

STAFF REPORT: ADMINISTRATION



REPORT TO: Council
MEETING DATE: January 15, 2007
REPORT NO.: A.07.01
SUBJECT: 2006 Municipal Election Review
PREPARED BY: Stephen Keast, Clerk
Serena Wilgress, Deputy Clerk

A. Recommendations

THAT Council receive Staff Report A.07.01, 2006 Municipal Election Review, for information purposes.

B. Background

The 2006 Municipal Election was conducted using alternative voting methods, as enabled by the *Municipal Elections Act, 1996*. The election process was vote by mail as supplied by DataFix including DataFix Municipal Voter View (MVV) voter's list software.

Ballots were processed using electronic tabulators supplied by Dominion Voting Systems.

Vote by mail return envelopes were accepted at the Town Office up to and including November 13, 2006 (election day) until 4:30 pm, and on November 13 only, at the Beaver Valley Community Centre from 10:00 am to 8:00 pm. The Post Office was closed Saturday, November 11 and Monday, November 13, however, all Post Offices completed a second sweep of posted mail late Friday afternoon and Town Staff attended Collingwood, Thornbury and Clarksburg Post Offices at 5:30 pm to collect yellow return envelopes, storefront postal locations reporting earlier in the afternoon to the sorting centres.

Final results were presented at approximately 9:35 pm at the BVCC.

3,671 ballots were cast from a closing voter's list total of 10,722, representing a 34% turnout, virtually identical to the 2003 election (3,615 votes cast on a final voter's list of 10,450 equaling 34%, the Clerk earlier having mistakenly referred to a 2003 voter turnout of approximately 32%). While it is widely believed utilization of the vote by mail process increases voter participation, it could be said subjectively that the 2003 election had a higher profile than did the 2006 event. The 2006 Provincial municipal average turnout was 40.18%.

Approximately 500 ballots were rejected (414 as of close on Friday) and if these ballots were suitable for counting, the turnout would have been approximately 39%, up 5% from 2003.

68 yellow return envelopes were returned after November 13.

With regard to the voter's list, closing in 2003 at a total of 10,450 voters and in 2006 at a total of 10,722 voters, certain matters should be noted. Firstly, a significant number of duplicated names were removed for the 2006 list and a good number of deceased persons names were also removed. Secondly, 440 undeliverable vote by mail kits were returned following the initial mailing and these names were deleted from the list, an expensive but one-time enumeration exercise. Had the MVV software been utilized in the 2003 election, the final voter total would have been significantly less than 10,450.

Component Summary

Vote by Mail kits

The writers had no experience with vote by mail prior to the 2006 election. The Town of Collingwood used vote by mail in 2000 and 2003 and the Municipality of Meaford used vote by mail in 2003. The Town of Collingwood used DataFix and Dominion tabulators in 2006 as did The Blue Mountains, Meaford using DataFix but with a manual count of ballots.

The vote by mail ballot kits were identical in Meaford, The Blue Mountains and Collingwood, other than Meaford instructions referred to an "X" rather than filling in a box as tabulators were not used. As reported in the media, early in the return process it was noted in many vote by mail municipalities that return yellow envelopes were being received that did not conform to the instructions, i.e. either the Voter Declaration Form was not signed or was not present, i.e. the Form might be sealed in the Ballot Secrecy Envelope.

The Blue Mountains and Collingwood jointly considered policy to address the processing of the non-conforming ballots and approximately 160 ballots were tabulated in this manner, the vast majority of rejected ballots having an un-signed Form or having no Form present. During the tabulation process ballots may also be rejected for more traditional reasons.

The attached Globe and Mail article dated December 6, 2006 recounts municipalities that have received applications to appear before the Superior Court of Justice with requests for the Judge to rule they should have opened Secrecy Envelopes in an attempt to address the non-conforming return envelopes, the Judge subsequently ruling the secrecy envelopes be opened to determine if Voter Declaration Forms were present and if so, the ballots be tabulated.

Up to November 10, where a return yellow envelope contained an unsigned Form and where a telephone number could be obtained, local or long distance, the voter was called once and asked to attend the Town Office to sign the declaration. Approximately 50 ballots were processed in this manner.

Where a voter believed they did not sign the Voter Declaration Form, a declaration was signed by the voter and a blank vote by mail ballot kit was issued with the voter's name written on the Form. During processing of the return yellow envelope the voter's name is marked off from the electronic voter's list as having voted and the software will reject any subsequent ballot that might present itself in that name, so provision of a second ballot kit was not of concern and this practice was evident in various municipalities.

Conclusions

Vote by Mail

The vote by mail direction sheet should be revised with instructions starting at the top of the first page of the sheet and the Voter Declaration Form located at the bottom of page one, facing the elector as they read through the directions. A return yellow envelope featuring a window with the Voter Declaration Form having to be placed in the yellow envelope to show a return address would reinforce return of the Form.

The attached 2006 DataFix instruction sheet is for comparison with the attached 2003 Canada Post Collingwood election sheet which was formatted as earlier recommended, and discussion with any supplier as to format would be recommended prior to the next election. Discussion of ballot kit format did not seem to be an issue in any municipality during election training seminars and ongoing staff discussions in 2006.

Use of the BVCC on election day as a ballot drop-off location should be reviewed and its subsequent role in the election clarified. A significant number of voters attended believing they would be provided a traditional ballot and many had earlier discarded or destroyed their vote by mail kit. Replacement kits were issued where necessary as earlier described.

Interestingly, the attached Huntsville election result sheet indicates a mix of vote by mail and manual ballot election was utilized, although voter turnout was only 31% with the hybrid election. Huntsville also had a question on the ballot to the effect of whether voters preferred vote by mail only.

Municipal Voter View Software

This voter's list software is exclusive to DataFix, used by the majority of Ontario municipalities employing the vote by mail process. It provides tremendous benefits and ease of access in amending and revising the voter's list information initially supplied by the Municipal Property Assessment Corporation. For example, one feature shows all names duplicated in the case of two or more properties owned and options to delete repetitions, one feature shows name anomalies that may be the same person on different properties and another feature allowed electors to check the voter's list through the Town website. For any future vote by mail process, MVV should be included.

There is a fault with MPAC enumeration information on particular properties being out of date as to resident status, but returning accurate enumeration information is not compulsory for residents or owners. If it was made so, the basic information would be greatly improved.

Ballot Tabulators

The tabulators worked flawlessly and as expected. These are the same machines used in the City of Toronto, where they work in conjunction with manual ballots placed in 8.5" by 11" secrecy envelopes, the ballot taken by the machine directly from the envelope and deposited in an attached ballot box.

The tabulators are set to reject any ballot not immediately readable as a safeguard and these ballots were collected through the tabulation process and re-marked on blank ballots by the Clerk and Deputy Clerk in the presence of a candidate and a scrutineer and as per the procedure provided to candidates on November 10. Exactly 300 ballots were re-marked and the original ballots are kept separated, the re-marked ballots sealed in the ballot boxes in their place.

For any future vote by mail process, ballot tabulator machines would be recommended.

C. Budget Impact

Final cost of the 2003 election was \$25,964.59 (\$7.18 per ballot cast)

Final cost of the 2006 election was \$40,883.84 (\$11.14 per ballot cast)

D. Attached

1. Globe and Mail article, December 6, 2006, "Spoiled ballots cloud elections"
2. 2006 DataFix vote by mail instruction sheet.
3. 2003 Canada Post (Collingwood) vote by mail instruction sheet.
4. Town of Huntsville 2006 election result sheet.
5. Election accounts

Respectfully submitted,

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Serena Wilgress, Deputy Clerk