

Report and Recommendations
2010 General Civic Election

City Clerk's Department

February 2012

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Foreword

On October 27, 2010, the 13th Council of The City of Winnipeg was elected for the 2010 through 2014 term. School Trustees for the six School Divisions within the boundaries of The City of Winnipeg were also elected.

The responsibility for undertaking these elections rests with the City Clerk's Department of The City of Winnipeg. Key goals for the election process include openness and transparency for all involved including candidates and citizens, accessibility to the voting process for all voters, and fairness / compliance with all relevant legislation.

Success in elections is often measured in terms of electoral turnout, something over which election officials often have little control. Turnouts tend to be much more influenced by candidates, the number of incumbents returning and the current issues facing the jurisdiction. Historically, the City Clerk's Department has endeavoured to promote higher turnout by increasing voting opportunities. Winnipeg has a history of high political engagement among its citizens with resulting high turnouts. 2010 was no exception. Despite truly challenging weather conditions on election day (caused by the so-called "weather bomb", which resulted in the lowest all-time low pressure reading ever recorded in Winnipeg at 96.7 kpa), 47.1% of Winnipeggers cast their vote in 2010.

This report examines the 2010 election process including both successes and challenges. It focuses on the key goals of openness and transparency, access to the electoral system and fairness. It also makes recommendations, both in regards to the City of Winnipeg process and in regards to Election Legislation. These recommendations will help the City of Winnipeg to improve future electoral processes and be ready to meet the demands from its citizens in this area.

M. Lemoine
Senior Election Official

Successes / New Initiatives

Overview - The Voting Process

On October 27, 2010, an election was undertaken for the offices of Mayor and Councillors in the City of Winnipeg as well as for School Trustees in six City School Divisions. A total of 34 out of 36 races were contested, 1 for Mayor, 15 for City Councillor and 18 for School Trustee, with 2 School Trustee races being acclaimed. A total of 148 candidates ran for office. By way of comparison, 208 candidates ran for the 57 seats in the 2011 Provincial Election. Election results for the 2010 Election can be viewed at the City Clerk's Department or online at
http://winnipeg.ca/clerks/docs/elections/2010Election/pdfs/2010ElectionOfficialResults.pdf

In accordance with the provisions of *The City of Winnipeg Charter*, *The Municipal Councils and School Boards Elections Act* and the Vote-Counting Machines By-law No. 150/2005, the City of Winnipeg again utilized automated voting to accept ballots and tabulate the results of the 2010 Civic Election. The system provided for a composite ballot containing the candidates' names for all three Offices to be voted; that is, Office of Mayor, Office of Councillor and Office of School Trustee.

New Technology / Technological Innovations

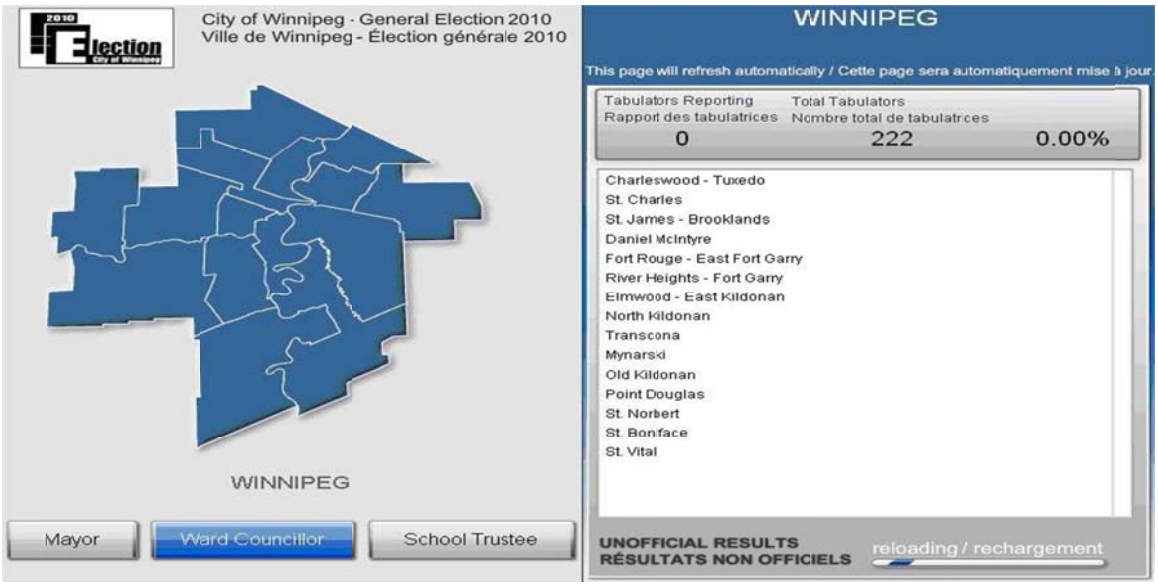
In 2010, the City of Winnipeg utilized new automated voting machines purchased from Toronto-based Dominion Voting Systems. These replaced the City's original voting machines, which had been purchased in 1994. The ImageCast Precinct Tabulator scans and captures images of all ballots and overlays the tabulator's interpretation of voter markings on the image and stores this information in the tabulator. This unique visual audit trail feature, which allows results to be audited down to each individual ballot, makes the process completely accountable and transparent. In a recount process, a judge can choose to examine the physical paper ballot and / or the voting machine's "electronic interpretation" of that paper ballot.

The ImageCast system also features a rich set of security tools including digital signing and encryption of all memory cards and digitally encrypted electronic administrator keys and five sets of results recording, including:

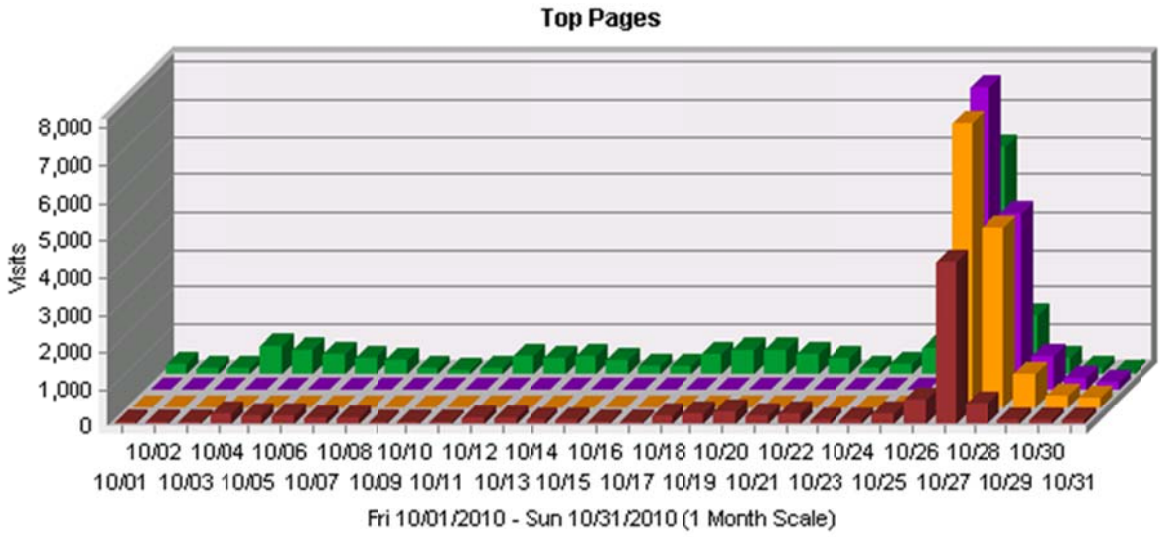
- Physical paper ballots
- Physical print tape generated at close of poll
- 1 encrypted/signed memory card
- 1 back up encrypted/signed memory card
- Complete set of ballot images complete with audit trail record

Election Office staff performed rigorous functionality / results testing and processed in excess of 75,000 test ballots prior to the election in order to ensure the machines were operating accurately with results being produced as expected.

On Election night, polls closed at 8:00 p.m. Results from all but 2 of the 222 polls had been reported by 9:10 p.m. and, for the first time, exported to our new, interactive, internet-based results display site where users could click on the map or contest of their choice to view results.



The 2010 Election Website was enhanced and received over 10,000 hits in October alone and, for the first time, citizens could follow us on Facebook and Twitter.
(graph below showing Election website hits by day. Information from: http://citynet/webtrends_inter/reports/clerks/m101028/)



Accessible Voting

In 2006, for the first time in Winnipeg, voters requiring assistance in marking their ballot were able to do so utilizing a ballot marking device at the City Hall Advance Poll.





The ImageCast Tabulators utilized for the first time in the 2010 election also provided the capability for a voter to cast a ballot via an audio interface using a hand-held Audio-Tactile Interface (ATI) device.

In 2010, the ability to utilize the accessible voting devices was expanded. The service was offered not only at the City Hall Advance Poll, but also at all Shopping Mall and University Advance Polls as well as at a special advance poll held at the Canadian Council of the Blind Trade Show on October 13, 2010. In total, 57 individuals voted using the enhanced audio ballot, by selecting candidate names after listening to audio files of the names of the Candidates. For the first time, Candidate names were recorded by the Candidates themselves, in order to ensure proper pronunciation. Voters had the option of not only using the Audio Tactile Interface device, but could navigate the ballot using a sip / puff device or a two button paddle option.

Prior to introducing this new technology, members of the City of Winnipeg's Access Advisory Committee had the opportunity to test and evaluate the ballot marking device. Elections Canada monitored our Accessible Voting Initiative and utilized the same system in the recent Federal Winnipeg North By-Election.

Once again Braille Voting Templates were supplied at all Advance and Election Day polls, although only 6 people used the templates in 2010. Election Staff will investigate the use of Braille templates in future Elections as it is reported that less than ten percent of visually impaired individuals continue to make use of Braille.

In 2011, the Vision Impaired Resource Network presented the City Clerk's Department with the 2011 Inclusion Award for the accessibility efforts undertaken in the 2010 Civic Election.

Advance Voting

The City of Winnipeg has been recognized for its focus on improving advance voting opportunities. Unlike other jurisdictions, advance voting is convened over a much longer timeframe prior to Election Day, and at many more locations. For the 2010 Civic election and for the first time at the municipal level, City-wide advance voting opportunities were convened in 10 shopping malls and universities / colleges, with over 5,500 voters making use of these opportunities. The highest turnouts occurred on weekends as Winnipeggers, for the first time, had the option to vote on a Sunday in a municipal Election. Advance voting opportunities were also convened in 179 seniors' residences, personal care homes, developmental centres and hospitals with over 8,400 ballots cast at these voting locations. As well, a Sealed Envelope Ballot (also known as Vote by Mail) option was offered and utilized by 295 voters. Advance voting also took place at City Hall, with over 2,100 voters attending the City Hall poll location. Appendix A lists some of the Advance Poll locations used in 2010.

Finally, additional City-wide advance voting opportunities also took place at 15 community locations the week prior to Election Day. More than 12,800 voters took advantage of these neighbourhood advance opportunities, more than three times the 2006 amount.

The 2010 Civic Election also featured an innovative "vote anywhere" voting opportunity for the first time at advance polls. Eligible voters had the option of voting at any of the advance voting locations, rather than voting at only a specified neighbourhood location. In the past, only the City Hall Advance opportunity was able to accommodate voters who resided anywhere in the City. The "vote anywhere" scenario was implemented by deploying laptops and laser printers at each advance opportunity, along with Ballot on Demand software developed in house to quickly print any ballot type required.

Advance Polls - Recent Turnouts						
Type / Year	1995	1998	2002	2004 By-Election	2006	2010
City Hall	2,353	2,438	2,213	2,789	2,456	2,197
Community	2,458	3,810	3,817	10,663	4,633	12,808
Hospitals	0	0	0	0	492	204
SEB	689	1,085	532	1,788	192	295
Seniors	8,452	3,949	6,655	0	7,674	8,197
Malls / Universities	0	0	0	0	0	5,515
Total Voters	13,952	11,282	13,217	15,240	15,447	29,216
% of Overall Turnout	6.37%	5.04%	6.42%	6.53%	9.02%	13.22%

Utilizing laptops equipped with the latest in cellular technology, as opposed to printed Voter's Lists, allowed for implementation of real time strikeouts, through a secure connection, and ensured continued security compliance. Candidates were able to view the list of those who voted at all Advance Polls at Election Headquarters.

Winnipeggers enthusiastically took advantage of expanded advance voting opportunities and set a record for advance voting with a total of 29,216 persons participating, eclipsing the previous record of 15,447 set in 2006 by 89%.

Election Day

Despite a very, very wet and windy day due to a weather system that resulted in the lowest barometric pressure ever recorded in Winnipeg, Winnipeggers responded enthusiastically to the voting process on Election Day, with 47.1% of citizens casting their ballots. This percentage is impressive especially when measured against many North American municipalities where it is not uncommon to see less than 20% turnout for Municipal Elections. While most jurisdictions have seen severely declining voter participation, turnout in Winnipeg has remained consistently above average.

Historical City Wide Election Turnouts since UniCity	
Election Year	**Turnout Percentage**
2010	47.1 %
2006	38.2 %
2004* (Mayoral By-Election)	58.8 %
2002	48.7 %
1998	53.6 %
1995	53.5 %
1992	58.4 %
1989	34.0 %
1986	34.0 %
1983	52.6 %
1980	38.8 %
1979* (Mayoral By-Election)	36.4 %
1977	40.1 %
1974	34.9 %
1971	60.7 %

On Election Day, October 27, 2010, 191 voting places were utilized. This was an increase in the number of voting places (up from 182 in 2006), in order to accommodate expanding populations in various areas of the City.

An effort was also undertaken to reduce the number of elementary schools used as voting locations. The shift away from utilizing elementary schools as voting locations occurred as a result of security concerns raised by parents. Where elementary school locations were used due to a lack of other suitable Election Day location options, “Safety Officers” were deployed with the specific task of confining voter access to the elementary school to only the specific room being used for voting.

Voters List

In order to raise awareness and draw attention to the Civic Election and to encourage eligible voters to ensure that they were on the City of Winnipeg Voters List, a six-week outreach program was conducted in malls throughout Winnipeg. Over 1,000 Winnipeggers were added to the Voter's List or had their voter information amended through this process. This mall tour, together with a comprehensive media campaign, contributed to the most accurate City of Winnipeg Voters List to date. Only 21,522 electors, 10.1% of all electors who voted in the 2010 election, were required to sign oaths in 2010, as opposed to 12.8% of all electors who voted in 2006.

Winnipeg is recognized as one of the leading municipalities partnering with Elections Canada for its Voter's List data. This partnership benefits both parties and helps to improve the National Register of Electors and subsequently decreases the cost of compiling Voter's Lists for all taxpayers at all political levels. Elections Canada does not charge municipalities for usage of data to compile their voters lists. In 1992, the last time the City of Winnipeg conducted a door to door enumeration to compile its Voter's List, the cost to the City to conduct the enumeration was $600,000. Estimates to do a similar door to door enumeration today exceed $1 million.

While the data in the National Register of Electors is considered to be the most accurate data source in Canada of its kind, Manitoba does lag behind other provinces somewhat in terms of data quality. Provincial legislation governing elections at the municipal level in Manitoba, *The Municipal Councils and School Boards Election Act*, specifically allows municipalities to enter into an agreement with the Chief Electoral Officer of Canada to obtain data from the National Register to build their own Voter's List. Despite this provision, Manitoba is the only province in Canada that does not provide motor vehicle registrar data to Elections Canada, to allow them to update their register using this data. Every other province in Canada does provide this data to Elections Canada to assist in compiling a complete and accurate Voter's List, that can be used for elections at all levels. This affects not only Winnipeg voters, but voters in many Manitoba municipalities who also make use of the National Register of Electors. Appendix B lists the municipalities in Manitoba who have made use of the National Register recently. Not sharing this data hurts Manitoba's citizens not only in municipal elections by reducing the quality of the voter's lists, but also in Federal Elections, as voter's lists at that level are also compromised by this data omission.

Training

City Clerk's staff continued to improve on the delivery of training to Election Workers by hosting smaller classes, with all sessions taking place at the Millennium Library. Improved manuals, instructional take home DVDs and work books built upon the focused training presentation, were utilized. However, throughout North America it is becoming increasingly difficult to attract qualified election workers willing to work 14 hours in a single day, for wages close to minimum wage. In addition, election work at the municipal level is made much more complex than that at the Federal or Provincial level due to multiple races and ballots.

Quality training programs gain even greater importance as difficulties in attracting workers increases. In addition, monitoring procedural activity at the voting locations is paramount.

Campaigning Issue

The Department received several telephone calls and e-mails from citizens concerned about receiving information from candidates by way of telephone "auto dialers". This was the first time that the City had seen this issue come forward. The majority of complaints were received from individuals registered on the National "Do Not Call List". A common misconception is that the list is meant to protect citizens from all unsolicited calls. However there are exceptions to the practice including political parties, riding associations and candidates, all who are allowed to make use of this practice. No recommendations are made in this report regarding this issue, however, it is noted as several complaints expressing strong concern about the practice were raised.

Staffing

A reduction from 75 Full-Time Equivalents for City Clerk's staff in 2000 to almost half, 39 FTE's in 2010, necessitated an increase in the hiring of temporary staff, including numerous retired City of Winnipeg Employees, who assisted with training, election testing and supply packing. City Clerk's staff were more engaged than ever and enthusiastically worked countless hours of overtime.

The 2010 Civic Election saw enhanced participation from other areas of the City administration. The 311 Call Centre undertook the duties of the Election Call Centre, a task previously staffed separately by the City Clerk's Department. The 311 Call Centre provided invaluable support on Election Day and in the weeks preceding the election to citizens and candidates. Once again, City Managers voluntarily assisted on Election Day, acting as "rovers" to monitor processes in the field and to ensure procedural compliance.

The City Clerk's Department again utilized the "Election Problem Tracking System" developed in-house to address problems at voting locations and in the field. The system allows for immediate identification and resolution of any issue, by answering questions and dispatching persons as required. In total, 464 cases were created in the problem tracking system. The system ensured the resolution of these problems in a time-sensitive manner on Election Day and provided continued monitoring of activity.

To assist the City Clerk's Department in assessing its election procedures and performance, two recognized election professionals were invited to observe and monitor activities on Election Day. Jean-Pierre Kingsley, former Chief Electoral Officer of Canada (1990 to 2007) and John Hollins, former Chief Electoral Officer for Ontario (2001 to 2008), both attended Winnipeg on Election Day monitoring and auditing election processes and procedures at various polls and at Election Headquarters. These individuals reported directly to the City Clerk and the Senior Election Official throughout the day providing assessment of the operations and reviewing issues on the "Election Problem Tracking

System". Both individuals were particularly impressed with the utilization of the "Election Problem Tracking System" and both stated that they had never seen any jurisdiction with such close control over its field operations. Mr Hollins stated that the reaction time was incredible and second to none in his opinion. Mr Kingsley also noted that the processes and procedures were not only well orchestrated but extremely well prepared and planned.

Challenges / Recommendations

Recruitment of Election Workers

It is extremely difficult to hire 2,000 plus individuals to work 14 hours in a single day. To be proactive, the City Clerk's Department increased the rate of pay for all positions and advertised for workers in the Winnipeg Sun, Winnipeg Free Press, University of Manitoba, University of Winnipeg and Red River College Student Papers.

A successful election relies on the knowledge and ability of the individuals working in the voting locations and those behind the scenes supporting the front line workers. As stated, it is becoming increasingly difficult to attract qualified, experienced people who are able to handle the long hours, the physical requirements and possess the problem-solving skills required to function in a fast-paced, high pressure election environment and even more difficult to find enough bilingual workers to staff polls in the Riel Community. To further compound this problem, approximately 100 (5%) of those hired did not show up for work on Election Day.

Our training staff does its best to weed out those without the mental acuity to carry out the duties of an election official but not all are detected. The lack of availability of quality workers occasionally manifests itself at the polls as witnessed by errors such as the issuance of wrong ballots, voters being sent away in error or forms being filled out incorrectly. Convening future Elections on a Saturday or Sunday would expand the available pool to include university / college students and individuals who normally work Monday to Friday.

Some jurisdictions such as New Brunswick also allow 16 and 17 year olds to be employed as Election Workers. This has the effect of both providing a greater pool of election workers and of also expanding the knowledge of elections among youth, resulting in greater participation once these youth turn 18.

RECOMMENDATION No. 1:

- ***That Council recommend to the Province of Manitoba that The Municipal Councils and School Boards Elections Act (and any other related legislation) be amended to specifically allow students, including those of 16 or 17 years of age, to act as Election Workers.***

Training

The City Clerk's Department recognizes the importance of training and has expended great effort in developing its training tools. However, continued efforts must be made in this regard. Specifically, the training tools must be reviewed and enhanced and a module based system developed to better focus training to only those areas needed. Further new technology must be embraced, including web-based on-line interactive training, as possible. A continued focus on small-class, hands-on workbook training will continue. Individuals should also receive some form of assessment prior to undertaking their duties.

RECOMMENDATION No. 2:

- ***That the City Clerk's Department continue to deliver training in small groups, focusing on hands-on, workbook based training and utilizing technology such as web-based on-line interactive training to augment its processes. Further it is recommended that a module based system be prepared and that formalized minimum testing be applied to all workers to ensure competency.***

Voter's List

The City of Winnipeg utilizes the National Register of Electors produced by Elections Canada as the basis for its Voter's List. Elections Canada uses several data sources to maintain the National Register of Electors including Canada Revenue information, vital statistics information, citizen and immigration information and provincial motor vehicle registrar information. Relevant legislation, *The Municipal Councils and School Boards Election Act*, specifically allows municipalities in Manitoba to enter into an agreement with the Chief Electoral Officer of Canada to obtain data from the National Register to build their own Voter's List. Despite this provision, Manitoba is the only province in Canada that does not provide motor vehicle registrar data to Elections Canada, to allow them to update their register using this data. This affects not only Winnipeg voters, but voters in many Manitoba municipalities (see Appendix B) who also make use of the National Register of Electors.

RECOMMENDATION No. 3:

- ***That Council recommend to the Province of Manitoba that they enter into an agreement with Elections Canada to provide them with the same motor vehicle registrar data to update the National Register of Electors that all other provinces in Canada provide.***

Voting Locations

Securing suitable Election Day locations continues to be a significant issue for all levels of government. We do our utmost to find locations that are large enough, conveniently located with adequate parking, accessible and can support our equipment. In some cases, we were refused use of the most well-situated location be it a church, banquet hall, community club or school. For the most part, elementary schools are ideal voting locations inasmuch as they are centrally located within residential neighbourhoods. Conversely, we opted to use as few elementary schools as possible in 2010 due to safety and security concerns raised by parents and schools about school children. We used only those elementary schools where no suitable replacement could be located. To assuage concerns, we hired a "Safety Officer" for each elementary school that we used. If future elections were held on a Saturday or Sunday, all suitable elementary schools could be used as polling locations without disrupting school programming, providing adequate parking and without security concerns for school children.

Weekend elections are becoming common in Canada and around the world for many of the same reasons. Quebec municipalities vote on a Sunday, while British Columbia and Nova Scotia municipalities vote on a Saturday.

Some individuals complained that they had to wait as long as one hour to vote on Election night. Currently, over half of those who vote on Election Day do so between the hours of 4:00 p.m. and 8:00 p.m. Convening future elections on a weekend day would mitigate lineups inasmuch as voter participation would be dispersed throughout the day. A trial conducted on November 26, 2011 for the St. Vital Ward By-Election was deemed successful by staff and voters.

RECOMMENDATION No. 4:

- ***That Council recommend to the Province of Manitoba that Section 19 of the City of Winnipeg Charter be amended to change the day the of the general election from being prescribed as the 4th Wednesday of October every 4 years to a date in October set by Council every 4 years, with such change to allow for the convening of future general elections on a Saturday or Sunday.***

Residency Requirement

Prevailing legislation defines that a person is eligible to vote in a municipal election in Winnipeg if he or she is a resident of the local authority (Winnipeg and / or applicable School Division) and has been for at least the six months before Election Day. In many cases in 2010 and previous elections, voters moved to Winnipeg from elsewhere in Manitoba and could not cast a ballot either in Winnipeg or at their former address inasmuch as they had not resided in Winnipeg or the School Division for six months.

Section 21(1) of *The Municipal Councils and School Boards Elections Act* states:

Eligibility of person who is a resident
21(1) A person is eligible to vote in an election or on a question if he or she is
(a) a Canadian citizen and at least 18 years old on election day; and
(b) a resident of the local authority on election day, and has been so for at least the six months before election day.

This residency legislation is among the most restrictive in Canada. As identified in the Chart below, residents of Vancouver, Calgary and Regina must all reside in the province for 6 months prior to Election Day, but only need reside in the City for 30 days, 1 day and 3 months respectively. By requiring residency in the Province and Winnipeg for 6 months, the current legislation does disenfranchise a great number of people who move to Winnipeg in the 6 months prior to the election and must now wait 4 years before they can cast a ballot.

City	Residency (Province)	Residency (City)
Toronto	Election Day	Election Day
Fredericton	40 Days	Election Day
Calgary	6 months	Election Day
Edmonton	6 months	Election Day
St. John's	30 Days	30 Days
Vancouver	6 months	30 Days
Regina	6 months	3 months
Halifax	6 months	3 months
Charlottetown	6 months	6 months
Montreal	6 months	6 months
Winnipeg	6 months	6 months

RECOMMENDATION No. 5:

- ***That Council recommend to the Province of Manitoba that the residency requirement outlined in Section 21(1) (b) of The Municipal Councils and School Boards Election Act be reduced from six months to sixty (60) days.***

Ownership of Advertising

The City of Winnipeg Charter stipulates that no person or organization other than an individual normally resident in Manitoba shall make a contribution to a registered candidate. Contribution is defined as follows:

> ***"contribution"*** *means money paid or a donation in kind provided by a contributor to or for the benefit of a registered candidate, without compensation from the candidate; (« contribution »)*

The Charter is silent on the subject of third party advertising that is not provided either to or for the benefit of the candidate. A legal opinion agreed that advertisements that were negative or not for the benefit of any particular candidate were allowed and would not be considered contributions. Several instances were observed pertaining to negative or attack advertisements that did not endorse a particular candidate, and that were not considered a contribution to a particular campaign. Previously, the City had considered any advertising by third parties to be against the financing rules, unless it were considered as a contribution to a particular campaign. Failing to consider all third party advertising as a contribution to a particular campaign will potentially lead to an increasing amount of advertising by organizations and political parties. This advertising could easily exceed the current contribution limits. All advertising, including third party advertising, should be recognized as a contribution, should be within the prescribed limits for contributions and should comply with all legislation.

RECOMMENDATION No. 6:

- ***That Council recommend to the Province of Manitoba that The City of Winnipeg Charter be amended to include a provision that would require all candidate advertisements, including third party advertisements, to be allowable only if approved by a candidate and that all advertisements be required to be considered part of at least one candidate's campaign and be in compliance with contribution guidelines and all other applicable legislation.***

ID Requirement

Complaints were received at the polls and the Election Office regarding the legislated requirement for voters to produce identification in order to vote, in particular, identification that includes an address. In many cases voters could not comprehend how a passport or birth certificate did not constitute proper identification. We will continue to raise awareness of this requirement by advertising on television, the radio and in print and will do our best to improve our messaging about voting requirements including borrowing the following slogan from Elections Canada: *"Please bring identification with proof of address".*

RECOMMENDATION No. 7:

- ***That the City Clerk's Department continue to improve public awareness and it's messaging as it pertains to Election identification requirements.***

Assisted Voting

Although the utilization of the ImageCast Tabulators was universally well received, constructive criticism received from some voters pertaining to the Audio Ballot included the fact that it may have taken longer than necessary to navigate the ballot and that sound volumes were at times inconsistent.

RECOMMENDATION No. 8:

- ***That the City Clerk's Department work together with Dominion Voting Systems to improve the quality of the Audio Ballot.***

Marker Bleed

The vendor of the City's Voting Machine system, Dominion Voting Systems, specifies the marking utensil and ballot paper required for the systems correct operation. The City Clerk's Department complied with all requirements, but a number of voters complained about marker bleed-through when marking their ballots.

RECOMMENDATION No. 9:

- ***That the City Clerks' Department collaborate with Dominion Voting Systems and investigate alternate markers and paper stock to mitigate marker bleed-through.***

Access to Rental Accommodations

Prevailing legislation provides for political candidates to gain access to rental accommodations for the purpose of campaigning. Numerous complaints were received from Candidates who were unable to gain entry to a number of apartment complexes. In some cases, Candidates were denied entry even after showing the "Entry to Premises" authorization, which quotes the Provincial legislation requiring access.

RECOMMENDATION No. 10:

- ***That the City Clerk's Department, in partnership with the Province of Manitoba, work to increase awareness with landlords and property managers of Candidates' entitlement to access Rental Accommodations for the purpose of campaigning.***

Scrutineers

Prevailing legislation allows for two scrutineers per candidate per voting subdivision. One of the roles of these scrutineers is to determine which of their identified vote has participated in the election. For the 2010 Civic Election, the City Clerk's Department provided candidates with a daily listing of electors who voted during the advance voting opportunities. Electors were identified by their voter id. No listings were provided on Election Day. Scrutineers and candidates were allowed to view and monitor the voting record to determine voting on Election Day.

Scrutineers and their candidates requested that a *Statement of the Electors Who Voted on Election Day* (i.e. Bingo Sheets) be provided to scrutineers on Election Day to facilitate their task. Elections Canada and Elections Manitoba provide this service. It is recognized that this "bingo sheet" system would assist the role of scrutineers and may increase turnout, by allowing candidates to better identify electors who have not yet cast a ballot.

A trial conducted on November 26, 2011 for the St. Vital Ward By-Election was deemed successful based on candidate feedback.

RECOMMENDATION No. 11:

- ***That the City Clerk's Department investigate the creation / implementation of a "Statement of the Electors who voted on Polling Day" form for the next general Civic Election.***

Voter Turnout

In North America, voter turnout continues to decline. While City of Winnipeg turnout has remained relatively strong in comparison to many jurisdictions, the last 3 general civic elections have all fallen below 50% turnout (2002 – 47%, 2006, 38%, 2010 – 48%). This is in contrast to the three general civic elections in the 1990's (1992 – 58%, 1995 – 53%, 1998 – 53%) that were all above 50% turnout. While weather and political issues have a large influence on turnout (the June 2004 mayoralty by-election had a 59% turnout), there are some acknowledged steps that can be taken to maintain or increase turnout. The implementation of vote anywhere software allowed a large expansion of advance polls to malls and universities and resulted in a record turnout at advance polls. With the technology now proven, a further expansion to additional locations will likely further increase turnout.

With technology becoming increasingly robust in terms of security and decreasing in price, other initiatives should be explored to facilitate voting. These initiatives include the expansion of computers and software to all polls on Election Day to allow voters to vote at any location on Election Day. This process was successfully implemented by the Province of New Brunswick during their 2010 Provincial election. Voters there were able to vote at locations closest to their office during Election Day or in the evenings at the location closest to their home. The system also added the side benefit of allowing voters notices to be bar-coded, facilitating identification of voters on the system and reducing human error.

A further initiative that is becoming common in Canada is the use of Internet Voting technology. During 2010, over 30 Ontario municipalities utilized either Internet Voting Technology or IVR Technology (telephone voting) to supplement their paper ballot process, with few reported problems. Major municipalities who made use of this technology include Markham and Peterborough. The City of Halifax also made successful use of internet voting technology its last municipal election. Elections Canada has also announced that they may undertake an Internet Voting Pilot prior to 2014. The current technology solutions available in this area, while robust, continue to evolve in terms of areas such as security and reliability. I tis likely premature to plan on moving away from paper ballots in the near future. However, it is important that the City of Winnipeg continue to monitor development in this area, and be poised to bring it forward as another tool to increase voter turnout, once the technology is fully proven and accepted by citizenry as a secure methodology for voting.

RECOMMENDATION No 12:

- ***That the City Clerk's Department continue to explore additional new voting locations that will facilitate and encourage greater voter turnout.***

RECOMMENDATION No. 13:

- ***That the City Clerk's Department continue to explore additional technology such as "vote anywhere" software to facilitate voting both at advance polls and on Election Day.***

RECOMMENDATION No. 14:

- ***That the City Clerk's Department continue to explore the use of alternative voting technologies such as Internet Voting, and bring forward to Council future proposals as the technology becomes more robust and accepted by citizenry as an acceptable voting method.***

Oversight

The City of Winnipeg, like most municipalities, does not have a full-time election office. Work on elections is undertaken by City Clerk's staff as required for elections and by-elections. The City of Winnipeg also does not have any investigative powers under the various election legislations, something that is common for Federal and Provincial Election Officers, other than some powers that exist on the financial side with the Campaign Expenses and Contributions Officer. As such, The City has moved towards greater oversight in terms of election, to be more aware of what is occurring in the election process. In 2010, the City employed several successful techniques.

First, the City hired City of Winnipeg Managers to act as rovers, to visit polls on Election Day. Thirty-nine managers were seconded to the City Clerk's Department in 2010 for Election Day, to supplement departmental staff. These managers provided oversight on processes, responded to complaints and dealt with special situations and difficult customers. Having managers on-site greatly facilitated processes as most of these managers were well-versed in customer service and were very capable of dealing with problem situations, as identified by the Problem Tracking System. As well, the managers tended to be more committed to ensuring the success of the election than the typical election worker, who is only hired for one day. As the General Civic Elections are the City's largest one-day customer service event, providing direct service to 200,000 citizens in a 12 hour period, an expansion of this service is recommended.

Secondly, the City Clerk's Department had in place two highly-experienced election officers in its offices on Election Day in 2010. Jean-Pierre Kingsley, former Chief Electoral Officer of Canada, was on hand and agreed to participate in the election by monitoring and auditing our election process and procedures, and providing ongoing assessment to the City Clerk and the Senior Returning Officer. John Hollins, former Chief Electoral Officer of Ontario, was on hand to observe the city's new voting technology and also provide feedback on the overall process and procedures. Comments received from both individuals provided another level of insight that allows the City Clerk's Department to validate its systems and identify areas for improvement. An example includes the fact that both individuals reported that they had never seen a jurisdiction that was more in touch and in control with what was occurring in the polls on Election Day than Winnipeg, both through its problem tracking and its managers in the field, who were kept in continued audio contact. Having professional election persons present to assess the operations also provided a further level of assurance that the City is undertaking its election in a professional and open manner, with a fair and equitable process, adhering to legislative

requirements. For future elections it is desirable to continue to utilize professional election officers to monitor and audit process and procedures and to formalize this process.

RECOMMENDATION No. 15:

- ***That the City Clerk's Department expand the process of utilizing City of Winnipeg managers on Election Day to oversee process and procedures at the voting locations and to provide direct customer service.***

RECOMMENDATION No. 16:

- ***That the City Clerk's Department continue to ensure that outside election professionals are present to observe and report on the election process and procedures, in order to provide assurance that legislation is being observed and that the Electoral process is fair and equitable, and in keeping with legislative requirements.***

Financial Recommendations

In his July 20, 2011 report to Council, the City of Winnipeg's Campaign Expenses and Contribution's Officer (CECO), made 6 recommendations for future changes:

1) *Political Party Influence and Interference*
   Prior to the registration dates, an issue arose where a potential Candidate prepared advertising literature to promote his / her nomination for endorsement by a political party in the upcoming Civic Election. The potential candidate was in effect expending funds, however small, prior to registration as a Candidate for Councillor. This is a violation of the legislation and the person was advised to cease this activity.

2) *Deposit*
   Serious consideration should be given to the requirement of a refundable cash deposit upon registration by an election candidate. There were a number of candidates who registered in the 2010 election and who did not file an audited statement by the deadline date. The following table shows the number of non-filers in recent elections.

ELECTION	*REGISTERED CANDIDATES*	*NON-FILERS*
Civic Election 2010	*62*	*7*
By-Election 2009	*3*	*0*
Civic Election 2006	*56*	*0*
By-Election 2004	*26*	*7*
Civic Election 2002	*55*	*11*
By-Election 2000	*9*	*1*
Civic Election 1998	*63*	*23*

Although the number has improved over the years the problem of non-filers still persists. The following recommendation would hopefully reduce the "frivolous" candidates, who do not take the election process seriously enough to fulfill their obligations. It is recommended that a refundable deposit be required of any person who registers as a Mayoralty or Councillor candidate in an election. The amount of the deposit should be set at $1,000.00 for Mayoralty candidates and $500.00 for Councillor candidates. These amounts indicate the seriousness of the process involved. The deposit would be refunded only upon filing of the audited statement by the required deadlines.

3) *Fund Raisers*
   Sections 12(1) to 12(5) of the By-law regarding "Contributions of Goods and Services" is not clear and should be expanded. There were numerous questions regarding the donation of items for a "Silent Auction". In keeping with the changes to the By-Law, the answer given was not to accept 'items' from organizations as well as monetary contributions. Only items purchased by individuals could be donated. It is recommended that this section of the by-law be expanded to identify the items allowed and ensure clarity.
4) *Use of Electronic Deposits And Payments*
   Section 7(f) of the By-law and section 37(f) of the Charter state as follows:

   Duties of official agent
   (f) all payments relating to or arising out of the campaign are made only by cheque drawn on such an account;"

   In addition to the use of cheques, the Charter and the By-Law should be updated to reflect the use of current technology for items such as electronic deposits and payments by allowing "auto debits" to and from bank accounts. Auto Debits and 'PayPal' contributions were allowed during this campaign.

5) *Audit Reports*
   In December 2010 the Institute of Chartered Accountants made a change to the requirements of issuing an audit report. Chartered Accounting firms had to comply with a new format of report which was different from the report in Form 4. There were a few such reports filed for the candidates. The new form fulfilled the requirements of the audit report in the By-Law. It is recommended that the audit report in Form 4 be changed to reflect the new reporting requirements.

6) *Campaign Deficits and Audit Fees*
   With the change to the By-Law and the Charter, requiring a maximum of $750.00 contribution by a candidate and their spouse, there were a few situations whereby funds were not available to cover the cost of the audit as well as other expenses and the resulting expense placed the Candidate in an overage position as to the amount he/she could contribute to cover the total expenses. It is recommended that:

a) The Audit Fee be excluded from the Total Period Expenses.
b) The Audit fee should be paid by the Candidate regardless of his/her maximum contribution of $750.00 or $1500.00. The maximum rebate receipt of the candidate is still $750.00 for Councillor and $1500.00 for Mayor.
c) Each Candidate be allowed a total personal contribution to cover such expenses to a maximum of $5,000.00 for Councillor & $10,000.00 for Mayor.

This recommendation is to ensure that a proper audit is done and is not restricted due to unavailable funds.

The first recommendation is in regards to Political Parties and any endorsement they provide to candidates. The current Act does not allow spending on the election process prior to registration by candidates. As such the CEC Officer was of the opinion that both the Political Party and the candidates involved were in violation of the legislation as they both undertook spending prior to the candidate's registration.

The second recommendation was that a refundable deposit be put in place for candidates, with refund occurring when an audited financial statement is filed. The audited financial statements are the public report on spending from each candidate that ensures disclosure and public confidence in the election process. Deposits would effectively have candidates pre-pay the costs of the audits and likely result in greater compliance. In 2010, 7 of 62 candidates failed to file an audited financial statement. Since 2004, the City has successfully prosecuted all non-filers of audited statements in Provincial Court, including those from the 2010 General Civic Election, although appeals do continue to be heard by the courts. Penalties for non-filers include the inability to run in the next General Civic Election and a fine up to $5,000, with the amount determined by the magistrate. Notably, one non-filer from the 2010 Civic Election was a previous non-filer from the 2002 Civic Election, showing a blatant dis-regard for the need to undertake full public disclosure. Offenders who repeatedly violate this provision should lose their ability to run in future elections.

The third recommendation was in regards to fund-raisers that can be undertaken by candidates to raise funds for elections. Rules in regards to fund-raisers are not well-defined in the legislation and the recommendation was to amend these to provide greater clarity.

The fourth recommendation was to allow the use of payments and deposits by some means other than by cheque. The current legislation requires all deposits to a campaign be made by cheque and that all expenses be incurred by cheque. The legislation is no longer reflective of current times and should be expanded to include other means of deposit and payment that still ensure disclosure and audit.

The fifth recommendation deals with replacing the audit declaration signed by firms that complete the audited financial statements with one that is more in keeping with current practices.

The final recommendation is in regards to the maximum amount of that can be spent by candidates on their own election and the issue of overspending to produce the audited financial statement. The recommendation is to not include the cost of the audit as part of the maximum amount that a candidate can spend, so as to not force candidates to violate the maximum spending rule in order to comply with the need to file an audited financial statement, which provides disclosure to the public.

RECOMMENDATION No 17:

- ***That Council recommend to the Province of Manitoba that the relevant legislation(s) be amended to prevent expenditure of funds prior to candidate registration, by political parties or potential candidates, for the purpose of political party endorsement.***

RECOMMENDATION No. 18:

- ***That Council recommend to the Province of Manitoba that the applicable legislation be amended to allow for deposits to be required of all registered candidates, with the amount of deposit to be set by Council and for said deposits to be refundable upon submission of an audited financial statement within the time limits specified.***

RECOMMENDATION No. 19:

- ***That Council recommend to the Province of Manitoba that Section 44(3) of The City of Winnipeg Charter be amended to not only disqualify those who fail to file an audited financial statement from running in the subsequent General Civic Election, but that it also preclude repeat non-filers from running in any future Civic Elections, not only the subsequent election after the offence.***

RECOMMENDATION No. 20:

- ***That Council recommend to the Province of Manitoba that the rules around fundraisers be clarified in the applicable legislation.***

RECOMMENDATION No. 21:

- ***That Council recommend to the Province of Manitoba that the applicable legislation be amended to allow candidates to receive funds and expend funds by means other than by cheque, including debit, credit card, and mechanisms such as PayPal that can be tracked and audited.***

RECOMMENDATION No. 22:

- ***That the City of Winnipeg update the Campaign Expenses and Contributions By-law No. 10/2010 to ensure the Audit Statement, signed by Audit firms who complete audited financial statements, meets current standards.***

RECOMMENDATION No. 23

- ***That Council recommend to the Province of Manitoba that the applicable legislation be updated to exclude the cost of completing an audited financial statement from any limits on spending to be incurred by the candidates.***

Summary of Recommendations

Province of Manitoba:

RECOMMENDATION No. 1:

- ***That Council recommend to the Province of Manitoba that The Municipal Councils and School Boards Elections Act (and any other related legislation) be amended to specifically allow students, including those of 16 or 17 years of age, to act as Election Workers.***

RECOMMENDATION No. 3:

- ***That Council recommend to the Province of Manitoba that they enter into an agreement with Elections Canada to provide them with the same motor vehicle registrar data to update the National Register of Electors that all other provinces in Canada provides.***

RECOMMENDATION No. 4:

- ***That Council recommend to the Province of Manitoba that Section 19 of the City of Winnipeg Charter be amended to change the day the of the general election from being prescribed as the 4th Wednesday of October every 4 years to a date in October set by Council every 4 years, with such change to allow for the convening of future general elections on a Saturday or Sunday.***

RECOMMENDATION No. 5:

- ***That Council recommend to the Province of Manitoba that the residency requirement outlined in Section 21(1) (b) of The Municipal Councils and School Boards Election Act be reduced from six months to sixty (60) days.***

RECOMMENDATION No. 6:

- ***That Council recommend to the Province of Manitoba that The City of Winnipeg Charter be amended to include a provision that would require all candidate advertisements, including third party advertisements, to be allowable only if approved by a candidate and that all advertisements be required to be considered part of at least one candidate's campaign and be in compliance with contribution guidelines and all other applicable legislation.***

RECOMMENDATION No 17:

- ***That Council recommend to the Province of Manitoba that the relevant legislation(s) be amended to prevent expenditure of funds prior to candidate registration, by political parties or potential candidates, for the purpose of political party endorsement.***

Summary of Recommendations:

Province of Manitoba (continued):

RECOMMENDATION No. 18:

- ***That Council recommend to the Province of Manitoba that the applicable legislation be amended to allow for deposits to be required of all registered candidates, with the amount of deposit to be set by Council and for said deposits to be refundable upon submission of an audited financial statement within the time limits specified.***

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RECOMMENDATION No. 23

- ***That Council recommend to the Province of Manitoba that the applicable legislation be updated to exclude the cost of completing an audited financial statement from any limits on spending to be incurred by the candidates.***

City of Winnipeg:

RECOMMENDATION No. 22:

- ***That the City of Winnipeg update the Campaign Expenses and Contributions By-law No. 10/2010 to ensure the Audit Statement, signed by Audit firms who complete audited financial statements, meets current standards.***

SUMMARY OF RECOMMENDATIONS:

Internal:

RECOMMENDATION No. 2:

- ***That the City Clerk's Department continue to deliver training in small groups, focusing on hands-on, workbook based training and utilizing technology such as web-based on-line interactive training to augment its processes. Further it is recommended that a module based system be prepared and that formalized minimum testing be applied to all workers to ensure competency.***

RECOMMENDATION No. 7:

- ***That the City Clerk's Department continue to improve public awareness and it's messaging as it pertains to Election identification requirements.***

RECOMMENDATION No. 8:

- ***That the City Clerk's Department work together with Dominion Voting Systems to improve the quality of the Audio Ballot.***

RECOMMENDATION No. 9:

- ***That the City Clerks' Department collaborate with Dominion Voting Systems and investigate alternate markers and paper stock to mitigate marker bleed-through.***

RECOMMENDATION No. 10:

- ***That the City Clerk's Department, in partnership with the Province of Manitoba, work to increase awareness with landlords and property managers of Candidates' entitlement to access Rental Accommodations for the purpose of campaigning.***

RECOMMENDATION No. 11:

- ***That the City Clerk's Department investigate the creation / implementation of a "Statement of the Electors who voted on Polling Day" form for the next general Civic Election.***

RECOMMENDATION No 12:

- ***That the City Clerk's Department continue to explore additional new voting locations that will facilitate and encourage greater voter turnout.***

RECOMMENDATION No. 13:

- ***That the City Clerk's Department continue to explore additional technology such as "vote anywhere" software to facilitate voting both at advance polls and on Election Day.***

SUMMARY OF RECOMMENDATIONS:

Internal (continued):

RECOMMENDATION No. 14:

- ***That the City Clerk's Department continue to explore the use of alternative voting technologies such as Internet Voting, and bring forward to Council future proposals as the technology becomes more robust and accepted by citizenry as an acceptable voting method.***

RECOMMENDATION No. 15:

- ***That the City Clerk's Department expand the process of utilizing City of Winnipeg managers on Election Day to oversee process and procedures at the voting locations and to provide direct customer service.***

RECOMMENDATION No. 16:

- ***That the City Clerk's Department continue to ensure that outside election professionals are present to observe and report on the election process and procedures, in order to provide assurance that legislation is being observed and that the Electoral process is fair and equitable, and in keeping with legislative requirements.***

Appendix A

Election 2010 - Community Advance Poll Locations



Community Advance Voting

REMEMBER TO BRING YOUR VOTERS NOTICE AND IDENTIFICATION WITH YOU TO THE POLL



All Locations Listed Below are Open to All Voters

WHEN? **October 19, 20 and 21**
4:00 p.m. to 9:00 p.m. daily

WHERE? **At the following locations:**

Charleswood - Tuxedo	Roblin Park Community Club Info 640 Pepperloaf Cres
Daniel McIntyre	General Wolfe School Info 661 Banning St
Elmwood - East Kildonan	Miles Macdonell Collegiate Info 757 Roch St
Fort Rouge - East Fort Garry	Fort Rouge Leisure Centre Info 625 Osborne St
Mynarski	St. John's High School Info 401 Church Ave
North Kildonan	North Kildonan Community Centre Info 1144 Kingsford Pl
Old Kildonan	Garden City Community Centre Info 725 Kingsbury Ave
Point Douglas	Northwood Community Centre Info 1415 Burrows Ave
River Heights - Fort Garry	Grant Park High School Info 450 Nathaniel St
St. Boniface	Southdale Recreation Centre Info 254 Lakewood Blvd
St. Charles	Heritage Victoria Community Club Info 950 Sturgeon Rd
St. James - Brooklands	Deer Lodge Community Centre Info 323 Bruce Ave
St. Norbert	St. Norbert Community Centre Info 3450 Pembina Hwy
St. Vital	Norberry-Glenlee Community Centre Info 26 Molgat Ave
Transcona	East End Community Centre Info 517 Pandora Ave E

Appendix A (continued)

Election 2010 – Shopping Mall / University Advance Poll Locations



Advance Voting
at Shopping Centres and Universities



REMEMBER TO BRING
YOUR VOTERS NOTICE AND IDENTIFICATION
WITH YOU TO THE POLL

Universities
All Locations Listed Below are Open to All Voters

Location	Date(s)	Times
University of Manitoba 65 Chancellor's Circle UMSU	Tuesday, October 12 Wednesday, October 13	9:30 a.m. - 3:30 p.m. 9:30 a.m. - 3:30 p.m.
University of Winnipeg 515 Portage Ave. Main Floor	Tuesday, October 12 Wednesday, October 13	9:30 a.m. - 3:30 p.m. 9:30 a.m. - 3:30 p.m.
Red River College (Notre Dame Campus) 2055 Notre Dame Ave. Main Floor	Thursday, October 14 Friday, October 15	9:30 a.m. - 3:30 p.m. 9:30 a.m. - 3:30 p.m.

Shopping Centres
All Locations Listed Below are Open to All Voters

Location	Date(s)	Times
Garden City Shopping Centre 400 - 2305 McPhillips St. Centre Court near lotto kiosk	Friday, October 8	3:00 p.m. - 9:00 p.m.
St. Vital Centre 1225 St. Mary's Rd. Near Sears, in front of Tabi and Salon Secrets	Saturday, October 9 Sunday, October 10	9:30 a.m. - 6:00 p.m. 12:00 p.m. - 6:00 p.m.
Grant Park Shopping Centre 1120 Grant Ave. In front of Tim Horton's near Safeway entrance	Saturday, October 9 Sunday, October 10	9:30 a.m. - 6:00 p.m. 12:00 p.m. - 6:00 p.m.
Portage Place Shopping Centre 309 - 393 Portage Ave. Centre Court	Friday, October 15	12:00 p.m. - 6:00 p.m.
Polo Park Shopping Centre 200A - 1485 Portage Ave. Community Booth, near The Bay next to escalators	Saturday, October 16 Sunday, October 17	9:30 a.m. - 6:00 p.m. 12:00 p.m. - 6:00 p.m.
Kildonan Place Shopping Centre 1555 Regent Ave. W. Centre Court	Sunday, October 17	12:00 p.m. - 6:00 p.m.

Appendix B

List of Manitoba Municipalities who have made use of National Register Data in the 2006 or 2010 Municipal Elections

Municipality / School Division
City of Brandon
City of Dauphin
City of Gimli
City of Selkirk
City of Thompson
City of Winkler
City of Winnipeg
Rural Municipality Langford
Rural Municipality North Cypress
Rural Municipality of Franklin
Rural Municipality of Gimli
Rural Municipality of Grahamdale
Rural Municipality of Lorne
Rural Municipality of Piney
Rural Municipality of Swan River
Town of Carberry
Town of Neepawa
Town of Swan River
Town of Winnipeg Beach
Beautiful Plains School Division
Mountain View School Division
Swan Valley School Division