

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 18, 2014

Item 3, Report No. 9, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on February 18, 2014, as follows:

By approving the following:

That the recommendation as set out in Communication C22 from the City Clerk/Returning Officer, dated February 14, 2014, be approved as follows:

- 1. That the Advance Vote dates and times for the 2014 Municipal Elections as recommended by Committee of the Whole (Working Session) be amended by deleting October 22, 23 and 24, 2014; and***
- 2. That the City Clerk be requested to give consideration to locating polls at community centres and shopping malls for the advance vote scheduled on Tuesday October 21, 2014; and***

That Recommendation 3) from the Committee of the Whole meeting of February 4, 2014, be amended to read as follows:

- 3) That staff report back on the feasibility of holding Candidates Meet and Greet Sessions.***

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**2014 MUNICIPAL ELECTIONS
ADVANCE VOTING, DEFINED HOURS OF VOTING
AT INSTITUTIONS AND NURSING HOMES AND VOTER INFORMATION LANGUAGES**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the City Clerk/Returning Officer, dated February 11, 2014, be approved;**
- 2) That staff be requested to report back to the Council meeting of February 18, 2014 with possible changes to the Advance Vote dates, time and locations, as expressed by Members of Council;**
- 3) That staff report back on the feasibility of a Candidates Meet and Greet Session; and**
- 4) That Communication C1 from Mr. Kevin Hanit, Queensbridge Drive, Concord, be received.**

Recommendation

The City Clerk/Returning Officer recommends:

- 1. That the Advance Vote dates and times for the 2014 Municipal Elections set out in Attachment 2 to this report be approved, subject to the availability of space at shopping malls and York University;**
- 2. That the City Clerk /Returning Officer be authorized to assign either a morning voting period (10:00 a.m. to 2:00 p.m.) or an afternoon voting period (3:00 p.m. to 7:00 p.m.) on Voting Day for voting places required to be provided at institutions and retirement homes pursuant to subsection 45(7) of the *Municipal Elections Act*, 1996;**
- 3. That the City Clerk/Returning Officer be authorized to provide election forms, notices and information that relate to the manner or place of voting in the following languages in addition to English and French: Italian, Russian, Spanish, Chinese, Persian (Farsi), Panjabi (Punjabi); and**

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4. That any necessary by-laws be introduced.

Contribution to Sustainability

The administration of fair elections in an impartial manner is a fundamental statutory responsibility of Municipal Clerks in Ontario. The highest priority for a municipal clerk, who is the returning officer for municipal and school board elections within the municipality, is to carry out their duties in accordance with the provisions of the *Municipal Elections Act, 1996, (MEA)* and within a set of judicially endorsed principles. It is also the responsibility of the Municipal Clerk/Returning Officer to manage expenditures and other resources in a manner which contributes to the financial and operational sustainability of the municipality.

Economic Impact

An election reserve account has been established to fund elections, recounts and by-elections. A full accounting of the election costs will be provided in a summary report on the 2014 Municipal Elections.

Communications Plan

The times and dates for voting will be widely communicated, particularly on the Election website (vaughan.ca/elections), in printed media such as on voter information cards, and through e-newsletters, e-bulletins, a telephone blitz, election brochures distributed to every Vaughan household, and through the media. Given the statutory obligation to provide voting places to accommodate residents of retirement homes and qualified institutions, staff will meet with Administrators at these locations to develop a customized communication plan so that residents and their families will be aware of identification requirements and the hours for voting. The availability of election information in other languages will be publicized on the Election website and in statutory election advertising.

Purpose

The purpose of this report is to seek Council approval of the dates and hours for advance voting, the establishment of designated hours for voting at institutions and retirement homes and the provision of information to voters in certain languages other than English and French for the 2014 Municipal Elections, in accordance with the requirements of *Municipal Elections Act, 1996 (MEA)*.

This report also responds to Council's direction [Item 2, Report No. 8 of Committee of the Whole (Working Session) adopted by Council on February 19, 2013] that staff report back on the possibility of improving advance polls, considering a 2-day advance poll (within the period of Friday, Saturday and Sunday) before election Monday utilizing community centres and malls.

Background - Analysis and Options

Legislative Context

Under the *Municipal Elections Act, 1996 (MEA)*, the City Clerk/Returning Officer is responsible for preparing and conducting municipal elections. Council, however, has the specific responsibility to pass by-laws with respect to the following (as may be appropriate):

- a) Establishing the dates and hours for an advance vote (section 43(1));
- b) Deciding whether to reduce hours of voting in institutions and retirement homes (section 46(3));
- c) Allowing the use of languages other than English in notices, forms and other information provided under the *MEA* (section 9(2));

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- d) Authorizing the use of vote-counting equipment or authorizing electors to use an alternative voting method (section 42(1));
- e) Deciding whether voting places will be open on Voting Day before the legislated time (section 46(2));
- f) Submitting proposed by-laws and questions to electors (section 8(1));
- g) Requiring a recount (section 57(1));
- h) Fixing a day for by-election voting on questions related to the Liquor Licence Act (section 65(5));
- i) Authorizing electronic filing of candidates' financial statements and auditors' reports (section 78(7)); and
- j) Providing for the payment of rebates for campaign contributions (section 82(1)).

The focus of this report is on items a), b) and c). A by-law is in place authorizing the use of vote-counting equipment (item d). The rebate program (item j) has already been authorized by Council and an implementing by-law will be introduced when Council considers the by-laws that are the subject of this report.

Advance Voting

There are several legal and practical considerations to be taken into account when determining advance vote dates and times.

The City of Vaughan uses vote tabulators in the election and also offers the use of accessible voting devices during the advance vote period. The City Clerk/Returning Officer must ensure that there is sufficient time between the end of nominations and the start of the advance vote to design, format, print and test the twenty-five different ballot faces required on each of the vote tabulators and accessible devices used in the election.

Section 43(7) of the *MEA* requires the City Clerk/Returning Officer to provide updated voters' lists to reflect who voted at the advance vote. When determining the beginning and end of the advance vote period, as well as the dates and hours, the City Clerk/Returning Officer must protect adequate time between the end of the advance vote period and Voting Day to update, verify, format, print, and distribute the voters' lists to approximately 500 voting subdivisions on or before Voting Day.

The dates and times for advance voting should be convenient and held at such a time to allow voters to make informed decisions. In addition, the City Clerk/Returning Officer must ensure that voting is accessible to all voters.

The working hours for advance voting must be reasonable. If too many advance vote dates and hours are provided there is a risk of staff fatigue, potentially resulting in administrative errors and possible legal challenges.

Religious holidays which fall within the potential voting period (Sukkot, Shemini Atzeret and Simchat Torah) and the statutory holiday of Thanksgiving must also be considered.

Although the 2010 Advance Vote program provided numerous convenient opportunities for voters, the advance vote turnout numbers were unremarkable.

The advance vote dates and times for the 2010 Municipal Elections are set out in Attachment 1. Advance vote opportunities were provided at various locations across the City for seven (7) continuous days. These locations included City Hall, Community Centres, the Promenade Shopping Centre and Vaughan Mills. In addition, two (2) advance vote days were provided at York University to provide students, faculty and staff who were qualified voters in the City of Vaughan a convenient place to vote.

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The use of 'Vote Anywhere' during the advance vote period and an increase in the number of advance vote days from 2006 provided numerous convenient opportunities for voters. Notwithstanding these provisions, as Table 1 shows, there was a slight decrease in advance vote turnout from 2006 to 2010.

Table 1 – Advance Vote Turnout			
Election Year (number of Advance Vote Days)	Total # of Eligible Voters	Total # of Advance Vote Voters	% of Total # of Eligible Voters
2003 (3 days)	143,087	2,729	1.9%
2006 (6 days)	160,327	4,558	2.8%
2010 (7 days)	175,470	4,425	2.5%

In the City Clerk/Returning Officer's post 2010 Election report to Council, it was noted that the holding of the advance vote so far in advance of Voting Day may have discouraged turnout and that consideration would be given in 2014 to spreading the advance vote out, with opportunities to be provided as close to election day as possible.

In 2010, advance voting was offered at the Civic Centre starting at 6:00 a.m. with a view to serving voters before working hours. The turnout during early voting hours was very poor and did not warrant the resources used for that purpose.

Another recommendation following the 2010 Municipal Elections was that the advance voting hours at Community Centres should be lengthened to more closely align with the Community Centres' operating hours.

Advance voting at the Promenade Shopping Centre and Vaughan Mills Mall was well received. These voting opportunities provided additional convenient locations for voters, enabling them to vote even though that may not have been their main intention in attending the location. Cooperation from both shopping centres was excellent. For 2014, staff will work with shopping malls to provide a similar advance vote opportunity.

The York University initiative was also highly successful and created a fresh opportunity to promote voting to young voters. Advance voting at York University attracted new voters as well as other eligible voters who either happened to be on York campus or who were unable to vote at other advance vote locations.

The 2014 Advance Vote program is designed to encourage more voters to take advantage of advance vote opportunities and reduce line-ups on Voting Day.

The proposed advance vote dates and times for the 2014 Municipal Elections are set out in attachment 2.

Notwithstanding the general success of the 2010 Municipal Elections, long lines were experienced at some voting locations on Voting Day. To help alleviate this, and provide a more positive voting experience for voters, the City Clerk/Returning Officer will be promoting voters to take advantage of multiple advance vote opportunities. The main features of the proposed advance vote program are as follows:

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More days of Advance Voting:

The number of advance vote dates has been expanded to 13 days, an increase from the seven (7) days of advance voting offered in 2010.

Consistent Hours of Advance Voting:

The hours of voting for the advance vote period have been made consistent, from 9 a.m. to 8 p.m. The only exception to this is the hours of voting at shopping malls, which have been adjusted to be consistent with the malls' business hours.

Maintaining consistent hours of advance voting avoids confusion and makes it easier to communicate to the public. The 9 a.m. to 8 p.m. period offers a better alignment with the operating hours within Community Centres and offers a wide range of times throughout the day to accommodate voters' varying work schedules. The hours for voting at City Hall have been substantially increased despite the deletion of the underutilized 6:00 a.m. to 9 a.m. voting period.

Advance Voting in each of the City's Five Wards:

Two (2) full week-ends of advance voting are offered, an increase from one week-end offered in 2010. As has typically been the case in Vaughan, an opportunity for advance voting is being provided in each of the City's five wards. An additional week day of advance voting in all five wards is scheduled for the week prior to Voting Day.

Advance Voting Closer to Voting Day:

Advance voting will continue to the Friday, three (3) days before Voting Day. This responds to Council's recommendation to consider placing advance voting as close to election day as possible, while ensuring adequate time to produce and distribute voters' list for Voting Day.

Advance Voting at Designated Shopping Locations:

Staff will work with the City's two (2) regional shopping centres to secure the use of these locations for advance voting. In addition to providing space, staff will work with each mall on the provision of directional and promotional signage.

Advance Voting at York University:

Subsection 45(3) of the *Municipal Elections Act* permits voting places to be established outside of the municipality. The University estimates approximately 2,500 Vaughan residents are enrolled at the University.

As in 2010, staff will work with the administration of York University to secure a suitable voting location. This location will provide students, faculty, and staff who are qualified voters in the City of Vaughan a convenient location to vote. While the location will be available to any Vaughan voter, it should be noted that off-campus voters (including voting day staff who choose to use this advance voting opportunity) may be subject to parking costs that will not be reimbursed.

Vote Anywhere:

Advance voting will once again employ a 'Vote Anywhere' approach which enables any qualified Vaughan elector to vote at any one of the advance vote locations, regardless of their place of residence. Voters who vote during the advance vote period will be automatically struck off the voters' list thus preventing them from voting at another advance vote location, or on Voting Day. In 2010 the concept of 'Vote Anywhere' was well received by voters and candidates alike.

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Accessible Voting Devices:

Accessible voting devices will be available to permit independent voting opportunities for voters with disabilities. The accessible voting devices will be available at City Hall, York University and two designated Community Centres, one in the east and one in the west of the City.

Secure Advance Voting Procedures:

Detailed advance voting procedures will form part of the published voting procedures to be communicated at a later date. All ballot papers and the vote tabulators themselves will be secured throughout the Advance Vote period. Advance vote results will be produced after the close of polls on Voting Day, October 27, 2014.

Voting at Retirement Homes and Qualified Institutions

Designated hours of voting at retirement homes and qualified institutions will provide a high level of customer service with minimal disruption to residents.

Subsection 46(3) of the *MEA* provides that a by-law may be passed to provide reduced operating hours at:

- a) Institutions in which, on Nomination Day, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm; and
- b) Retirement homes in which, on Nomination Day, 50 or more beds are occupied,

These locations are established as mandatory voting locations pursuant to subsection 45(7) of the *MEA*.

Designated operating hours at institutions and retirement homes were first implemented in the 2010 Municipal Elections and were well received. At these locations, staff worked with on-site administrators to determine convenient times and arrangements for resident voting.

It is proposed that the same model of designated operating hours be implemented for the 2014 Municipal Elections. Qualified institutions and homes will be assigned to either a morning (10:00 a.m. to 2:00 p.m.) or afternoon (3:00 p.m. to 7:00 p.m.) voting period (each voting period covering at least one meal period). Institutions will be paired so that one team of election officials, and one vote tabulator, can support two voting places over the two time periods.

The advantage of reduced hours of voting include:

- Convenience for the residents;
- Minimal disruption to the operations of the institution or retirement home;
- Compliance with statutory requirements; and
- Efficient use of staff resources.

Use of Languages other than French and English

The provision of election information in additional languages will be continued in 2014.

Section 9 of the *MEA* provides that notices, forms and other information provided under the *Act* must be provided in English and in French in respect of French-language district school boards, unless the municipality has passed a by-law authorizing the use of other languages.

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As in previous elections, instructions for voting will be translated into additional languages and affixed to the voting screens. In 2010, the languages were the principle (top five) languages used at home by residents of Vaughan, other than French and English: Italian, Russian, Chinese¹, Spanish and Punjabi, based on the 2006 Census. Following a review of 2011 census data (the most recent information about languages in the City of Vaughan), it is recommended that Farsi be added to this list as it is roughly equivalent to Punjabi in terms of number of respondents.

The election website and election advertising will also advise that those requiring translation services may contact the City for assistance in translating election information. Voters are responsible, however, for providing their own interpreters if required at the poll.

Relationship to Vaughan Vision 2020/Strategic Plan

This report supports the objectives of Vaughan Vision 2020, particularly with respect to Service Excellence: Demonstrate Excellence in Service Delivery by providing:

- a. Enhanced advance vote opportunities and relief from line ups on Voting Day;
- b. More convenient voting at qualified institutions and homes; and
- c. Access to election information in additional languages.

Regional Implications

N/A

Conclusion

The thirteen (13) days of advance voting proposed for the 2014 Municipal Elections will provide numerous convenient opportunities for Vaughan electors to cast their ballots and reduce line ups on Voting Day. The implementation of designated hours of voting at retirement homes and qualified institutions will provide convenient voting for residents in a cost-effective manner. The provision of election information in different languages will provide enhanced service to voters to enable them to participate in the electoral process.

Attachments

Attachment 1 - 2010 Advance Vote Program
Attachment 2 – 2014 Advance Vote Program

Report Prepared by:

Donna Winborn, Election Coordinator and
Barbara McEwan, Deputy City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

¹ Chinese includes Cantonese, Mandarin, Taiwanese, Chaochow (Teochow), Fukien, Hakka, Shanghainese and other Chinese languages not listed.