution of the AMCTO Municipal Elections Project Team who helped inform the development of this Discussion Paper. The members of the Team include:

2011 – 2013 Municipal Elections Project Team

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February 13th Update: Deadline for comments extended to March 9th

January 30, 2012

Open letter to all AMCTO members and all stakeholders interested in addressing the issues with the Municipal Voters' List in Ontario

On behalf of the Board of Directors of AMCTO - the Association of Municipal Managers, Clerks and Treasurers of Ontario – I am writing to seek your engagement in a discussion about the issues and options on the use of a Voters' List for municipal elections in Ontario.

There is palpable frustration among our members with being part of a system that is not working effectively. For electors the issue is a simple one. It is best typified by an eligible elector's comment to one of our members: "How is that when it comes to getting me a tax bill, you have little difficulty, but when it comes to getting me on the Voters' List you have difficulty?"

As a professional organization dedicated to municipal excellence we want to do our part to improve this situation. The first step we believe is to get a discussion going about what the issues are, what is causing them and what can be done about them? To that end, AMCTO has prepared the attached Discussion Paper to guide this discussion.

We invite you to consider the three Discussion Questions in this Paper and send comments up to Friday March 2, 2012 to Curry Clifford, CMO, Director, Legislative Services and Government Relations for AMCTO at cclifford@amcto.com.

Comments will be summarized and presented to AMCTO's Municipal Elections Project Team, then discussed by its Legislative Committee and Board of Directors who will determine the Association's final position on the matter. This final position is expected to be released in time for AMCTO's annual conference June 17th to 20th in Ottawa.

Thank you for your interest in improving municipal election administration in Ontario.

Yours truly,

Daniel Gatien, AMCTO
President

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Discussion Paper Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario

February 13th Update: Deadline for comments extended to March 9th

1. What is the purpose of this Discussion Paper?

The purpose of this Discussion Paper is to inform and encourage a discussion among AMCTO members on the key issues with Ontario's current approach to the municipal Voters' List used in election administration in Ontario and to propose both early actions and longer term options for resolving those issues.

AMCTO invites you to consider these three Discussion Questions:

1. *Have the right **Outcomes and Criteria** for assessing the options been identified? Anything missing?*
2. *What is your **preferred option**?*
3. *Are there any **other matters that** AMCTO should consider in formulating its position on the Voters' List?*

2. Where do I send comments and what will be done with my comments?

AMCTO invites you to consider the Discussion Questions and send comments up to Friday March 2, 2012 to Curry Clifford, Director, Legislative Services and Government Relations at cclifford@amcto.com. Comments will be summarized and presented to AMCTO's Municipal Elections Project Team, then discussed by its Legislative Committee and Board of Directors who will determine the Association's final position on the matter. This final position is expected to be released in time for AMCTO's annual conference June 17th to 20th in Ottawa.

3. A Special Note to Readers:

There are few issues affecting the 500 of AMCTO's 2200 members that are involved in election administration that have generated such strong sentiments as the development and management of the Voters' List. There is palpable frustration with being part of a system that is not working effectively. In an effort to provide a detached and critical analysis of the issues at hand, members will appreciate that that this paper may not fully reflect the intensity of these sentiments.

4. Why this Discussion Paper Now, the Assumptions Underlying the Current Approach and Explanation of the Five Key Issues

A number of different issues from a number of different quarters have come together to cause AMCTO to encourage a discussion on the Voters' List matter at this time.

In brief, there are increasing concerns about the current approaches to developing and maintaining the Voters' List including concerns with:

1. the accuracy of the Voters' List– a concern of both electors and election administrators
2. the costs of developing and maintaining the Voters' List– a concern of election administrators, municipal administrators and municipal councils
3. the absence of clear outcome based performance measures and strong business processes to deliver to those outcomes and accountability mechanisms to ensure performance - a concern of election administrators, municipal administrators and municipal councils
4. the risks to personal privacy – a concern of some electors and privacy watchers (includes concern with the distribution as well as the development and maintenance of the List)
5. the extent to which the current approaches may be serving as barriers to voter turnout – a concern of a diverse group of advocates for greater civic participation, including AMCTO.

Understanding these issues and their underlying causes is critical to determining the early actions required and assessing the longer term options that should be considered. While there have been previous efforts to improve the Voters' List and these have been appreciated, they did not have as their purpose addressing these five issues. Their focus was largely on Issues 1 and 2.

Each of these five issues is described in detail below.

The Assumptions Underlying the Current Approach to the Voters' List

Before we get to detailing these issues, it is important to understand how we've arrived at the current approach to the Voters' List. Our research, including interviews with some of the earlier policy makers on this matter, indicates that there are three main assumptions underlying the current approach:

1. A belief that municipal elections were an environment of high risk of voter fraud (both high likelihood and high impact). This has been a key concern of election administrators for many years in most jurisdictions. Having a Voters' List has been seen as an important check on this risk. If an elector's name is not on the Voters' List, then traditionally they could not vote. In Ontario, like in many other jurisdictions, this policy objective of eliminating virtually any risk of voter fraud has come to dominate the considerations for reforming this aspect of election administration.

2. A belief that candidates should be provided at public expense a list of eligible voters in order to undertake their campaigning and canvassing activities. Having a Voters' List enables the canvasser to have a good likelihood of knowing the name of the person that is likely to answer the door or the phone when they are canvassing. It has been especially useful for contacting electors on Voting Day as the names of the electors who have voted are crossed off the list at the Voting Place as they vote and the candidates can then easily determine who has not voted and thus who they need to contact to encourage them to get out and vote.
3. A belief that the property assessment roll should serve as the base for developing a municipal Voter's List. In Ontario, as MPAC is want to say, we don't have a Voters' List database, but rather an assessment database from which a Preliminary List of Electors is built at a specific point in time. (As MPAC has noted to AMCTO: "*per the MEA, 1996, a person cannot be found eligible to vote in a municipal, school board or DSSAB election, unless they can first be identified as an 'owner' or 'tenant'. Such decisions require information about a person's relationship to property. For over 40 years, MPAC and its ministry predecessors have been the only source of such information.*")

Whether these assumptions remain fully valid today needs discussion.

In terms of the first assumption, the risk of voter fraud has been significantly lessened as: much more sophisticated and secure forms of personal identification have since been developed; stronger penalties for voter fraud have been established (and even stronger ones provincially have recently been enacted); a better educated, less easily manipulated population makes up the Ontario of today; the sophistication of election administration has increased.

Today many commentators would suggest that the much greater risk to democracy is too few rather than too many people voting. AMCTO is not aware of any evidence that suggests that those jurisdictions that don't have a Voters' List, such as municipalities in Alberta, have higher incidents of voter fraud.

In terms of the second assumption, the environment has also changed: election campaigning now takes many other forms other than door knocking and, in many communities, relies more on technologies tied to other data sources; there is increasing concern with privacy, especially where the Voters' List is provided to a range of persons assisting the candidate without checks on how it may be used; what is considered a public vs. a private benefit has shifted.

This last item concerns an issue that is emerging about whether the production of a Voters' List should be something that is financed by the public if its use is primarily for what some would regard as a private purpose - campaigning for elected office. This line of argument suggests that if producing a Voters' List is a suitable activity to undertake, then the cost of it should be borne by its users. In the alternative, it should be recognized as an expense of the treasury for promoting political participation in the same way a municipality that issues rebates for political donations recognizes it is making an expenditure related to encouraging political participation - as opposed to an expenses related to election administration. While the distinction may seem

artificial, it is important for accountability reasons to be transparent about the purpose of public spending and to recognize that a choice is being made to spend funds in certain ways.

In terms of the third assumption, again, the public administration orientation of the time is important. Like most government programs of earlier generations, the Voters' List program was designed "inside out" rather than "outside in". That is, the starting point was what could be built out from what was available (what output can be produced), rather than what should be built to serve the public interest (what outcome is desired).

This focus has remained with the discussion going to questions of what are the practical possibilities with the existing systems and refinements to it rather than what are the outcomes desired. Success is viewed based on what today we would call input and output type performance measures, (e.g., number of revision forms processed), rather than outcome type measures, (e.g., level of satisfaction by election administrators with the results achieved).

In today's day and age we would start with determining the outcomes desired and, like with any other well managed service, the client (election administrator in this case) would be involved in determining the outcome standards expected. Without this involvement, it is difficult to ensure accountability by the election administrator.

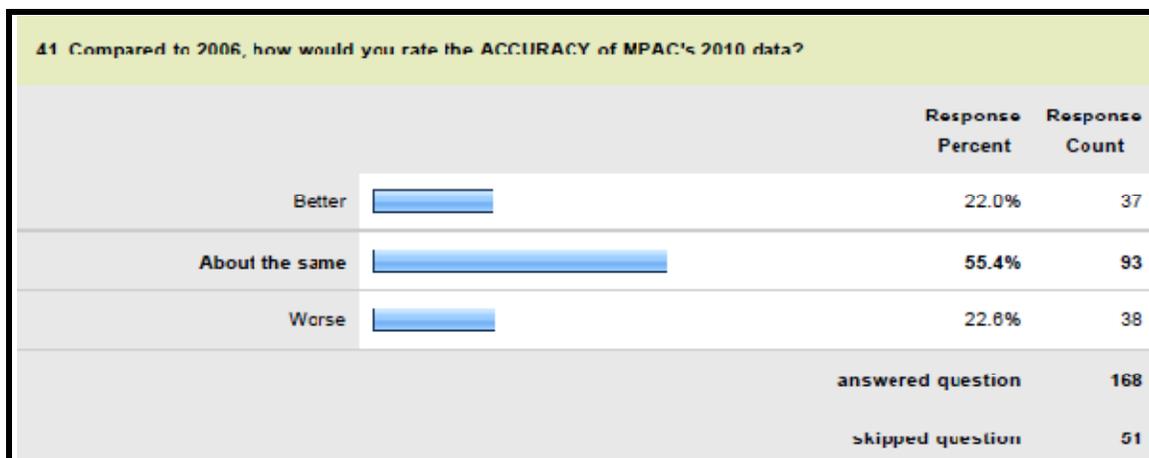
With that context, let's outline the issues...

Issue 1: The Accuracy of the Voters' List

What is the overall perception of accuracy?

Concerns with the validity and the reliability of the Voters' List used in municipal elections in Ontario have been growing. For experienced election administrators, the most recent municipal election (2010) represented one of the most challenging election years ever experienced in terms of the volume of errors with the Voters' List. The errors were varied in type, repeated despite significant efforts by administrators to correct them and widespread, occurring in various parts of the province in both urban and rural municipalities and ones with significant migration of voters and ones without.

AMCTO's 2010 Municipal Elections Survey asked municipal election managers to rate the accuracy of MPAC's data.¹ The results are shown in the chart below.



Survey participants were also asked for their suggestions for how MPAC’s data could be improved for the next municipal election in 2014. Eighty-six of the survey participants offered suggestions. By far the most common area of concern cited was with the processing of the data (the activity between the time when the data is provided to MPAC and when it is returned to the municipality).

There were far fewer but still a significant number of comments about the need to improve the data that is collected before it is processed, especially suggestions for a more robust enumeration and enhanced communication to electors about the importance of taking action to get on the Voters’ List. Some respondents went beyond suggesting where in the process the problems seem to occur to suggesting specific and significant changes in the responsibility for preparing the Voters’ List.

What is the reality about the accuracy?

131 of the respondents responded to this question “What was the total number of Voters’ List revisions that you made in 2010?”

The largest number of respondents (48) reported 100-500 additions; similarly, the largest number of respondents (47) reported 100-500 deletions and 25 respondents reported 100-500 changes. 37 municipalities had fewer than 100 additions; 32 had fewer than 100 deletions and 36 had fewer than 100 changes.

However, some municipalities had significant revisions. The following illustrates those municipalities with significant additions and changes to the List:

Municipality	# of additions	total # of electors
City of Toronto	95,494	1,546,731
City of Ottawa	19,776	607,357
City of Brampton	9,218	260,573
City of Hamilton	7,300	353,000

Municipality	# of changes	total # of electors
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City of Ottawa	84,210	607,357
City of Toronto	52,744	1,546,731
City of Mississauga	13,324	417,919
City of Kitchener	5,799	139,271

Unusually high levels of revisions also occurred in smaller municipalities across the province, e.g., in Brockville with less than 15,000 electors there were 1,511 changes; in Oro-Medonte with less than 17,000 electors there were 875 deletions.

Notably, 26 municipalities reported that in 2010 they removed 41,182 children's names. And over 3,000 duplicated names were reported removed by 46 municipalities.

MPAC, for its part, in its 2010 Post Enumeration Report (April 1, 2011)ⁱⁱ, indicates that for the 2010 election, "Based on a combination of data matching with Elections Canada and MPAC enumeration results, electors were confirmed in 87.9% of all households in Ontario, which is an improvement over the 85.8% in 2006 and 80.22% in 2003."

How does MPAC define accuracy?

There are several different notions of what would constitute an "accurate" Voters' List. MPAC's description of the complexity in arriving at a good measure of accuracy is set out in Appendix 1.

MPAC advises that by its definition, *"the percent accurate rate in 2010 was about 90%, the same as in 2006."*

Whose opinion should we most pay attention to on the matter of accuracy?

The bottom line though is what does all this mean for electors? The issue for electors is a simple one best typified by an eligible elector's comment to one of our members: **"How is that when it comes to getting me a tax bill, you have little difficulty, but when it comes to getting me on the Voters' List you have difficulty?"**

AMCTO, as an organization committed to municipal excellence, believes the public deserves better. That's why we want to get a discussion going about these issues. The discussions below, especially in Issue #3 begin to provide an explanation of what is causing these accuracy issues. First though, to provide some context, here is a brief look at the cost of this service.

Issue 2: The Costs of Developing and Maintaining the Voters' List

There is an increasing level of concern about the costs - in staff time and data storage, cleansing and management costs - on the part of both municipalities and MPAC to develop and maintain the Voters' List. Some municipalities have gone so far as to ask what the MPAC costs are for this activity for their municipality. (Unfortunately, the data is not available at this level.)

What are MPAC's costs?

MPAC's costs alone are estimated at \$4,196,709 to deliver in 2010 a Preliminary List of 9,017,295 Electors (773,174 of whom were non-resident electors) to those organizations conducting elections: 414 municipalities, 24 School Boards and 10 District Social Services Administration Boards. A further \$1,059,000 was spent by MPAC to process some 890,000 revisions – utilizing some 50 temporary staff who, assisted by two supervisors and three specialists manually inputted these changes. (Although the MPAC's cost per revision is actually higher as about 40% of the revisions did not change MPAC's database; MPAC already had the same information, either because the municipalities did not use the exceptions information supplied them in September, or because the information had already been collected through MPAC's normal business processes.) MPAC estimates its total costs related to the Voters' List therefore as \$5,255,709. Divided among the 9 million electors, this amounts to 58 cents per elector.

What are municipalities' costs?

For municipalities, here is a sampling of the costsⁱⁱⁱ:

A municipality of 87,000 electors had spending of \$10,750 in staff costs revising the PLE (correcting for obvious errors), \$15,700 in staff costs revising the Voters' List, \$19,500 in staff costs related to revisions made at Advance Voting Days and on Voting Day, \$1,000 in staff costs processing Post-Voting Day revisions and sending these revisions to MPAC and \$5,650 in operating expenses to undertake these activities for a total of \$51,600.

A municipality of 121,000 electors had spending of \$15,000 in staff costs revising the PLE (correcting for obvious errors), \$20,500 in staff costs revising the Voters' List, \$23,600 in staff costs related to revisions made at Advance Voting Days and on Voting Day, \$16,000 in staff costs processing Post-Voting Day revisions and sending these revisions to MPAC and \$4,000 in operating expenses to undertake these activities for a total of \$79,100.

A municipality of 350,000 electors had spending of \$6,500 in staff costs revising the PLE (correcting for obvious errors), \$15,000 in staff costs revising the Voters' List, \$91,500 in staff costs related to revisions made at Advance Voting Days and on Voting Day, \$31,500 in staff costs processing Post-Voting Day revisions and sending these revisions to MPAC and \$11,300 in operating expenses to undertake these activities for a total of \$155,800.

Overall, it would not be unreasonable to suggest that the municipal sector spends more revising the Voters' List than MPAC spends producing it: \$4.5 million vs. \$4.2 million. And that for every \$1.00 that MPAC spends making a revision, a municipality spends \$4.00 to get the information to the point that it can be revised. And, in total the draw on public resources to create and maintain the voters list exceeds \$10 million. While there is no guarantee that a changed approach would be any less costly, the question remains as to whether good public value is being provided with the current approach. One is reminded of the quip: Why fix the machine producing dented tin cans when you can hire enough people to bang out the dents?

Issue 3: The absence of clear outcome based performance measures and strong business processes to deliver to expected outcomes and accountability mechanisms to address performance gaps.

In the discussion above of Issue 1, the quality of the product was discussed. Those election administrators and municipal administrators who have sought to understand what is causing these difficulties and seek MPAC's engagement in addressing them have brought important insights: They quickly recognize that certain **key ingredients for successful business outcomes are missing**:

- Clear outcome based performance measures to guide this service
- Strong business processes to deliver to high standards
- Effective accountability mechanisms to ensure performance.

AMCTO brings its broader expertise in effective service management to this discussion and suggests that until these issues are addressed, other efforts to improve the Voters' List will not bring the deep and sustained change required.

What is the first step to business improvement?

Other large organizations managing complex data, e.g., insurance companies, hospitals, banks have moved to adopt quality standards and businesses processes that are designed and audited by an outside standards body such as Service Excellence Canada. Ontario municipalities, including the Town of Markham and the Region of Peel have also moved to adopt these quality processes and standards in their operations.

Looking at the current approach on the Voters' List, what a municipal administrator sees as success is measured based on what today we would call input and output type performance measures, (e.g., number of revision forms processed), rather than outcome type measures (e.g., level of satisfaction by election administrators with the results achieved).

The discussion needs to focus at a strategic level on what constitutes an acceptable product. And, like with any other well managed service, the client (election administrator in this case) needs to be involved in determining the outcome standards expected. Without this involvement, it is difficult to ensure accountability by the election administrator.

The Common Measurement Tool (CMT) from the Institute for Citizen Centered Service may offer suitable overall guidance here on **performance outcomes** as it includes such measures as:

- accuracy (and this itself may need to be broken down in the case of this Voters' List service with different expectations for different populations e.g., as students are more transient one doesn't expect the same level of accuracy for student vote count)
- achieved outcome sought- that itself then may in turn have measures in the case of this Voters' List service like: the right revision, delivered to the right person, at the right time, at the right cost (\$ and staff time), in right format, to enable right action.
- courtesy

- responsiveness
- timeliness
- relevance of the response.

Where do things go wrong?

There are many points at which this process is at high risk for error, including:

- No attempt is made to enumerate all eligible electors. Not since 1997 has a full province-wide enumeration mailout been conducted. Instead MPAC enumerates on a continuous and on-going basis; during intervals between election years, MPAC mails out approximately 2.4 million occupancy questionnaires, requesting identical information as collected on Municipal Enumeration Forms (MEFs) ^{iv}
- between the time the preliminary list is delivered and the election (in 2010 July vs. October) when of course many residents move - MPAC estimates up to 8% to 12% of the population moves during this period each year ^v
- not sharing birth and death information between government agencies
- throughout the process as there is still a substantial reliance on accurately processing what in many instances are **hand written** forms and as noted earlier, some 50 temporary staff are employed by MPAC to **manually** input some 890,000 revisions.

MPAC's processing rules themselves can inadvertently mean further errors continue. As an example, for the last set of revisions for the 2010 election, some 17,800 revision forms that election administrators and electors took the time to send to MPAC were not processed because the forms were deemed to be "incomplete". Note that even forms that are otherwise complete but either not signed or not dated are considered "incomplete" as well as those where the 19 digit roll number is missing or where the elector is a tenant and the apartment unit # is not shown. It should be noted that where a roll number is missing, there is a notable effect on operator processing time required for searching and verifying property information.

Lastly, the quality checks in the system are either weak or difficult to implement.

As an example of the first, there is inadequate time (a matter of a few days given the late August delivery of the PLE as noted) provided for election administrators to check the list of several thousand – or, in some case several hundred thousand names - such that errors can continue and not get corrected.

As an example of the second, there is an onerous process for the election administrator to go through to correct the list where they see errors. Manitoba election administrators can draw on whatever sources they have available to make revisions, as they deem suitable. Ontario municipal election administrators do not have this authority.

AMCTO requested on several occasions that a process map be provided to indicate the process MPAC uses for developing and maintaining the Voters' List. The request was met with the material provided in Appendix 2.

What are the real costs of these business process issues?

There are real costs to these process management weaknesses. Aside from the significant public dollars spent as noted above in Issue 2, including municipal staff time completing revisions that are not processed, MPAC was unfortunately unable to provide its more than half a million revisions to Elections Ontario by Spring of 2011 to enable the latter's data to be updated. This represents a significant lost opportunity to provide an improved related service and leaves electors frustrated and confused that they provided one government agency information that couldn't seem to co-ordinate its work with another government agency.

There are also less tangible costs to these weaknesses:

- an elector's perception of the quality of election administration overall can be negative and mistrusting when they discover these many errors in the Voters List
- in the case of a deceased person's name continuing to appear on the list, further emotional distress is caused for the widow or family
- some electors simply choose not to wait or join a long line as they wait for revisions to be made at the voting place - in Toronto, more than 90% of the additions are made at the Voting Place. This is typical of most municipalities.
- Inaccuracies in the list can also serve to under or over calculate election financing thresholds and voter turn out percentages.

What is it about the accountability mechanisms that mean problems are not getting fully addressed?

As noted, many improvements have been made to address the risks and issues. And many problems remain.

Again, returning to the perspective of the municipal administrator, reflecting on their experience with other services that are provided by outside providers, they are frustrated that even if there were outcome based performance standards in place and strong business processes to deliver to these standards, they cannot hold the provider to account when the service does not meet their expectations – and in fact have no formal means of contracting these expectations. While MPAC staff has been prepared to appear before councils and senior municipal staff to explain the performance issues, these are after the fact making it difficult for both MPAC and the municipality to ensure ongoing success on this service.

In conclusion, modernized accountability mechanisms are necessary in order to achieve significant and sustained improvement to the Voters' List service.

Issue 4: The risks to personal privacy

Ontarians and the Ontario's Privacy Commissioner are increasingly growing concerned about privacy. MPAC and municipal clerks experience increasing numbers of electors who directly or indirectly take efforts to remove their names from the Voters' List or not have their name appear, e.g., not return enumeration forms, as they perceive that their privacy is being infringed upon by the provision of this information.

This concern has grown as the number of individuals involved in campaigns has grown and the public's awareness of the election canvassing process has grown. Once aware that candidates demand addresses of voters (not just name and voting location) and that these in turn can be handed over to volunteer campaign workers with few or no controls, some members of the public become increasingly concerned about their privacy. Candidate demands for electronic versions of lists for sorting and auto dialers are also increasing, with the potential for less than honourable uses of the personal information simplified by electronic formats.

Note this concern about privacy can sometimes be confused with the matter of public disclosure of who voted. It is well understood that whether a person voted is not a private matter (unlike who they voted for). The privacy issue here concerns not whether the person voted but disclosure - and uncontrolled use of information - about their address.

Issue 5: The extent to which the current approaches may be serving as barriers to voter turnout

Low levels of voter turnout remain a key concern of many stakeholders - AMCTO amongst them. While there are many, many reasons for this, election administrators by the processes they put in place do not want to inadvertently create barriers to eligible electors voting.

Some administrators and academics suggest that the whole matter of having a Voters' List creates a psychological barrier to eligible electors voting. Getting one's name on the voters list, regardless of whether it is required today to ensure eligibility to vote, is perceived by some electors as what they need to do to vote and they do not care or do not wish, for any number of reasons, privacy among them, to do that. They then conclude, erroneously, that they can't vote.^{vi} Those experts who take this view, suggest that the biggest risk to democracy is people not voting and those barriers to voting need to be systematically removed and point to jurisdictions like Alberta that seems to have successfully managed any significant risks of not having a Voters' List.

5. Early Actions Required to Address the Issues:

As should be clear, there are a host of issues that underlie what the electorate, municipal councils and election administrators experience today when dealing with the Voters' List. A number of options to address these follow.

However, regardless of which option is chosen, each would take some time to implement and in the interim, as long as Ontario continues to have a municipal Voters' List, then certain key changes will be required or these issues will not go away. Instead, they are very likely to worsen.

AMCTO therefore urges the Ministry of Municipal Affairs and Housing, MPAC and the Ministry of Finance to begin early consideration of three critical reforms:

- 1. A review of the Municipal Elections Act (MEA) to ensure the Act reflects the modern privacy concerns of Ontarians.*
- 2. A review of the MEA to ensure an alignment between the responsibility of the Municipal Clerk to conduct an election and the authority of the Municipal Clerk to carry out this responsibility effectively, including ensuring that the authority of the Clerk as set out in Section 22 of the MEA to correct the Voters' List is available at any time, not just between the time of the delivery of the Preliminary List of Electors and September 1st.*
- 3. The development by MPAC of clear outcome based performance measures for the development of the Voters' List, strong business processes to deliver to those outcomes and the establishment of effective accountability mechanisms to ensure this result. The intended actions here by MPAC should be discussed with AMCTO and reported to MPAC's Board and the Ministry of Finance.*

AMCTO will be coming forward early in 2012 with a broader submission on other required reforms to the MEA (and has earlier called for a review of the candidate financing provisions of the MEA), but at this time is suggesting that these three matters be addressed because of both their importance and urgency.

6. Desired Outcomes and Key Criteria for Assessing the Options:

To this point we've explored the three underlying assumptions for how we've gotten to the point we have, discussed the five key issues and suggested some early actions. **This discussion should have informed the outcomes we would want from any options that is implemented.**

The options, it is suggested, should be assessed in terms of their likelihood to generate these outcomes:

1. An acceptable level of accuracy of the Voters' List at the time of voting – a minimum rate of 90% is suggested
2. A cost effective service
3. Acceptable levels of risks to the protection of personal privacy
4. Barriers to voter turn out that are necessary only to avoid a high likelihood and high impact of voter fraud
5. Generally accepted business practices for performance standards, business processes and accountability.

In turn, the criteria for assessing the options, it is suggested, should include:

1. Quality of Product
2. Cost
3. Risk to Privacy
4. Ability to address voter turn out issues without creating unacceptable levels of risk of voter fraud
5. Accountability for high performance.

7. Results of Survey of Municipalities in other Provinces:

To further inform these options, AMCTO sent a survey in the Fall of 2011 to some 31 municipalities of varying size and characteristics in other Canadian provinces, requesting information about Voters' List use/non-use. In total, responses were received from nine municipalities and the results are available by contacting Kathleen Barrett at the AMCTO Office kbarrett@amcto.com.

In general, survey responses reveal a lack of sharing of information amongst the different levels of government and/or other government agencies. For instance, none of the survey respondents were given access to death information or other government data bases to assist with improving the accuracy of the Voters' List. The prevailing complaint amongst respondents regarding the quality of the Voters' List was that its inaccuracy resulted in frustration at the polls for both electors and election staff.

The main reason cited by municipalities using the "no Voters' List" approach was that the Voters' List was chronically inaccurate and too costly for them to maintain.

Notably, some “No Voters’ List” municipalities do not require any form of identification from electors in order to vote. Similarly, there were some respondents that utilize a Voters’ List who do not require any identification from electors, but these are generally the smaller municipalities. The reasons provided for not requiring identification is that it leads to delays at Voting Places. Further, the fact that most jurisdictions allow someone to take an oath swearing to their identity and eligibility to vote (despite having no identification) made some respondents less inclined to see the value of requiring identification.

The most common way to determine the number of ballots required for jurisdictions that utilize the “no Voters’ List” approach, seems to be to rely on census data (conducted by either the municipality or another level/agency of government). The number of people over the age of 18 within the jurisdiction is added up to determine the maximum number of electors. Ballots are then ordered based on a 100% turnout rate and distributed at different voting places based on population.

The majority of survey respondents said they would continue utilizing their current method for administering elections.

There were a small number of respondents who said they are exploring the introduction of identification requirements into their election process.

8. Analysis of Options:

Option 1: No List

Under this option, municipal elections in Ontario, like in Alberta, would be conducted without a Voters' List. There would be no requirement for the municipality to prepare a Voters' List prior to the electoral event. Instead, voters would be required to bring identification and, failing that, complete a declaration of electoral qualification form at the Voting Place. All addresses within a municipality could receive an electoral event notification card which would outline elector qualifications and provide voting information such as location, time, date, etc. As a result, all "potential" electors would be informed of the event and would have the option of participating in the electoral event. Legislative changes would be required to authorize this option.

Benefits:

- This is a very inclusive option. It sends a message that government is interested in electors voting and is removing any perceived barriers to this important civic activity.
- This is the least cost option. Depending on implementation approaches, potential savings to MPAC from the status quo could well be in the \$5 million range. Savings to the municipal sector could be in the \$4.5 million range. As other options may require additional investments than what is currently spent, the cost comparative advantage of this option is greater than these figures which show comparisons to the status quo.
- This option offers the highest benefit in terms of personal privacy. Electors, concerned about their name appearing on a public Voters' List or with unregulated candidates and their canvassers being able to identify their address, would no longer have to have such concerns, yet they could still vote and with more ease than is currently the case.
- The voter information mailing cards could be produced earlier in the election year, smoothing out the peak load burden on election administration staff.

Risks:

- Currently, there is no feasible means of conducting an Internet, mail and/or telephone type election without a Voters' List.
- This option may create a risk of voter fraud, e.g., electors voting multiple times, although the likelihood and impact of such a risk would need to be assessed based on a range of local factors. A range of measures could accompany this option to mitigate these risks, including higher penalties (to mirror the recently increased penalties under the Ontario Election Act) and technology that would permit live recording of an elector's name once they have voted. A large and well-organized outreach strategy would have to be carried out in order to communicate to the public that the integrity of the election was not at risk. This strategy would have to take into account immigrant populations and cultural nuances.

- Candidates would have to rely on other information sources to determine potential electors and may object to not having this ready information tool available for canvassing.
- Municipal election administrators may have to spend much longer determining the logistics of each voting location in order for this option to work. For example, how many staff would be required at each location? How many different kinds of ballots?
- Calculating the number of electors for election financing purposes would be less precise and would need to rely on estimates and information other than the Voters' List.

Option 2: List Maintained by Municipal Clerk with Client Driven Standards which could include Voter Registration System (MPAC is provider of data but does not maintain it)

Under this option, the sole responsibility for administering the Voters' List would be with the Municipal Clerk using different sources of information (including MPAC data) provided that the List complied with the principles of the *Municipal Elections Act*. A voter registration system would have to be developed internally or be bought from a vendor. The register would be a permanent ongoing register, which would be open to applications at any time. It would be important to identify which key sources of information could be used to inform this register. Outcome type client driven standards would also need to be developed. The Common Measurement Tool (CMT) may be incorporated into this, but there would need to be a clear definition of what the acceptable terms of service for the List would be. These outcome expectations would be set sector wide (with AMCTO perhaps serving as the coordinating body to develop such standards on behalf of municipal election administrators) rather than standards specific to each individual 400+ municipalities.

Municipal election administrators would also have a choice under this option to choose whether they want to maintain their own List using various sources of information or to use the one generated by MPAC if they do not have the capacity to maintain their own List. The Municipal Clerk would be permitted to access the necessary data to support the compilation of a List. This would go far beyond the limited scope currently provided by Section 22(2) that while it gives the Municipal Clerk the authority to "use any information that is in the local municipality's custody or control" it is an authority only available during a very limited time frame. Legislative changes would be required to implement this option.

Benefits:

- Improved likelihood of a higher quality product – as product produced to client driven standards - and municipal election administrators would be able to pull information from their own database and maintain a List that has likelihood in some cases to be much more accurate because it's centered on information that is collected by the municipality.
- Improved accountability for high performance - increased transparency and accountability for results and incentive for improvement – election administrators would be incented to know where the mistakes are made in their own List and make changes accordingly.
- This option would continue the principle that Canadian jurisdictions maintain responsibility for collecting electoral data.
- Would increase opportunity for innovation, flexibility and reduce dependence on a monopoly provider, allowing Municipal Clerks to use different sources of information rather than being dependent on MPAC.
- Candidates are likely to be supportive of this option as it provides a continued and potentially better service for them, unless the service is recognized as primarily providing a private rather than public benefit, in which case they would not likely be supportive.
- May mean marginal improvements in voter turn out with more electors on the Voters' List should they perceive this is necessary in order to vote.

Risks:

- One of the higher cost options for municipalities as they not only would need to continue to deal with the Voters' List, but have direct responsibility for maintaining it. The economy of scale created by having one agency rather than hundreds of election administrators provide the service would be lost. This option may prove to be time consuming and expensive for smaller municipalities that lack the personnel and technology to maintain a Voters' List – would likely mean much more than the 58 cents per elector cost now achieved by spreading MPAC's costs over a base of 9 million electors. Would also need to be accompanied by significant business process improvements to avoid significant cost escalation arising from improved quality.
- Voting Place staff would continue to have to add voters to the List at the Voting Place which, current litigation suggests, could be fatal to the result if technical errors are made.
- Does not address current risk with protection of personal privacy and may introduce new privacy issues for the Municipal Clerk to manage.

Option 3: List Maintained with split responsibility between the Municipal Clerk and MPAC to Client Driven Standards

This is very similar to the status quo with the distinguishing features being that (a) client standards are clearly articulated – the Common Measurement Tool (CMT) may be incorporated into this and again, like in Option 2, these outcome expectations would be set sector wide (with AMCTO perhaps serving as the coordinating body to develop such standards on behalf of municipal election administrators) rather than standards specific to each individual 400+ municipalities) and (b) like in other jurisdictions, the Municipal Clerk could draw on other data sources to ensure an up to date List – and legislative changes would be required to permit the Municipal Clerk access to the necessary data to do this.

Benefits:

- Improved likelihood of a higher quality product as product produced to client driven standards.
- MPAC already has the mechanisms in place to administer the Voters' List.
- Helps to address key municipal concerns with accountability for and expected types of and levels of performance for this service – to specified outcomes, rather than inputs – by streamlining and simplifying existing processes to meet the expected outcomes.
- Candidates are likely to be supportive of this option as it provides a continued and potentially better service for them unless the service is recognized as primarily providing a private rather than public benefit, in which case they would not likely be supportive.

Risks:

- Would need to be accompanied by significant business process improvements to avoid significant cost escalation arising from improved quality.
- Because MPAC's primary business activity is property assessment, the generation of the Voters' List is only a small component of its workload. As a result, the MPAC database operates on business rules that are designed to fulfill the obligations of property assessment valuation, not the collection of elector information, creating risks to producing a product to client standards.
- Voting Place staff would continue to have to add voters to the List at the Voting Place which, current litigation suggests, is fatal to the result if technical errors are made
- Some of the existing accountability issues may remain as in any environment where responsibility is split.
- Does not address current risks with protection of personal privacy.

Option 4: List maintained solely by MPAC to Client Driven Standards

Under this option, the Voters' List would be almost completely the responsibility of MPAC with clearly articulated standards. Again, like in Option 2 and 3 the Common Measurement Tool (CMT) may be incorporated into this and outcome expectations would be set sector wide (with AMCTO perhaps serving as the coordinating body to develop such standards on behalf of municipal election administrators) rather than standards specific to each individual 400+ municipalities) The municipal election administrator would not have a role in the revision of the list except corrections done at the Voting Place; potential electors would have to approach MPAC in order to add their name to the list or to delete it. MPAC would deliver a List closer to Voting Day based on the revisions they receive and process. There would also be a formal agreement and/or legislated outcome type standards about what the client standards are. Legislative changes would be required to implement this option.

Benefits:

- Improved likelihood of a higher quality product – developed to client driven standards.
- Reduces the burden on municipalities to revise the Voters' List and go through them with a “fine tooth comb” in order to spot inaccuracies.
- Clarifies accountability for performance - formalizes performance expectations – focuses on outcomes rather than inputs of the process - introducing modern contract management practices into this area of municipal administration.
- Candidates are likely to be supportive of this option as it provides a continued and potentially better service for them unless the service is recognized as primarily providing a private rather than public benefit, in which case they would not likely be supportive.

Risks:

- Would need to be accompanied by significant business process improvements to avoid significant cost escalation arising from improved quality.
- The Municipal Clerk would still have to have a role in building the Voters' List on some level.
- The source data would remain the assessment database which is not developed for election purposes.
- Voting Place staff would continue to have to add voters to the List at the Voting Place which, current litigation suggests, could be fatal to the result if technical errors are made.
- The Voters' List is an integral part of the electoral process and to have it in the hands of a third party may undermine the electoral process, especially as the processes to compile the List are unclear.
- It would be difficult to maintain accountability without governance level support from MPAC and the provincial government.
- Does not address current risks with protection of personal privacy.

Option 5: ONE List for all election purposes (local, provincial, federal) maintained to Client Driven Standards.

Election administrators at each order of government would jointly develop the ONE list. Mechanisms would need to be established to determine responsibility and processes for revision. Again, client driven standards would need to be clearly articulated and like the earlier options, the Common Measurement Tool (CMT) may be incorporated into this and outcome expectations would be set sector wide (with Elections Ontario, Elections Canada and perhaps AMCTO jointly serving as the coordinating body to develop such standards on behalf of election administrators) rather than standards specific to each individual 400+ municipalities and the Ontario and federal election administrators) Complex legislative change by each order of government would be required to implement this option.

Benefits:

- Improved likelihood of a higher quality product – developed to client driven standards.
- Voter centered approach to the issue of the Voters List.
- Database to create the List would not be developed for purposes other than election administration, e.g., not generated for purposes of property assessment.
- Fosters convergence of efforts between MPAC, Municipal Clerks, Elections Ontario and Elections Canada.
- Potential to increase accuracy as lists updated more frequently.
- Potential to share costs of Voters List development and maintenance.

Risks:

- Would need to be accompanied by significant business process improvements to avoid significant cost escalation arising from improved quality.
- Significant start up costs to develop ONE List.
- Key dependencies would be legislative changes by each order of government to permit inter-jurisdictional sharing of information.
- Considerable political support at each order of government required to support ONE List option.
- Considerable re-working of ONE List required for local election purposes to recognize that unlike provincial and federal elections, electors in local elections can vote more than once on Voting Day, e.g., there are more than 750,000 non-resident electors and electors can vote in both municipal and school board elections.
- Does not address current risks with protection of personal privacy.

Option 6: Hybrid of Option 1 (No List) and Option 2, 3 or 4 (required List).

Under this Option, a municipality could opt to either (a) not have a List or (b) have a List using the particular approach established for Ontario municipalities (one of Option 2, 3 or 4). Legislative changes would be required to accommodate this hybrid option.

Benefits:

- allows for local choice based on local preference.
- those municipalities using the No List option would have the benefits outlined for that option in Option 1 and those using the other Option would have the benefits outlined for that respective Option.

Risks:

- high risk of confusion for voters experiencing different rules from one municipality to another about basic voting matters as is experienced, as an example, currently with differing ID requirements.
- those municipalities using the No List option would face the risks outlined for that option in Option 1 and those using the other Option would face the risks outlined for that respective Option.

February 13th Update: Deadline for comments extended to March 9th

9. Key Discussion Questions & Next Steps

This Discussion Paper has sought to explain the underlying assumptions for the current approach to the Voters' List used in municipal elections in Ontario, identify the key issues and has suggested three immediate measures. Desired outcomes and criteria for assessing the options and six options and an analysis of them have been provided.

AMCTO invites you to consider these Three Discussion Questions:

1. *Have the right **Outcomes and Criteria** for assessing the options been identified? Anything missing?*
2. *What is your **preferred option**?*
3. *Are there any **other matters that** AMCTO should consider in formulating its position on the Voters' List?*

Where and by when do I need to send my comments?

Comments will be accepted up to Friday March 2, 2012. They should be directed to Curry Clifford, Director, Legislative Services and Government Relations at cclifford@amcto.com.

What happens next?

Comments will be summarized and presented to AMCTO's Municipal Elections Project Team, then discussed by its Legislative Committee and Board of Directors who will determine the Association's final position on the matter. This final position is expected to be released in time for AMCTO's annual conference June 17th to 20th in Ottawa.

Appendix 1

MPAC's Definition of Accuracy for Voters' List Purposes

MPAC has provided AMCTO the following comments on the matter of Voters' List accuracy:

"It's unlikely everyone has the same concept of 'accuracy'. From a voters' list perspective, there are 4 components of accuracy; what is sometimes called the 4 'C's:

Currency: the right names at the right address at the right time

Correctness: all name and address information is correct (e.g. spelling, birth date, street type, etc.)

Completeness: all name and address information is present (e.g. middle name, street direction, etc.)

Coverage: all electors in a given jurisdiction are included on the list.

Can everyone agree on which measures are actually important for purposes of voting? If a person's middle name is missing or their birth year is 1979 instead of 1929, will this impact the elector? Secondly, what standard does one use to measure such things; who or what is the authority? If address accuracy software, sanctioned by Canada Post, changes the spelling of a street name to something different than what appears in the municipal by-law, will this impact the elector? And thirdly, how do you measure this data? Should the accuracy of the PLE /VNF be measured on the day it is delivered, the day before the revision period starts, or on Voting Day? Perhaps what is important is not so much raw 'accuracy', but 'functional accuracy'; what actually impacts the elector.

MPAC employs many accuracy checks of different types across multiple non-enumeration business activities that none-the-less, have an impact on enumeration products. Beginning at the data entry stage, process controls are applied to ensure 100% transcription accuracy. This assumes of course that the data itself does not contain errors, or that one correctly reads a '7' even though what is written looks like a '2'. This may impact the voters' list. At the field level, property inspections, for example, may result in a property's tax class being changed from residential to commercial. This will impact the voters' list. Or the owner of a multi-residential building may decide to turn his units into time-share condos. This will impact the voters' list. These and many other 'assessment' activities affect the voters' list, not just because they change data but because they change the eligibility factors affecting persons associated with these properties. At which points do you measure accuracy with respect to the voters' list?

Prior to and during an election year, MPAC also engages in data quality checks using database scans that look for certain 'suspicious' conditions. For example, in the same municipality but at different households, find the same name, each with a 'residency' code of 'U' ("I live here"). Another check looks at all persons with a birth date prior to 1900. Or this one, compare the property code of a 'plex' to the number of subordinate entries (they should match). All have the potential to affect the voters' list.

For purposes of municipal elections, MPAC has two points at which measures are taken; at the conclusion of the enumeration event ('household confirmation') and immediately after the election event ('list confirmation').

'Household Confirmation' consists of two components

- 1. data matching against another source of similar data, collected using different methods than MPAC, and from different sources (National Register of Electors - Elections Canada)*
- 2. returns of a targeted mailout of pre-populated Municipal Enumeration Forms (MEFs).*

Here's a simplified example of the math:

- 100 MPAC households are matched at the name level with 100 NROE households; the result is a 75% match*
- the 25 unmatched households are sent a MEF; of these 10 are returned to MPAC, some with changes, some without*
- therefore, the 'Household Confirmation' rate = 85% (75 + 10)*

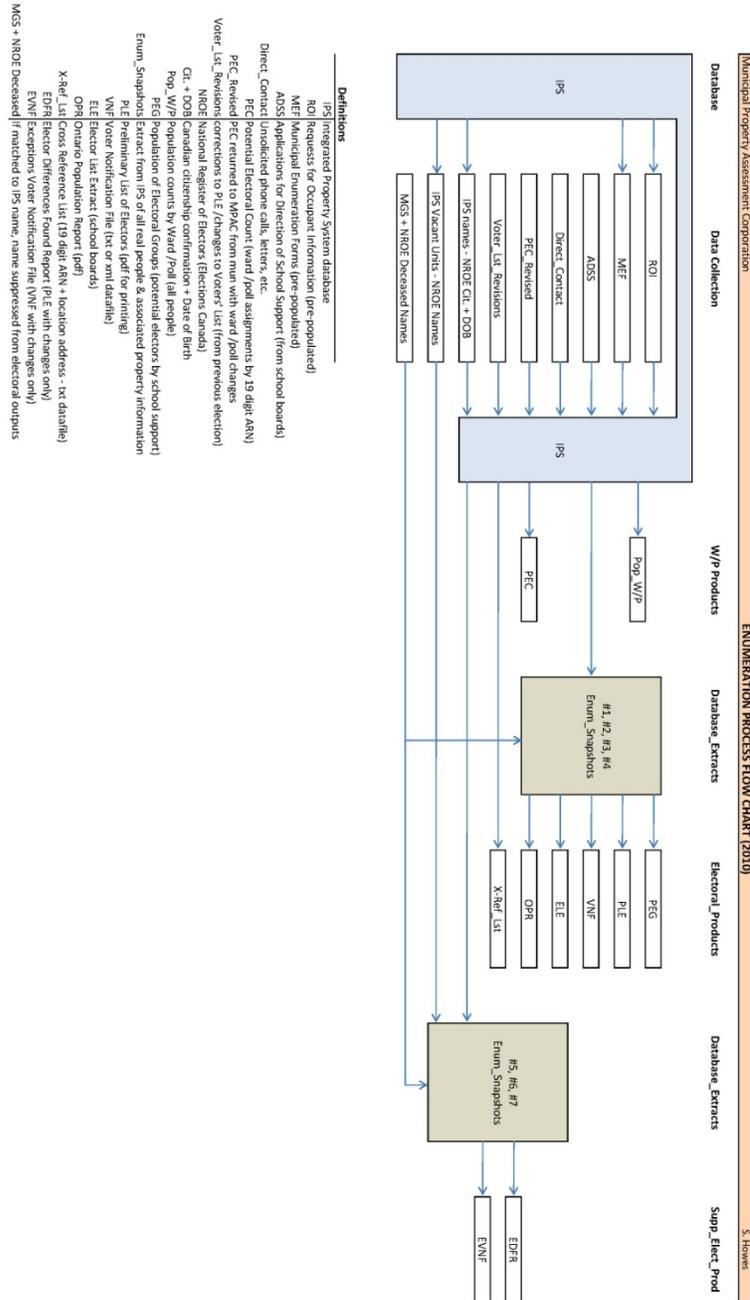
The over-riding caveat regarding 'Household Confirmation' is that it is a 'point-in-time' measure.

'List Confirmation' looks at the total number of electors provided on the official PLE /VNF and compares this to the total number of revisions received. In 2010, the total preliminary elector count was over 9,000,000; total revisions received were about 880,000 for a 'List Confirmation' rate of 90%. Obviously, this over-simplified approach does not take into account the number of revisions MPAC actually allowed into its system. For example: if a municipality adds an 'owner' name to a property but the name cannot be confirmed through Land Registry Office records, is the revision a valid one, or should this revision be excluded from the count? Similarly, if the municipality adds an elector at an address that identifies the location of an elementary school, is this a list quality issue? The 'list confirmation' measure also does not allow for the passage of time. Is it fair to measure accuracy of a list produced in July by using information not available until September (i.e. new home owner, new tenant, recently deceased person, etc.)?

It should be noted that about two (2) dozen municipalities did not submit any revisions in 2010. Should this somehow be factored into the measure, since it's unknown if they actually had no corrections, or if they were simply not complying with the Act? That said, given the number of municipalities with very small voter counts, it's not unreasonable to expect situations where no corrections are necessary. It is worth noting that in past elections, Elections Canada has considered as much as one quarter of the post-election revisions submitted by their District Returning Offices to be suspect and as a result, they required additional investigation and validation.

With respect to measuring list accuracy, MPAC cannot use the same techniques employed by other electoral agencies. These techniques are typically used for producing 'coverage' and 'currency' measures. The first measure relies on statistical computations involving estimates of population size compared to the number of names on a voter's list. The second measure is a function of Stats Canada's mobility and death figures extrapolated to a given Electoral District. Such measures are difficult to apply at the municipal level because school board, DSSAB (District Social Services Administration Board) and the non-resident elector are defined by non-standard geographical boundaries and by different eligibility factors, neither of which correspond to standard approaches or definitions of population counts."

MPAC's Voters' List Process Map



Endnotes

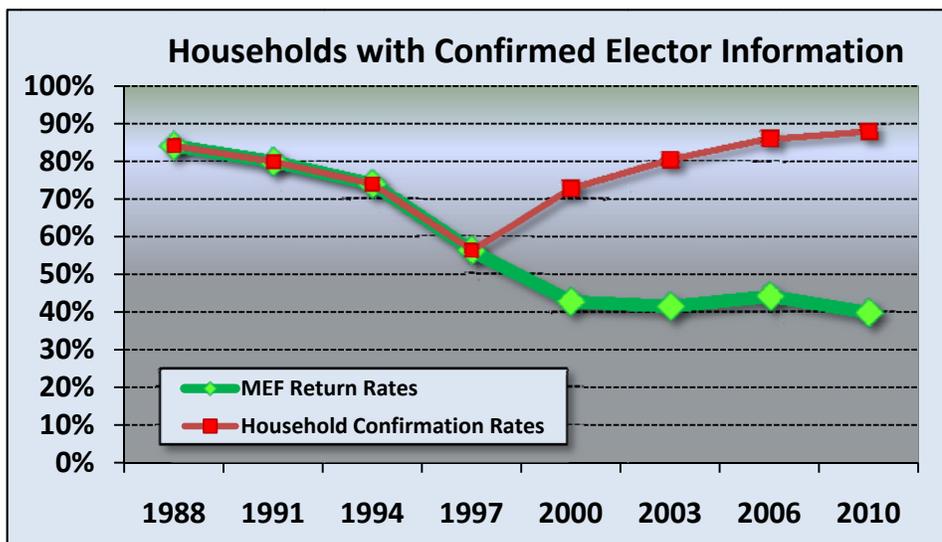
ⁱ For a copy of AMCTO's report on the results of the 2010 Municipal Elections Survey, go to: (http://www.amcto.com/imis15/content/ELECTIONS/Other_Resources_Folder/Surveys_Folder/2010_AMCTO_Municipal_Election_Survey_Report.aspx). For non-members, please contact the AMCTO office at 905-602-4294 ext 230 to obtain a copy.

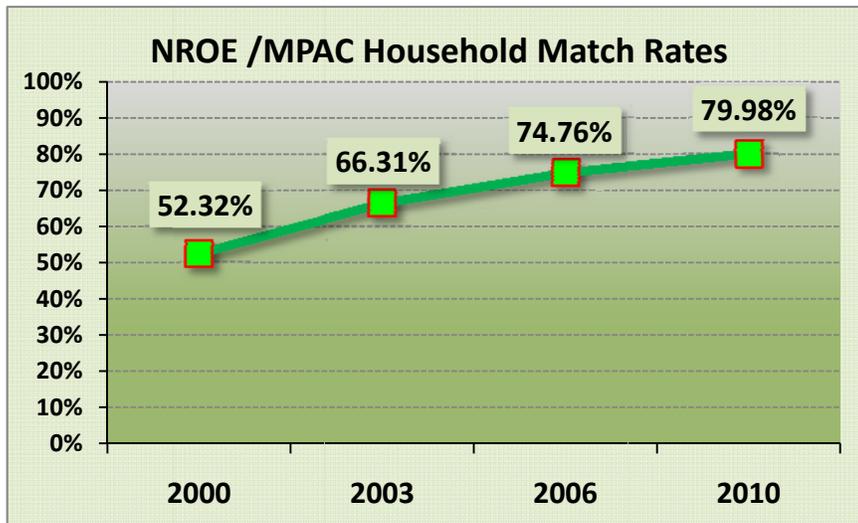
ⁱⁱ For a copy of MPAC's 2010 Post Enumeration report please contact MPAC.

ⁱⁱⁱ Costs here include: staff costs re.: revising the PLE (correcting for obvious errors); advertising costs – advertisements for revisions to the list; staff costs re.: revising the Voters' List; Data Fix costs; costs of Advance and Voting Day Revision Clerk Salaries or where no specific staff assigned to this function, the estimated costs for that portion of the election administration staff time that is spent on this activity; staff costs re.: costs of processing Post-Voting Day revisions and sending to MPAC; costs of producing the Revision Forms.

^{iv} MPAC notes *"The following chart captures the Household Confirmation rates based on MEF returns both before targeted enumeration was introduced and after. The ROI return rates are similar to those of the MEF. The only difference is the method of targeting. MEF targeting is based on a comparison of MPAC and Elections Canada data. ROI targeting is based on owner and tenant changes as they relate to property. Targeting ensures that households where MPAC already has the correct information are not enumerated. For example, although the overall MEF return rates since 2000 have remained fairly stable at or around 40%, the percentage of those returns containing new information rose from around 60% in 2006 to over 70% in 2010.*

Between 1988, when the MEF was introduced, and 2000 when targeting was adopted, as many as 7 million MEFs would have been mailed out depending on the approach taken in a particular enumeration year (a mailout of that magnitude today would cost MPAC and its member municipalities up to \$10 M). For example, in 1997, a second MEF mailing was done for every household not returning a MEF from the first mailing, and in 1988, a door-to-door enumeration was conducted for every household not returning a MEF; the return rate at the door was 12%."





^v As an update, MPAC in an August 17, 2011 letter to the Clerk of Kawartha Lakes noted “MPAC has long advocated for changes to provincial legislation that would improve the accuracy of the PLE (Preliminary List of Electors). For example, for the 2010 election for the first time MPAC was permitted to deliver the PLE after July 31. A late August delivery, in combination with Voting Day that was two weeks earlier, meant the average PLE was at least 10% more current than in previous election years.”

MPAC has since clarified that what was intended to be expressed here was that there was a 10 percentage point improvement rather than a 10 per cent improvement. This is a significant improvement. However, as noted below, moving the date for delivery of the PLE out further without extending the overall time frames, has left election administrators a matter of a few days rather than a few weeks to review the list and correct for errors.

(MPAC has noted the number of municipal election administrators recipients that do not take advantage of updated information MPAC provided during September: “In addition to the 10% of those requesting a PLE that do not even order an Elector Differences Found Report, analysis of processed electronic based Voters’ List revisions suggests that many are not using the information provided on the Exceptions Voter Notification Files. This updated information, totaling over 710,000 changes to the PLE /VNF for all municipalities in the province, consisted of 300,000 new names, 223,000 names to delete, and 187,000 information changes to existing names.”)

^{vi} See "Explaining the Turnout Decline in Canadian Federal Elections". *Elections Canada*. 05 March 2007.