

**CITY OF ST. JOHN'S
MUNICIPAL BY-ELECTION
WARD 2**



**FINAL REPORT
OCTOBER 2020**

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EXECUTIVE SUMMARY

On Monday, August 4, 2020, Ward 2 Councillor Hope Jamieson resigned from the City of St. John's Municipal Council, necessitating a by-election to fill the vacancy. The by-election was conducted as per the Vote by Mail By-Law passed by Council on July 10, 2001. The by-election successfully concluded with a voter turnout of 40%. Of the eight candidates who ran, Shawn Skinner was elected to fulfill the remainder of the term until the next general election in September 2021.

The 2020 Vote by Mail by-election period extended from Monday, October 5 to Election Day on Tuesday, October 20. In addition to the vote by mail process, two satellite drop off centers were made available on Election Day so that people could drop off their completed vote by mail kits or register to vote in person. All ballots received throughout the Election Period were counted on Election Day.

To save costs, the Office of the City Clerk reallocated its own resources to coordinate the by-election complemented by assistance from other departments who were able to transfer available staff during the pandemic period. A Business Plan was prepared identifying the direction to be taken to ensure that the by-election was conducted in accordance with the applicable legislation, namely the [Municipal Elections Act, S.N.L. 2001, c. M20.2](#) and the [St. John's Municipal Elections Vote by Mail By-Law](#).

The City contracted with DataFix Comprint Systems Incorporated for the preparation of the vote by mail kits and the use of Municipal VoterView software to host the voters list. Though the City typically issues an additional contract for the scanning and tabulation of returns, it was decided that the votes would be manually counted in this single ward by-election. The Permanent List of Electors was obtained from Elections Newfoundland and Labrador via an information sharing agreement with the City of St. John's. The City also entered a Business Reply Mail Account with Canada Post for the distribution and return of the vote by mail kits.

In consultation with the ATIPP Coordinator a privacy impact assessment was conducted with DataFix Comprint Systems to ensure identification and mitigation of any risks associated with their operations. The exercise confirmed that extensive safeguards were in place (physical, technical, administrative and access controls) with no major modifications required. An on-line voter registration privacy notice was incorporated before the on-line voter registration portal was launched.

In addition to the statistical data contained within this report, a comparative analysis of vote by mail processes in other North American jurisdictions is presented for Council's information. This research may prompt Council to consider procedural reform in this specific area.

1.0 VOTERS' LIST AND ON-LINE VOTER REGISTRATION PORTAL

The City of St. John's used the Permanent List of Electors provided by Elections NL which is established and maintained for election purposes.

Table 1.1

Voters' List (Permanent List of Electors) Statistics		
Date	Action	No. of Electors
2020 08 12	Elections NL provides list to City as per information sharing agreement.	17808
2020 09 23	Subsequent to data cleansing process, master list sent to DataFix (for printing/distribution of vote by mail kits)	13719
2020 09 23 - 2020 10 20	Electors added and updated to Voters List subsequent to Sept. 23 mass mailout	594
2020 10 05	Removal of names from voters list due to undeliverable VBM kits being returned to sender.	1119*
2020 10 20	Voters List Total as of Election Day	13194

**Subsequent to Election Day, this number continues to be adjusted as undeliverable VBM kits are returned.*

Overall, the reduction in the number of electors from August 12 to September 23 when the Master List was sent to Datafix for printing of vote by mail kits was 4089 electors. Subsequently, the list continued to be updated by Elections staff up to and beyond the Election period in response to individual enquiries, on-line registrations and the receipt of "return to sender" mail.

Subsequent to election day, approximately 400 additional VBM kits were returned by Canada Post as being undeliverable. Return mail will continue to trickle in over the coming months.

The City also offered a convenient on-line registration portal enabling voters to confirm their status on the voters list. A total of 1859 hits to the site were registered. Overall, 14% of the total registered electorate (13,194) availed of the on-line registration portal. Of those who voted (5414), 34% availed of this portal.

2.0 ELECTION PERIOD – Vote by Mail

The City of St. John's Vote by Mail process ensures that electors who are on the voters list receive ballots via Canada Post. The election period begins the day that

the Vote by Mail Kits are inducted into the mail system by Canada Post and continues up to and including Election Day, October 20. Electors were given until October 15th to post their returns via Canada Post or use the drop box situated in front of City Hall up to 8:00 pm on October 20. Alternatively, they were also given the option to vote in person on Election Day at one of the two satellite drop off centers within Ward 2.

Table 2.1

Election Period (October 5 to October 20, 2020)	
Date	Activity
2020 10 01	<ul style="list-style-type: none"> • Vote by Mail Kits inducted into mail system by Canada Post.
2020 10 02	<ul style="list-style-type: none"> • Drop Box placed outside City Hall
2020 10 05	<ul style="list-style-type: none"> • Election staff begins work
2020 10 05 – 2020 10 20	<ul style="list-style-type: none"> • Completed kits/ballots returned & processed daily • Blank kits provided as requested/needed
2020 10 20	<ul style="list-style-type: none"> • Election Day Staff start • Satellite Drop Off Centres open • Ballots removed from secure area and relocated to counting room (Foran/Greene Room) for counting • Results tabulated and released at 9:00 pm

Table 2.2

Accepted and Rejected Ballots & Percentages					
Date	Total # Accepted	Total # Rejected	Total # Received	% Per Day	Cumulative Total
05-Oct-20	9	0	9	0.2%	0.2%
06-Oct-20	36	0	36	0.7%	.9%
07-Oct-20	152	3	155	2.8%	3.7%
08-Oct-20	244	2	246	4.5%	8.2%
09-Oct-20	101	0	101	1.8%	10.0%
12-Oct-20*	Thanksgiving Day Holiday				
13-Oct-20	494	4	498	9.1%	19.1%
14-Oct-20	92	2	94	1.7%	20.8%
15-Oct-20	988	10	998	18.2%	39.0%
16-Oct-20	154	2	156	2.8%	41.9%
19-Oct-20	1672	16	1688	30.8%	72.7%
20-Oct-20	1472	26	1498	27.3%	100.0%
Total	5414	65	5479	100%	100%

Table 2.3

Election Day: Voting in Person vs. Dropping Off Returns			
Ward	Voted in Person at SDOC	Dropped off Returns at SDOC/City Hall Drop Box/Canada Post	Total Received on Election Day
2	468	1030	1498
Election Day %	31.2%	68.8%	100%
Overall %	8.5%	18.8%	27.3%

Table 2.4

Comparison of Daily Ballots Received from Previous Years										
Day	2009		2013		2016*		2017		2020*	
	Rec'd	Daily % Rec'd	Rec'd	Daily % Rec'd	Rec'd	Daily % Rec'd	Rec'd	Daily % Rec'd	Rec'd	Daily % Rec'd
1	0	0	0	0	11	0.2%	2	0.01%	9	0.2%
2	107	0.2%	41	0.1%	0	0.0%	17	0.04%	3	0.7%
3	3092	8.2%	1076	3.0%	208	3.7%	405	1.05%	155	2.8%
4	3399	9.0%	3193	8.9%	1079	19.5%	903	2.35%	246	4.5%
5	3151	8.3%	3224	9.0%	1005	18.2%	941	2.44%	101	1.8%
6	2394	6.3%	3231	9.0%	360	6.5%	4045	10.53%	0**	0%
7	5061	13.4%	5277	14.8%	349	6.3%	3595	9.32%	498	9.1%
8	2924	7.7%	3113	8.7%	479	8.7%	908	2.35%	94	1.7%
9	2960	7.8%	3286	9.2%	355	6.4%	9321	24.22%	998	18.2%
10	3094	8.2%	4602	12.9%	430	7.7%	3972	10.32%	156	2.8%
11	4692	12.4%	2711	7.6%	455	8.2%	6628	17.22%	1688	30.8%
12***	7004	18.5%	5935	16.6%	798	14.4%	7754	20.14%	1498	27.3%
Total	37878	100%	35689	100%	5529	100%	38491	100%	5479	100%

*by-elections; **stat holiday; ***election day

Table 2.5

Rejected Ballots		
Code	Explanation	Number
VN	Voter declaration form not included	32
VU	Voter Declaration Form - Unsigned/Improperly Signed	23
VS	Voter Declaration Form - Too Many Signatures	
VM	Voter Declaration Form - Too Many	
VI	Voter Declaration Form – Invalid	1
VR	Voter Declaration Form - Voter Invalid (not registered)	
VA	Voter Declaration Form - Already Accepted/Voted	
SI	Secrecy Envelope - Identifying Marks	
SN	Secrecy Envelope - NOT included	3
SM	Secrecy Envelope - Too Many	6
SE	Secrecy Envelope – Empty	
SU	Secrecy Envelope - Unsealed & unable to be resealed	
RL	Return Envelope - Received Late (after 8:00 p.m. on Sept. 26)	
TOTAL		65

3.0 ELECTION RESULTS

The following are the official results of the 2020 Municipal By-Election:

Table 3.1

Ward 2		
Candidate	Number of Votes	Percentage
Furlong, Carol Anne	564	10.4%
House, Matt	482	8.9%
Loder, Lorne	917	17.0%
Noseworthy, Greg	469	8.7%
Ravencroft, Ophelia	932	17.2%
Ryan, Wallace	222	4.10%
Skinner, Shawn (Elected)	1244	22.9%
Smith, Greg	584	10.8%
TOTAL:	5414	100.00%

4.0 VOTERS

Table 4.1

Voter Turnout			
Poll	Total Ballots Cast	Eligible Voters	Turnout
Ward 2	5414	13194	41%

Table 4.2

% of Voter Turnout by Age					
Age	Total Registrant Count	% of Overall Registrants	Actual Voted	% of Turnout within Age Range	% Turnout Overall Registrants
18-24	376	2.8%	191	50.8%	1.4%
25-34	2078	15.7%	631	30.4%	4.8%
35-44	2567	19.5%	758	29.5%	5.7%
45-54	2039	15.5%	739	36.2%	5.6%
55-64	2506	19.0%	1185	47.3%	9.0%
65-74	2146	16.3%	1190	55.5%	9.0%
75-84	1078	8.2%	574	53.2%	4.4%
85+	404	3.1%	146	36.1%	1.1%
Total	13194	100%	5414		41.0%

5.0 ELECTION COSTS

Table 5.1

Election Costs (Vote by Mail) – Yearly Comparison							
Budget	2001	2005	2009	2013	2016	2017	2020
Labour – Regular	\$65,419.14	\$57,916.00	\$38,590	\$62,926	\$23,721	\$61,066.54	\$24,352 *
Labour – Overtime	\$29,538.78	\$28,928.00	\$12,134	\$26,863	\$1,330	\$3,187.84	\$2,580
Labour – Payroll Costs/Benefits	\$11,394.86	\$13,423.00	\$7,706	\$14,366	\$5,450	\$14,123.29	\$6,260
Mileage	\$44.14	\$34.00	\$0		\$0	\$0	\$0
Postage	\$249,352.66	\$156,964.55	\$39,044	\$67,102	\$8,115	\$77,068.07	\$14,699
Messenger Services				\$1,534		\$0	\$0
Cellular Phones	\$0	\$0	\$588	\$436	\$652	\$0	\$0
Advertising	\$31,847.32	\$40,825.00	\$34,759	\$21,591		\$25,000	
Professional & Special Services	\$82,678.42	\$37,742.57	\$133,937	\$150,482	\$65,120	\$167,358.18	\$41,245

Servicing of Office Equipment				\$481		\$0	
Rental/Lease Property	\$1060.50	\$1,218.00			\$350	\$1,697.15	\$521
Materials & Supplies	\$1,885.18	\$2,348.00	\$2,650	\$2,211	\$0	\$0	\$0
Stationery & Office Supplies	\$1,530.21	\$819.00	\$881	\$1,990	\$0	\$875.75	\$277
Computer Equipment	\$0	\$2,995.00	\$615		\$0	\$0	
Total	\$474,751.21	\$343,213.12	\$270,903	\$349,982	\$104,738	\$352,393.82	\$89,934.00
*The cost cited is not an additional cost to the City but rather a reallocation of a staff person from one position to another.							

6.0 IMPROVEMENTS SINCE LAST ELECTION

Enhanced Data Cleansing Methods

Immediately upon receipt of the permanent list of electors (voters list) provided by Elections NL, the City’s Land Information Systems (LIS) Division assisted the Office of the City Clerk in the following manner:

- Ensured the list was specific to Ward 2 area, as the Province’s electoral district is different from the City’s Ward 2 boundary.
- Reconciled the list of sales data within Ward 2 since the last election with the current voters list, ensuring voters whose properties had sold were removed from the property.
- Removed the deceased from the voters list as provided by Vital Statics via an information sharing agreement with the City.

In addition to the above noted, an NCOA (National Change of Address) scan was conducted by Canada Post and Datafix to identify those who had recently moved from or within Ward 2.

Increased Satellite Drop Off Center Locations

As per recommendations from the City’s previous election review, two satellite drop off centers were opened on election day instead of one. This process will continue into the next general election, thereby doubling the number of stations throughout the City. Consideration will be given to additional stations and ensuring they are strategically placed to best accommodate the general public.

Streamlining of Voting Process at Satellite Drop Off Centers (SDOCS)

During this by-election, visitors to satellite drop off centers were able to vote more quickly and easily, thereby shortening lineups. Once voters were registered or confirmed by the election worker, they were required to sign a voter declaration form after which they were given a single ballot to complete behind a privacy screen, thus eliminating the necessity of having to complete an entire

vote by mail kit. The voter declaration form once signed was immediately scanned to VoterView by the election worker and retained for filing. The pre-folded ballot enabled voting privacy to be maintained until the ballot was securely deposited in the ballot box.

The change in process no longer required that voters read directions and reassemble the return kit (sign form, stuff secrecy and return envelopes) behind a voter screen. It also offset the requirement for assistance as the process of voting was much easier. The time to vote on site was significantly reduced and streamlined, thereby shortening queues of voters waiting in line. In addition, as voter declaration forms were immediately scanned, this enabled candidates to see in real time when electors voted.

The streamlined process at the satellite drop off centers translated accordingly to the counting room at City Hall. Ballots coming from the SDOC's could be immediately counted as they were already processed on site.

Accessibility of Voting Process

In terms of accessibility, all satellite drop-off centers were wheelchair accessible. Interpretive Services were available free of charge with advance notice required. Ballots were printed in large 14-point Arial font and reviewed and approved by accessibility staff before mass production. Braille templates were made available for the first time ever in the City's history of elections. For those voting in person, each privacy screen contained the following:

- enhanced lighting
- extra large ballot on display
- magnifying glass
- access to braille ballot templates for those wishing to independently cast a vote in private

Election staff consulted with the lead staff of the City's Inclusion Advisory Committee, as well as with the CNIB and Empower NL who provided advice and support on the enhancement of accessibility during this by-election. We will continue to consult with these groups in advance of future elections to explore innovative methods and ensure accessibility standards are maintained and improved upon where necessary.

7.0 FUTURE CONSIDERATIONS

The vote by mail process has evolved considerably since its inception in 2001; however, continued reform is necessary to facilitate both democratic accessibility and enhanced efficiencies. The following is proposed:

1. Mandatory registration for VBM kits (requiring revision to the Vote By Mail By-Law)
2. Increase the number of polling stations to enable more access to traditional voting.
3. Continue to lobby Province about alternative progressive voting forms.

1. Mandatory registration for VBM Kits

Based on City data accumulated since 1981 for general elections, approximately 48 – 55% of the City’s electorate will vote in any given general election as outlined in the tables below.

Pre VBM Era (1981 – 1997) for Municipal General Elections			
Election Year	Eligible Electors	Actual Voted*	Percentage of Voted
1981	50,600	27,116	54%
1985	54,955**	22,532	41%
1990	66,084**	24,813	38%
1993	69,256	36,706	53%
1997	70,776	38,972	55%
AVERAGE	62,334	30,028	48%

* total votes based on either combined ward votes or total Mayoral votes, whichever was higher.

** marked increase in eligible electors is attributed to a series of amalgamations starting in 1986 with the communities of Kilbride, Airport Heights, Shea Heights, Blackhead, and East Meadows. In 1992 the former towns of Wedgewood Park and Goulds also amalgamated with the City.

For the 1985 and 1990 elections, there is a noticeable reduction in the percentage of those who voted, 41% and 38% respectively. It should be noted that the mayoral position in 1985 was acclaimed which may explain the lower voter turnout for that year. The 1990 percentage remains an anomaly.

Current VBM Era (2001 – 2017) for Municipal General Elections			
Election Year	Mailed VBM kits	Actual Voted	Percentage of Voted
2001	63094	39348	62%
2005	75051	38252	51%
2009	70027	37878	54%
2013	68904	35689	52%
2017	67894	38491	57%
AVERAGE	68994	37931	55%

By-Election Data			
Election Year	Mailed VBM kits	Returned VBM Kits	Percentage of Returns
2001	63094*	27053	43%
2016	14609	5529	38%
2020	13719	5479	40%
AVERAGE	30474	12687	40%

*at-large election

By-elections typically have a lower voter turn-out in the range of 38-43% as outlined above.

Mandatory registration for VBM kits would ensure kits are not sent unnecessarily to approximately half the population that does not traditionally vote. All eligible electors who do not register for a VBM kit will still have the option to vote in person on election day. In person voting is the current practice for other municipal, provincial and federal elections which occur traditionally in this Province and throughout Canada; and they require mandatory registration for special mail in ballots.

The costs noted in the table below reflect the VBM costs for the 2020 Ward 2 by-election and will increase fivefold for general elections.

Service/Item	Cost
DataFix – preparation, printing and mailing of kits @\$2.45 per unit	\$41,245.00
Canada Post business return mail for 13,719 residents @ 0.83 per unit including tax	\$12,867.00
Business Reply Mail (returns received and return to sender mail). Fee for returned mail \$0.95 per unit	\$1,832.00 + (estimated and ongoing cost as returns are received)
Total	\$55,944.00

Based on these numbers, the VBM portion of the upcoming 2021 general election is estimated to cost \$279,720. If the City was to eliminate unsolicited mass mailing to all eligible electors, including the 40% plus who do not typically vote, this would result in a minimum cost savings of \$112,000. Such savings may not be realized in the 2021 election given the change in election processes will require an intense communications plan including, but not limited to, more advertising.

The Office of the City Clerk surveyed 38 Canadian cities with a population of 100,000 or above. Of those, fifteen provide vote by mail options as listed below. St. John's is the only municipality within that group that provides mass mailing to all electors on the voters list. Voters in the other 14 municipalities are required to

register to receive VBM kits. Only five of the fifteen cited below do not restrict to those with special needs.

Canadian City	Vote By Mail (Y/N) Availability	Mass Circulation of VBM kits to All Registered Voters	Registration /Application Requirement for VBM Kits	Available with restrictions, i.e. physical disability, absent, etc.	Available to all upon request
Toronto, ON	Y	N	Y		*
Calgary, AB	Y	N	Y		*
Ottawa, ON	Y	N	Y		*
Edmonton, AB	Y	N	Y	*	
Winnipeg, MB	Y	N	Y	*	
Vancouver, BC	Y	N	Y	*	
Surrey, BC	Y	N	Y	*	
Laval, QC	Y	N	Y	*	
Saskatoon, SK	Y	N	Y		
Regina, SK	Y	N	Y		
Richmond, BC	Y	N	Y	*	
Abbotsford, BC	Y	N	Y		*
Whitby, ON	Y	N	Y	*	
Kelowna, BC	Y	N	Y	*	
St. John's, NL	Y	Y	N		*

There are numerous smaller Canadian municipalities as referenced by Datafix Comprint Systems Inc. wherein VBM kits are mass mailed in a similar manner to St. John's, but their populations are significantly smaller, i.e. mass mailings ranging from 450 to 28,000 kits. During a general election, the City of St. John's mails just under 70,000 VBM kits to all registered voters. Voters lists in smaller municipalities are more manageable. In the Province of Ontario, the voters list is administered by the Municipal Property Assessment Corporation (MPAC) which has access to more databases than does the City of St. John's, ensuring their lists are more accurate.

It is worth noting that the client base of Datafix Comprint Systems Inc. has seen a trend toward electronic voting resulting in a 44 percent reduction in the circulation of VBM kits since 2014 as follows:

2014	893,082 VBM kits delivered to 129 municipalities
2018	394,078 VBM kits delivered to 78 municipalities

During the recently held American presidential election, VBM was offered as an option and was heavily used by voters due to the Covid 19 Pandemic. Of the 51 states surveyed by the [National Conference of State Legislatures](#), only eleven states did not require electors to apply for VBM kits. Of those, four were specific to only the November 2020 election. In terms of the voters list, most if not all state legislatures have access to databases such as motor registration agencies that enable confirmation of election data, i.e. analysis of signature and photographic data.

The City of St. John’s relies on the permanent list of electors provided by Elections NL. Due to privacy legislation, the City has limited access to data to assist in cleansing and/or confirming the information contained on the voters’ list. These limitations compromise the City’s ability to administer an accurate voters list, an essential component to the City’s current method of mass mailing.

The City of St. John’s is governed by ATIPP legislation. As a result of recent correspondence from the Office of the Privacy Commissioner in response to the first draft of this Final Report, the City is most amenable to obtaining guidance from the OIPC on any provisions that could assist the City in collecting information from other public bodies.

Pros and Cons of sending VBM Kits to all Registered Voters

Current Method	Pros	Cons
Delivery of VBM's to all registered voters	<ul style="list-style-type: none"> Everyone receives a VBM kit 	<ul style="list-style-type: none"> Increased risk of error despite data cleansing. Expense (cost to print and mail 70,000 kits) Extra resources dedicated to cleansing of voters list. Privacy legislation limits access to databases to cleanse voters list. People check mail less frequently due to super mailboxes

Pros and Cons of Mandatory VBM Registration

Proposed Method	Pros	Cons
Mandatory registration for VBM Kits	<ul style="list-style-type: none"> Cost savings as VBM kits are no longer sent to registrants unsolicited, many of whom choose not to vote. Potential risk of voter fraud is reduced. 	<ul style="list-style-type: none"> People will need to self-register. Concern about reduced voter turn-out.

	<ul style="list-style-type: none"> • Less work and resources required to data cleanse the permanent list of electors. • Accessibility of the election is still maintained but in a more efficient and cost-effective manner, offering opportunities for electors to vote at home or at a polling booth as they see fit. • Reduced cost to environment (reduced use of paper) 	
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2. Increase Polling Station Locations

To ensure capacity on Election Day, the Office of the City Clerk has already committed to the doubling of satellite drop off centers (polling stations) from one to two within each ward. Should Council eliminate mass mailout of VBM kits, polling station locations could be further increased to accommodate the anticipated demand on Election Day.

3. Continue to lobby Province about Alternative Progressive Voting Methods

As the data suggests, many Canadian municipalities are exploring alternative options to VBM. Though the City of St. John's is limited legislatively in terms of the electoral processes permitted under the Municipal Elections Act, it should continue to lobby the Province to explore innovative and progressive options that achieve both democratic inclusivity and cost efficiency while ensuring the security and privacy of voting is paramount.

Next Steps:

If Council is agreeable to the proposed three directions previously outlined, the following must be implemented:

- Vote by Mail By-Law to be amended as per the attached chart and subject to Legal review. Should this revision be problematic in time for the 2021 municipal election, ministerial approval should be considered as per section 4(2) of the Municipal Elections Vote by Mail By-Law cited below:
 - o *Notwithstanding the foregoing, the returning Officer, may, with prior Ministerial approval, vary the procedures from time to time as he deems appropriate to ensure the efficiency and integrity of the municipal election.*
- Extensive communications plan developed to advise the general public of changes in VBM process, i.e. mail out cards, social media, etc.