Request for Decision
City Council

Greater | Grand Sudbury
www.city.greatersudbury.on.ca

Type of Decision

Meeting Date	November 24th, 2005			Report Date	November 16th, 2005		
Decision Requested	x	Yes	No	Priority	x	High	Low
	Direction Only			Type of Meeting	x	Open	Closed

Report Title

Mayor and Council's Civic Awards for Volunteerism

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

X	Background Attached

Recommendation

That Council congratulate the recipients of the 2005 Mayor and Council's Civic Awards for Volunteerism as recommended to them by the Volunteer Advisory Panel.

Recommendation Continued

Recommended by the Department Head

Catherine Matheson
General Manager of Community Development

Recommended by the C.A.O.

Mark Mieto
Chief Administration Officer

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Report Prepared By	Division Review
Cindy Dent /DC Cindy Dent Community Development Officer	*Réal Carré* Réal Carré Director of Leisure, Community and Volunteer Services

Executive Summary

Council, at its meeting of November 29, 2001, approved the creation of the Mayor and Council's Civic Awards for Volunteerism to promote and encourage a high standard of volunteerism and community involvement and to recognize those individuals and organizations that have made significant contributions to Greater Sudbury. The Mayor and Council's Civic Awards for Volunteerism promote and reward leadership, humanitarianism and enrichment of the human spirit through volunteerism and community involvement.

Background

The Mayor and Council's Civic Awards for Volunteerism were advertised across the community with advertisements appearing in the Sudbury Star and in the community newspapers across the City of Greater Sudbury. All nominations were received by the Volunteer Advisory Panel which consists of Councillor Ron Dupuis, Louise Lane, Yvonne Nadeau, Marvin Julian, Glynne Richard, Norma Fitzgerald and Barbara Nott. Cindy Dent and Chris Gore provide staff support to the group.

Each nomination received told the story of a dedicated volunteer(s) who had given generously of their time and effort, making significant contributions to special projects and to the groups with which they were associated. The variety of nominations received came from all corners of the City of Greater Sudbury and clearly depicted caring and giving individuals and groups who enrich our community.

The Advisory Panel took great care to give due consideration to each of the nominations received. The Advisory Panel reviewed and discussed each nomination, giving consideration in the length and quality of the service to the community, the uniqueness of the contributions as well as the opportunities seized and the obstacles faced by the nominee(s). Furthermore, the Panel looked for those who had made a lasting legacy, who provided strong role models for others to follow, who balanced leadership with a commitment, to humanitarian service and whose volunteerism lead to an enrichment of the human spirit.

Suzanne and Ronald Ladéroute are both a shining example of committment to their community.

Ron's volunteer experience dates as far back as the 1950's when he was a Volunteer Counsellor for Capreol Township. He was instrumental in the formation of the Athletic Association of Valley East and held the inaugural position of President. Ron was an active in the Boy Scout movement for 25 years and currently holds the position of President of Administration for the Diocese of Sault Ste Marie. He remains active with the Golden Age Club of the Valley and is an honourary member. Involvement in fundraising for Centennial Arena , renovation the St. Jacques Parish Hall and maintenance funds for upkeep of both the cemetary and the church, have been successful projects that Ron has been proud to be part of. Ron has helped to build playgrounds, coached hockey and baseball, formed the Camp Owner's Association, and was involved in Adopt a Road and clean up programs.

Suzanne has a history of never saying no to anyone asking for help. At the tender age of 20, Sue became President of "Les Dames de Ste. Anne". She has been heavily involved also, with St. Jacques Parish, where she has organized bingos, annual picnic meals, ongoing fundraising, and she and her husband facilitated Marriage Preparation Courses. Many meals were prepared and organized by Suzanne for numerous boy scouts and girl guides camping trips. Along with her husband, she also volunteers at the Golden Age Club of the Valley.

Mr. and Mrs. Ladéroute have spent half a century of their life giving back to their community. The City of Greater Sudbury is honoured and proud to recognize Ron and Sue in their lifelong committment to making Valley East a better place to live.

Shirley Rivers

For three decades, Shirley has made it her life's work to help youth improve themselves through both the Boy Scout and Girl Guide movement. Shirley is a respected area leader in Guiding and Scouting in our area and has also been involved at the international level. In 2004, Shirley was chosen to lead the Ontario Contingent to the International Camp in British Columbia and is currently the training adviser in Greater Sudbury. She leads a Pathfinder Group, is section Leader, volunteers as the Guide store bookkeeper, and acts as scouting group registrar. After 29 years with Girl Guides, and 12 years with Boy Scouts, Shirley managed to find time to volunteer with the Relay for Life Committee and the Big Brothers mentioning program. The youth in our community are better people today, due to the hard work and commitment from volunteers like Shirley, who give freely of themselves for the benefit of others.

Pat Shewring

The City of Greater Sudbury is fortunate to have, yet another strong volunteer in the Girl Guide community and she is Pat Shewring. Pat is the Division Co-commissioner for the Nickel Sudbury Division - Girl Guides of Canada, covering all of Greater Sudbury and beyond. Pat has been a dedicated volunteer for 10 years and has been a unit Guider, Product Marketing Advisor, and District Commissioner. She gives tirelessly of her time to help all units, and provides the girls and leaders with training opportunities, acts as chairperson, co-ordinates special events, and leads community service projects. Pat prides herself in leading by example, and also volunteers at her children's school, and at her church. Pat has an obvious love of children and works as a secretary at St. Christopher's School, where her workday often lengthens into volunteer time as she is always a great help with ongoing school activities. She has been recognized by the Girl Guides through various awards, and we also would like to recognize Pat for her tremendous contribution to our community.

James Austin

Many community groups have benefited from the efforts of James Austin. Jim has volunteered in many different areas of our community. He held the position of Board Secretary with the Memorial Hospital for 11 years and chaired the Lions Resource Centre Board for 10 years. His involvement with the Sudbury Lions Club spans an amazing 45 years, as well as lengthy commitment to Canadian Blood Services and St. Peter's Church. This nomination was brought forth for Jim's dedication to Meals on Wheels, where Jim has volunteered as a driver since 1989. Jim held a position on the Board of Directors for Meals On Wheels for four years and the measure of his contribution is so much greater than his time served. Jim is known at Meals On Wheels for his energy, enthusiasm and the joy he brings to those around him - this group considers Jim a model volunteer for his spirit, his thoughtfulness and his devotion to the people in our community. We are proud to recognize him with the 2005 Civic Award.

Sheila Bianconi

Sheila Bianconi ("Sheila B")

CKLU is a student funded radio station offered from Laurentian University Campus. The station has offered an alternative to corporate radio and volunteers deliver daily programs 365 days per year. CKLU volunteers and listeners are able to experience new music and this station provides a venue for local musicians to perform.

Sheila Bianconi (better known as "Sheila B") is the Assistant Administrator - Volunteer and is one of CKLU's most involved volunteers. She has been volunteering with CKLU since 1995, but has spent most of the past two years extremely committed to the radio station. Sheila organizes and delivers volunteer training and also is responsible for the data entry for the music program. Promoting the radio station is also something that Sheila is very involved in. CKLU has a presence at large, live events such as Northern Lights Festival Boreal, to ensure that CKLU is promoted throughout our community. Sheila has shown her commitment to this extremely worthwhile cause by being one of the most dedicated CKLU volunteers. These kinds of efforts can only serve to improve our arts and cultural community, and Sheila is certainly worthy of this Civic Award.

Joanne Nother

Our community recently lost a tremendous volunteer and advocate for disabled persons. Joanne Nother was tireless in advocating for the removal of transportation and employment barriers for persons with disabilities. She had volunteered since 1989 as a member of the following groups: Living Independent Resource Centre, Persons United for Self-help, Chairperson for NEORAD (Northeastern Ontario Regional Alliance for Disabled Persons) , and Absolute Abilities. Joanne was instrumental in the development and access of transportation needs for disabled persons in the outer areas of the former City of Sudbury, specifically in the Garson area. Joanne was a volunteer member of the former City of Sudbury Transportation Advisory Committee. She was a community spokesperson and leader who regularly took on new initiatives in her goal to ensure accessibility across the City for disabled persons. It is our pleasure to honour the memory of Joanne Nother with a Civic Award.

Request for Decision
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Type of Decision

Meeting Date	November 9, 2005				Report Date	October 14, 2005			
Decision Requested	x	Yes		No	Priority	x	High		Low
		Direction Only			Type of Meeting	x	Open		Closed

Report Title

Proposed Voting Method, 2006 Municipal Election, November 13, 2006

Policy Implication + Budget Impact

x	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

POLICY:

In accordance with the Municipal Elections Act, 1996, when an alternative voting method is selected by Council, a by-law must be passed and written procedures for the alternative voting method must be provided.

BUDGET IMPACT:

The total budget for the 2006 Election is $815,000. This budget assumes the use of the "marksense" paper ballot with optical scan tabulation and Voter Assist Terminals (Touch Screens with Audio Component).

	Background Attached

Recommendation

That Council authorize the use of Optical Scan Vote Tabulators and Voter Assist Terminals (Touch Screens with an Audio Component) for the purpose of the 2006 Election;

And that staff prepare the necessary by-laws to authorize the alternative methods of voting for the 2006 Municipal Election.

	Recommendation Continued

Recommended by the Department Head

Caroline Hallsworth
Executive Director of Administrative Services

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Office

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Report Prepared By	Division Review
A. Haché Angie Haché City Clerk	 Name and Title

Executive Summary

The 2003 election was the second amalgamated election for the City of Greater Sudbury. It was the first time the City used an alternative voting method that being Optical Scan Vote Tabulators. We hope to build on experiences learned during 2003 to improve and refine the election. Areas requiring improvement have been identified. We will be looking at ways to ensure issues and concerns are addressed for the 2006 election. A report will be presented to Council in January 2006 regarding criteria for polling locations.

The purpose of this report to Council is to confirm the use of optical scan vote tabulators as the method of voting for the 2006 Municipal Election.   In order to meet of the legislative requirements of the Municipal Elections Act, 1996 as amended with respect to the visually impaired, the introduction of voter assisted terminals (touch screens with an audio component) is being recommended.

Background

Optical Scan Vote Tabulators - Poll Counters

For the last municipal election in 2003, Council agreed that Vote Tabulators (Optical Scan Ballot Readers) be used to conduct the election. This method of election uses a paper ballot called the "Marksense" ballot and vote tabulators which are used to count the ballots.

"Marksense" ballots are those used by vote tabulators. The voter is given a paper ballot that lists the names of the candidates and next to each choice is an arrow with a gap between the fletching and the point. The voter draws a straight line connecting the two parts of the arrow. (Refer to Schedule 1)   After the elector has completed the ballot, it is placed into a privacy sleeve and scanned into the vote tabulator by an election official. The votes are tabulated at the polling locations and after the polls are closed at 8 p.m. they report their results by modem transmission to Tom Davies Square where the results from the polling locations are electronically tabulated.

The 2003 Post Election report prepared by Election Staff recommended the continued used of this method of voting.   Most local governments in Ontario, with a population in excess of 75,000, use some form of computer voting. Optical Scan technology is a trusted and reliable method of voting that is widely used throughout North America.   The Association of Municipal Clerks and Treasurers of Ontario conducted a survey following the 2003 municipal elections on voting methods used by municipality. Attached is a list of municipalities who responded to the survey showing voting methods used in 2003.

Optical Scan Vote Tabulators - Poll Counters (Cont'd)

Using vote tabulators in 2003 allowed results to be transmitted without delay and accurately to Tom Davies Square. By 8:45 p.m, out of 54,338 votes cast, 37,000 results had been reported. By 9:00 p.m. over 45,000 results had been reported.

During the 2003 Municipal Election, Greater Sudbury voters were asked to participate in a written exit survey at Advance Voting and Election Day polling locations. The object of the survey was to make an evaluation of the attitudes and opinions of voters on a series of issues related to voting in future municipal elections. Close to 10,000 questionnaires were completed. Over 94% of respondents found the ballot easy to use and 87% said they trusted the Vote Tabulators to record their ballot.   Over 94% of the respondents between the ages 55-64 indicated they found the "Marksense" ballot easy to use.   Results from the Advance polls and Election Day found electors preferred to cast their vote with a paper ballot either using the "Marksense" ballot or the paper ballot (manual count).

Following the November 2003 election, a manual recount was requested by a candidate who ran for office as a Councillor in Ward 3. The candidate requested that the municipality perform a manual recount and after being rejected by Council applied for a court-ordered recount. The candidate requesting the recount raised a number of different issues in justification of his case. The City Solicitor in his report dated January 19, 2005 lists these concerns and provides a brief description of the City's response to each. An excerpt from the City Solicitor's report is attached. (Refer to Schedule 3).

Voter Assist Terminals (Touch Screen with Audio Component)

Section 41 (3) of the Municipal Elections Act states "The clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance". In order to be in compliance with the Act with respect to the visually impaired, the introduction of voter assist terminals is being recommended. The voter assist terminals interface with the vote tabulators. This equipment will be used at the advance poll and at selected locations throughout the City on election day in consultation with the Canadian National Institute for the Blind. The equipment provides an audio and/or touch screen ballot for visually impaired electors and allows them to vote independently without assistance meeting the requirements of the Act.   It also has a zoom feature that enables the voter to increase the font size of each race listed on the ballot.   This device would also allow those with special needs, physical impairments and low literacy skills to vote without assistance.

The voter inserts a preprinted blank ballot into the input tray of the terminal. The mechanism draws in the ballot and scans a preprinted bar code to determine which form of ballot has been inserted. The voter chooses whether they would like the touch screen or audio component. In selecting the audio component, the instructions and listing of candidates names is read to the elector.   In selecting the touch screen option, the elector is presented with a listing of candidates and makes his/her choice by touching the screen.   Once the voter has made his/her choices the equipment produces a completed ballot which is then scanned into the vote tabulator.

Voter Assist Terminals (Touch Screen with Audio Component) (Cont'd)

Earlier this year the City Clerk's Office arranged for a demonstration of voter assisted terminal voting devices. Representatives from the Canadian National Institute for the Blind (CNIB) and the ICAN Centre (formerly Participation House) attended the demonstration. The voter assist terminal was chosen as the preferred method of marking the ballot by all in attendance.

Advantages and Disadvantages
- Optical Scan Vote Tabulators and
Voter Assist Terminals (Touch Screens with Audio Component)

Advantages	Disadvantages
Eliminates Manual Counting and Reduces Amount of Election Workers Required	Space is required to store and prepare equipment
Early Election Night Results	
Accurate Results	
Audit Trail - Paper Ballot	
Similar to Traditional Voting	
No Over Votes - Provides Opportunity for Elector to Correct the Ballot	
Meets the Requirements of the Municipal Elections Act relating to the Visually Impaired Voting Independently	
Eliminates Transposition Errors and Interpretation in Counting the Votes	

CONCLUSION

The optical scan "Marksense" paper ballot tabulating system remains one of the best approaches to voting and counting ballots. The use of Voter Assist Terminals with audio component and/or touch screen meets the requirements of the Municipal Elections Act as it relates to the visually impaired. Both methods rely on original paper ballots and the voter is provided with a method of voting electors are comfortable with.

For the above reasons the vote tabulators and voter assist terminals are being recommended as the vote method for 2006.

Other Voting Methods

There are a number of voting methods municipalities use to conduct elections including Vote By Mail, Internet Voting, and Paper Ballot (Manual Count) .

Since the last election a number of surveys were taken by various agencies and municipalities and they have found that the majority of municipalities use either vote tabulators or vote by mail.

Vote by Mail

Vote by Mail is used by numerous smaller townships, many of which have a large number of seasonal property owners. A few smaller cities including City of Dryden and City of Kenora used this method of voting in the 2003 election. The City of Kenora indicated that the vote by mail experience was positive and has been very well received by the electorate. They will be using Vote by Mail for the 2006 election.

With respect to meeting the needs of the visually impaired to vote independently as required in the Municipal Elections Act, Canada Post indicates it will work with municipalities to make changes to the formatting and font size to determine if the needs of the visually impaired voters can be met. The Standard Vote by Mail Voter Kit does not contain a Braille template.

Advantages and Disadvantages of Vote By Mail

Advantages	Disadvantages
Convenient	Labour Intensive on Election Night and Late Election Night Results
Eliminates Advance Voting	Voters Unfamiliar with Mail in Voting may Mistakenly Throw Away Ballot
No Proxy Vote	Dependent on Accurate Voters' List
No Polling Locations	Voter Authentification is Difficult
Audit Trail	Counting Ballots Subject to Interpretation
	Disruption in Mail Service Could Jeopardize Election
	Once ballots mailed out, no control as to where they end up

Internet Voting/Telephone Voting

For the 2003 election, Markham went from a manual ballot count to a three-way integrated electronic process using internet voting, touch screen voting and poll counting equipment. The Town of Markham used internet voting only for the advance poll. Over 42,000 or 17% of the votes cast were over the internet. While internet voting increased advance poll numbers by 300% over the previous election, voter turnout over all the election process did not increase. In a survey conducted by the Town of Markham it was found that one-third of those people who did not vote online didn't do so because they had missed the registration date.

Other municipalities, mostly townships used a combination of telephone and internet voting during the last municipal election. Their over all experience was a positive one. One municipality experienced an increase of 49% in voter turnout while another municipality experienced a minimal increase. For larger municipalities telephone capacity on election night is a concern in telephone voting.

In the exit survey conducted by the City of Greater Sudbury in 2003, approximately 60% of respondents indicated they would not use the Internet to cast their vote.

Advantages and Disadvantages of Internet Voting

Advantages	Disadvantages
Eliminates Manual Counting	No Audit Trail
Reduction in Number of Polling Locations & Election Workers	Must Have a Additional Voter System to Serve as Back-up
Early Election Night Results	System May be Vulnerable to Hackers
No over votes	Dependent on Accuracy of Voters' List
Convenient	Voter Authentification is Difficult
No Proxy Voting	System Failure
Accurate Results	
Spoiled Ballots are Detected, Giving Elector the Opportunity to Correct the Ballot	
Eliminates Transposition Errors and Interpretation in Counting the Vote	

Paper Ballot (Manual Count)

There are six "offices" to be elected in every ward, and every elector could be entitled to vote 3 - 8 times (depending on School Board Support): 1 Mayor, 1 Ward Councillor, 1 District School Board Trustee (English Public and Separate), 2 District School Board Trustees (French Separate) and 6 District School Board Trustees (French Public).

For a paper ballot using a manual count, the general rule is to have 250 to 300 electors for voting subdivision.

Based on 200 voters per voting subdivision, a Deputy Returning Officer (DRO) could be counting anywhere from 600 to 1,600 votes depending on school board support. If the manual count of paper ballot is chosen, a larger number of workers will be required as each DRO must have a manageable amount of ballots to count at the close of voting. Each ballot will be manually counted anywhere between 3 to 8 times depending of the school board support. If the number of ballots do not balance with the number of electors who voted in a particular poll, they will need to be recounted. This method of voting is very labourious and time consuming process.

With respect to meeting Municipal Elections Act requirements regarding the vision impaired voting independently, it is necessary to provide Braille ballots in both official languages and in both levels of Braille. They would need to be translated, verified and printed within a short period of time (approximately three weeks). It will be a challenge to have ballots ready for voting. It should also be noted that not all persons with visual impairments necessarily read Braille. Magnification sheets to enlarge the print will also be provided in an attempt to assist those with poor vision. Election staff who can read Braille would be required for each voting location to ensure proper counting of Braille ballots.

Advantages and Disadvantages - Paper Ballot (Manual Count)

Advantages	Disadvantages
Audit Trail	Labour Intensive and Challenge to Find Number of Election Workers Required
Known and Trusted By Electors	Late Election Night Results
	Transposition Errors
	Spoiled Ballots
	Counting Votes Subject to Interpretation
	Challenges in Providing Braille Ballots and Counting Braille Ballots
	Challenges in Meeting the Requirements of the Municipal Election Act for the Visually Impaired to Vote Independently

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Criteria to be Applied when Selecting an Alternative Voting System

Fourteen criteria should be applied when selecting an alternative voting system. They are as follows:

- Eligibility & Authentication - Only authorized Voters should be able to vote.

- Uniqueness - No voter should be able to vote more than one time.

- Accuracy - Election systems should record the votes correctly,

- Integrity - Votes should not be able to be modified, forged or deleted without detection.

- Verifiability and Audit Ability - It should be possible to verify that all votes have been correctly accounted for in the final election tally, and there should be reliable and demonstrably authentic election records.

- Reliability - Election systems should work robustly, without loss of any votes, even in the face of numerous failures, including failures in voting machines.

- Secrecy & Non-Coercibility - No one should be able to determine how any individual voted and voters should not be able to provide how they voted (which would facilitate vote selling or coercion);

- Flexibility - Election equipment should allow for a variety of ballot question formats (e.g. multiple languages); be compatible with a variety of standard platforms and technologies and be accessible to people with disabilities;

- Convenience - Voters should be able to cast votes quickly with minimal equipment skills

- Certifiability - Election systems should be testable so that election officials have confidence that they meet the necessary criteria.

- Transparency - Voters should be able to possess a general knowledge and understanding of the voting process.

- Cost-effectiveness - Election systems should be affordable.

- Visually Impaired Being Able to Vote Independently in accordance with Municipal Elections Act

Conclusion

In reviewing the methods of voting presented in this report against the fourteen criteria described above, only vote tabulators meet all fourteen criteria and is therefore recommended as the vote method for the 2006 election.

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Next Steps

A report on criteria used in selecting polling locations will be presented to Council in January 2006. In a debriefing session held with the Ward Managers and other key election staff following the 2003 election, areas requiring improvements were identified, including increased election workers, larger and increased voting locations, inadequate signage, poor outdoor lighting, etc. We will be looking at strategies to ensure these concerns are addressed.
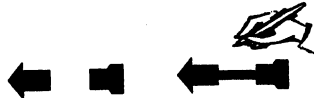
	A		B		C

CANADIAN DEMO ELECTION

Vote by filling in the blank space between the head and tail of the arrow pointing to the candidate of your choice.
Pour voter, complétez la flèche pointant vers le nom du candidat de votre choix.

Office of Mayor
Bureau de Maire
(Vote for ONE (1) ONLY)
(Voix pour UN (1) SEULEMENT)

Dan Aykroyd ←

John Candy ←

Neve Campbell ←

Michael J. Fox ←

Office of Councillor
Bureau du Counseiller
(Vote for NOT MORE THAN THREE (3))
(Voix pour PAS PLUS DE TROIS (3))

Gordie Howe ←

Mario Lemieux ←

Wayne Gretzky ←

Bobby Orr ←

Patrick Roy ←

Ken Dryden ←

Office of School Trustee
Bureau L'Administrateur d"Ecole
(Vote for NOT MORE THAN TWO (2))
(Voix pour PAS PLUS DE DEUX (2))

Bryan Adams ←

Diana Krall ←

Gordon Lightfoot ←

Neil Young ←

Jann Arden ←

Shania Twain ←

Do you like the new technology supplied for you from ES&S.

Aimez-vous la nouvelle technologie qui est fourni par de la compagnie ES&S?

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Yes/Oui ←

Review of Voting and Vote Tabulation Alternatives - 2003 Municipal Election

Consider the alternative voting methods now available.

The following table shows the voting methods used in the 2003 election. Contact the municipalities that used the method you're interested in for more information.

MAIL-IN BALLOTING WITH OPTICAL SCAN TABULATING
Municipalities:

City of Kawartha Lakes
Municipality of Sioux Lookout
Town of Gravenhurst
Town of Huntsville

COMBINED INTERNET AND TELEPHONE VOTING
Municipalities:

City of Clarence-Rockland
Municipality of the Nation
Township of Alfred and Plantagenet
Township of Champlain
Township of East Hawkesbury
Township of North Dundas
Township of North Glengarry
Township of North Stormont
Township of South Dundas
Township of South Glengarry
Township of South Stormont
Village of Hawkesbury

MAIL-IN BALLOTING WITH MANUAL COUNT
Municipalities:

City of Dryden
City of Kenora
Municipality of Assiginack
Municipality of Bluewater
Municipality of Brighton
Municipality of Centre Hastings
Municipality of Clarington
Municipality of Lambton Shores
Municipality of Marmora and Lake
Municipality of McDougall
Municipality of Meaford
Municipality of Neebing
Municipality of Northern Bruce Peninsula
Municipality of Sioux Narrows-Nestor Falls
Municipality of South Bruce
Municipality of South Huron
Municipality of St. Charles
Municipality of Temagami
Municipality of Thames Centre
Municipality of Tweed
Municipality of Whitestone
Town of Arnprior
Town of Fort Frances
Town of Kearney
Town of Kingsville
Town of Lakeshore
Town of Leamington
Town of Minto
Town of Mississippi Mills
Town of Perth
Town of Saugeen Shores
Town of Tecumseh
Township of Ashfield-Colborne-Wawanosh
Township of Augusta
Township of Bonnechere Valley
Township of Brock
Township of Brooke-Alvinston
Township of Carling
Township of Central Frontenac
Township of Central Manitoulin
Township of Centre Wellington

Township of Douro-Dummer
Township of Dysart et al
Township of Elizabethtown-Kitley
Township of Galway-Cavendish & Harvey
Township of Georgian Bay
Township of Greater Madawaska
Township of Horton
Township of Howick
Township of Huron-Kinloss
Township of Ignace
Township of Joly
Township of Lake of Bays
Township of Lake of the Woods
Township of Lanark Highlands
Township of Leeds and Thousand Islands
Township of Limerick
Township of McKellar
Township of McMurrich-Monteith
Township of Michipicoten
Township of Minden Hills
Township of Mono
Township of Morris-Turnberry
Township of Muskoka Lakes
Township of North Algona-Wilberforce
Township of North Kawartha
Township of Northeastern Manitoulin
Township of Otonabee-South Monahan
Township of Pelee
Township of Perry
Township of Ramara
Township of Seguin
Township of Smith-Ennismore-Lakefield
Township of South Algonquin
Township of South Frontenac
Township of Southwold
Tay Valley Township
Township of The Archipelago
Township of Tiny
Township of Tyendinaga
Village of Merrickville-Wolford

INTERNET VOTING
Municipalities:

Town of Markham - *advance voting only*

TELEPHONE VOTING
Municipalities:

None

OPTICAL SCAN - CENTRAL COUNT
Municipalities:

City of Brantford
City of Brockville
City of Cambridge
City of Elliot Lake
City of Guelph
City of Kitchener
City of North Bay
City of Orillia
City of Quinte West
Town of Iroquois Falls
Town of Niagara on the Lake
Town of Penetanguishene

TOUCH SCREEN WITH AUDIO BALLOT
Municipalities:

City of Barrie
City of Cornwall
City of Hamilton
City of Mississauga
City of Peterborough
City of Toronto
City of Vaughan
City of Windsor
Town of Ajax
Town of Aurora
Town of Markham
Town of Oakville
Town of Richmond Hill
Township of King

OPTICAL SCAN - POLL COUNTERS
Municipalities:

City of Brampton
City of Burlington
City of Cornwall
✳ City of Greater Sudbury
City of Hamilton
City of Mississauga
City of Niagara Falls
City of North Bay
City of Orillia
City of Oshawa
City of Ottawa
City of Pickering
City of Port Colborne
City of Sarnia
City of St Catharines
City of Stratford
City of Thorold
City of Thunder Bay
City of Timmins
City of Toronto
City of Welland
City of Windsor
City of Woodstock
Prince Edward County
Municipality of Central Elgin
Municipality of Kincardine
Town of Ajax
Town of Aurora
Town of Cobourg
Town of Fort Erie
Town of Greater Napanee
Town of Grimsby
Town of Kapuskasing
Town of Markham
Town of Milton
Town of Newmarket
Town of Niagara on the Lake
Town of North Perth
Town of Oakville
Town of Pelham
Town of Temiskaming Shores
Township of King
Loyalist Township
Township of Russell
Township of Springwater
Township of West Lincoln
Township of Woolwich
Village of Casselman

TOUCH SCREEN
Municipalities:

City of Barrie
City of Brampton
City of Brantford
City of Cornwall
City of Hamilton
City of Mississauga
City of Peterborough
City of Pickering
City of Sarnia
City of Stratford
City of Toronto
City of Vaughan
City of Welland
City of Windsor
Town of Ajax
Town of Aurora
Town of Markham
Town of Milton
Town of Oakville
Town of Richmond Hill
Township of King

PAPER BALLOT - MANUAL COUNT
Municipalities:

All municipalities not already listed that participated in the survey.

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The Cost Motion was scheduled for September 9th but was adjourned as the City was served with Notice that a new solicitor would be acting for Mr. Robert. It was finally heard on October 14th, and the Decision issued December 22nd, 2004.

B. A Review of Issues Raised about the Correctness of the Ballot Counting

Throughout the court application, staff remained convinced that Council adopted the right position in denying the recount request. No issues came forward at any time that would indicate there was reason to question the results. If any had, staff would have immediately brought the item forward to Council. It is important that the public have confidence in their election results.

Although Mr. Robert raised many different issues in justification of his case, there are nine main items, and this report will review each of them.

Mr. Robert had concerns about the following issues:

> 1) the 33 vote difference between Councillor Rivest and himself;
> 2) the difficulties he had in obtaining the election results;
> 3) voting machine malfunctions and the voting process;
> 4) the "discrepancy" with respect to the non-resident vote in Ward 3;
> 5) the KPMG LLP report;
> 6) the treatment of "spoiled ballots";
> 7) voting in Wards 7, 8 and 9;
> 8) proxy votes; and,
> 9) scrutineers' rights.

The City was required to respond fully to each of these concerns, and Mr. Robert received a full and complete answer to each in the City's responding materials. The following is a very brief description of the City's response to the above concerns.

1) The 33 vote difference between Mr. André Rivest and himself;

Ontario legislation no longer provides for automatic recounts in the event of a close race. An automatic recount is conducted only in the event of a tie between candidates.

2) The difficulties he had in obtaining the election results;

The Candidate's Guide provided to each of the candidates specifically provided that results would be posted on the election website as they were available and that paper copies of the results would be available by noon on November 12, 2003. On election night, the website showed 18 of 19 polls as having reported in Ward 3. Although the results for the 19th poll were received that night, the IT staff had already been sent home and the website was updated with the final poll on November 11, 2003 at 1:20 p.m. (Remembrance Day).

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When Mr. Robert was cross-examined on his affidavit he confirmed that he never checked the City's website, and that he did receive a paper copy of the results prior to noon on November 12th, 2003.

3) Voting machine malfunctions and the voting process:

The City's response on this aspect included a detailed description of the extensive procedures and measures taken by the Clerk and other City staff to ensure that the entire election process exceeded any requirements found in the applicable legislation. These included detailed procedures and manuals, comprehensive training for election officials, knowledgeable technical support staff from the voting machine supplier and the City on-site to deal with any problems, voting machine testing before and after the election, and voting machines with built-in safeguards, monitoring by KPMG, among others.

No voting machines malfunctioned in Ward 3 on voting day. After the close of polls, one machine in Ward 3 had difficulty transmitting its results to the computer system at Election Central. The machine was immediately taken to the Lionel Lalonde Centre where the results were transmitted successfully that evening. There was found to be no problem with the machine. Despite the fact that all telephone lines had been pre-tested and labelled by Bell technicians, the problem had been with the phoneline.

4) "Discrepancy" for non-resident vote in Ward 3:

The voting machines used by the City allowed it to collect statistical information about voting in the City of Greater Sudbury which could be used for future elections and analysis. These statistics related to the total number of ballots cast and this number was further broken down into number of ballots cast in a number of other areas (for example: total number of English Language Separate ballots or total number of ballots cast in Ward 3). For safety purposes, these statistics were counted separately from the actual candidate votes.

Initially it appeared that these statistics contained an unusually high number of non-resident ballots in Ward 3. City staff immediately contacted the voting machine supplier to get to the root of this matter. It was immediately explained to the City that due to a missing computer code in the print-out of Ward 3, a column shift had occurred, which led to the discrepancy for the statistic of non-resident ballot count.

The error proved very simple to correct and verifications established that the discrepancy had absolutely no effect on the candidate vote totals. Mr. Robert was advised of this prior to commencing his court application.

Again, this statistical error had no effect on the election outcome.

5) The KPMG LLP report:

KPMG LLP was retained by the City to monitor testing of voting machines and to perform its own testing of certain random voting machines. KPMG further reviewed the City's procedures and manuals in the months leading up to the election.

On election night after the close of polls, in addition to performing testing using test ballots to confirm that the voting machines were operating correctly, KPMG performed random testing with the actual ballots cast in one voting machine for each of the 6 Wards. In Ward 3, the randomly selected voting machine contained 1036 ballots of the 8234 total ballots cast in Ward 3. In other words, more than 12% of the ballots were recounted. A recount of these ballots by KPMG revealed that the vote count for the Ward 3 Councillor race was exactly the same as had been initially reported by the voting machine.

Again, it should be noted that this action was not a statutory requirement, but was a security measure put in place by the Clerk. This extra measure, interestingly enough, gave Mr. Robert part of the recount he was seeking, and confirmed the exact numbers originally given.

6) The treatment of "spoiled ballots":

In his Application, Mr. Robert asked that he be provided with the "spoiled ballots".

The old practice of reviewing spoiled ballots no longer applies to this method of voting as ballots are fed into the voting machine in the presence of the voter. If, for some reason, the ballot is rejected, the voter is given the opportunity to correct his ballot. If the voter wishes to correct his ballot he is given a new ballot and that new ballot is fed into the voting machine. The old ballot is retained apart from the ballots cast and never forms part of the vote totals. These ballots are of no consequence to any recount procedure.

7) Voting in Wards 7, 8 and 9:

Mr. Robert had concerns with voting in Wards 7, 8 and 9.

The City of Greater Sudbury is comprised of 6 Wards. Wards 7, 8 and 9 are nominal Wards only, created to allow residents in outlying areas (beyond the City's borders) to vote for the school board contests. Voters in Wards 7, 8 and 9 were not voting for the Mayoral or any of the Ward Councillor contests. The City confirmed to Mr. Robert that the voting conducted in those Wards had no effect whatsoever on the Ward 3 Councillor race.

8) Proxy votes:

Mr. Robert had concerns with proxy votes and requested that these votes be made available for viewing. Mr. Robert relied upon the affidavit of an individual who stated that he wished to vote by proxy for his father who resides in a Senior's Residence. Mr. Robert did not provide any evidence establishing that the individual had executed the proper forms to vote by proxy for his father.

City staff reviewed its records and could not locate any evidence that the individual had executed any proxy forms. The individual further stated that, when he attended the Senior's Residence he was informed that his father had already voted and that an election official had provided assistance to his father and to those other residents who expressed an interest in voting.

It is fully in accordance with procedures for election officials to provide assistance when voters request it. The individual's father had the opportunity to vote, and did vote.

This issue has no bearing on the counting of votes.

9) Scrutineers' rights

Mr. Robert was concerned that some of his scrutineers were not permitted access to voting results election night.

With the advent of the voting machines, the rights of scrutineers have changed considerably when compared to manual voting methods. Specifically, the rights of scrutineers are listed on the back of the Appointment of Scrutineer form which was provided to candidates. The City confirmed to Mr. Robert that the rights of his scrutineers had not been infringed upon.

Once again, this issue had no effect on the counting of the votes.

Conclusions:

Recounts are not simply available for the asking. Applicants must prove there are sufficient grounds for a recount, based on concrete evidence, and not just mere concerns. The nine concerns raised by Mr. Robert do not raise any grounds for a recount. After having reviewed these items extremely thoroughly as part of the court proceedings, staff remains confident that the election results are fully accurate.

The citizens of Ward 3 can remain confident that their choices for Councillor have been respected, and that the rights of the voters remain protected, and are at the forefront of the electoral process.

The use of optical scan voting equipment met its goal of ensuring that those who chose to vote were assured that their votes counted. Unlike paper ballots, voters were not disenfranchised by over votes, incorrectly marked and spoiled ballots, or by third party interpretation of their intent. Staff remains convinced that Council correctly decided to use optical scan equipment, and that nothing has been raised to challenge that decision.