



City of Hamilton

GENERAL ISSUES COMMITTEE ADDENDUM

Meeting #: 19-023
Date: November 20, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

7. CONSENT ITEMS

- *7.3 MPAC Responses to Committees Questions and Concerns regarding Maintenance of the Voters List (from the September 9, 2019 GIC)

12. NOTICES OF MOTION

- *12.1 Support for Private Members Bill to Reverse Pit Bull Ban in Ontario

14. PRIVATE AND CONFIDENTIAL

- *14.3 Potential Regulatory Litigation (no copy)

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

**CITY OF HAMILTON
GENERAL ISSUES COMMITTEE UPDATE**

Date: October 28, 2019
Subject: Responses to questions/concerns raised during September 9 GIC Meeting
Report prepared for: General Issues Committee
Recommendations: For information Only

Background:

- During the September 9, 2019 General Issues Committee (GIC) Meeting, MPAC delivered a presentation entitled “2018 Enumeration Update”.
- During the presentation there were questions/comments raised that required subsequent follow-up and response to GIC members.
- This report provides additional information in response to the questions/comments.

For Context

Enumeration

- MPAC is responsible for collecting information (name, date of birth, citizenship and school support) for municipal, District Social Services Administration Board (DSSAB) and school board elections.
- Before each municipal election, MPAC provides municipalities with a Preliminary List of Electors (PLE). The PLE is used by municipal clerks to finalize the Voters’ List.
- Source data for the PLE includes:
 - MPAC’s Property Assessment Database;
 - Tripartite data sharing agreement with Elections Canada and Elections Ontario;
 - Land Titles/Registry;
 - Ministry of Government and Consumer Services (deceased names);
 - Updates provided by property owners, tenants, municipalities and school boards
 - voterlookup.ca.
- Since 2014, MPAC’s enumeration process has included the voterlookup.ca website. The site allows eligible electors to confirm or update their information for municipal and school board election purposes. Since June 2018, the voterlookup.ca website also allows users to add the names of other occupants of a household, including names of those not yet of voting age. This supports MPAC’s ongoing data collection activities for future elections/by-elections and information relied upon for municipal and school board planning purposes (i.e. population).

- Collecting information on renters and other occupants of a property can be a challenge as we are often not informed when a non-owner changes addresses, as this change would not be captured through MPAC's property assessment database.

The Role of the Municipality

- In a regular election year, MPAC provides municipalities with the Preliminary List of Electors (PLE), two to three months prior to Election Day.
- There are provisions within the *Municipal Elections Act* that permit the City Clerk to make corrections prior to creating the final Voters' List, as well as revisions that can be made once the Voters' List is final.
- Following the election, municipalities submit Voters' List revisions to MPAC for processing to ensure that any changes are reflected in our database going forward.

Provincial Announcement

- On October 25, 2019 the Minister of Municipal Affairs and Housing announced 'Ontario Helping Make Municipalities Stronger' which includes a recommendation to combine the municipal and provincial voters lists to create a single list managed by Elections Ontario.
- MPAC understands the importance of preparing and maintaining accurate and up-to-date electoral information. We support the proposed changes and remain committed to working with the provincial government, Elections Ontario and municipalities in an effort to improve future Voters' Lists.

Questions & Responses

Question: Why is it that electors who were previously added to the Voters' List, and whose names are included on Federal and/or Provincial lists, are not included on the current Voters' List? Is MPAC not updating the lists?

Response: In support of 2018 election events and in partnership with Elections Canada and Elections Ontario we engaged in 3-way cross-promotion of each other's online elector services. Recognizing that many electors believe that updating electoral information with one level of government, serves to update all, which is not necessarily the case. Through this cross-promotion, we are providing information in this regard to electors and links to redirect them to the appropriate web sites (i.e. voterlookup.ca) for confirming/updating information for election purposes with all levels of government.

For the 2018 elections, Municipalities had 30 days to submit Voters' List revisions to MPAC in prescribed electronic format to ensure that we received the appropriate/mandatory fields of data required for each elector revision. In the case of delete revisions/records, additional

reason codes are applied to each record to identify the nature of the deletion – i.e. code for “deceased” vs. codes used for other reasons – i.e. duplicate name, declined oath, other, etc. Following prior elections, revisions were submitted to MPAC in a variety of formats, including hard copy EL15 forms (Application to Amend the Voters’ List), and often did not contain all information required to achieve the correct outcome – i.e. an elector deletion without additional information as to the nature of the deletion (i.e. ‘deceased’), incomplete information to confidently identify the correct individual a revision record pertained to, etc.. Lack of fulsome revision information, could result in an inability to update accordingly with some names reappearing/remaining active (i.e. not changed to ‘estate of’/not deleted).

Question: 700 Upper Kenilworth Avenue and 220 Dundurn St. South were completely missed, no Voter Notification Cards. Why?

Response: MPAC has reviewed information pertaining to the subject properties, results as follows:

700 Upper Kenilworth Ave Results:

- 5 elector records included in 2018 PLE for UNITS 201 (1), 210 (2), 504 (1) and 509 (1);
- 280 records included in 2018 Voter Notification File – No Electors (VNFNE) and intended to serve as placeholders to append elector names to - UNITS 101 - 119, 202 – 209, 211 - 221, 301 - 321, 401 - 421, 501 – 503, 505 – 508, 510 - 521, 601 - 621, 701 - 721, 801 - 821, 901 - 921, 1001 - 1021, 1101, B1, B12, B2
- No records pertaining to this address included in September Exceptions files.
- Revisions Processing: There were 23 revisions received from City of Hamilton that pertained to this address and all were successfully processed in our Names Database – 17 Additions (of which 16 were actual additions and one was treated as an update); 1 Deletion; 1 Update; 4 Moves.

220 Dundurn St. S. Results:

- 0 elector records included in 2018 PLE
- 125 records included in 2018 VNFNE for UNITS 101 – 108, 112 - 137, 200 – 243, 300 – 344
- Revisions Processing: There were no revisions received from the City of Hamilton that pertained to this address.

Question: Does MPAC view elections as an expenditure or an investment?

Response: Municipal elections are an important function of municipal government and everyone’s democratic right to vote.

We take our role seriously because we are neighbours, electors, taxpayers and property owners too. It is imperative that our work continues with municipalities, provincial government, and other enumeration partners in the election process to better understand the transient nature of tenants or boarders, in an effort to identify effective strategies to address, ensuring we capture the greatest number of eligible electors on the PLE. This shared responsibility will lead to more accurate Voters' Lists to ensure all Ontario electors can execute their fundamental right to vote.

In alignment with our 2017-2020 Strategic Plan, MPAC remains committed to improving the products and services delivered to our stakeholders and the people of Ontario and to continuing work with the provincial government, municipalities and other enumeration partners in an effort to improve future Voters' Lists.

The work done in support of the 2018 municipal and school board elections exemplifies our commitment to improving the products and services delivered to stakeholders and demonstrates the progress made to transform relationships into partnerships.

Question: It doesn't seem logical that multi-residential tenants are not automatically on a list. A by-law cannot be created. What can be done?

Response: It would be very beneficial if voterlookup.ca was promoted so that electors could check for themselves if they are on the list.

In 2018, MPAC shared promotional materials with municipal and school board partners, including materials developed specifically for municipal clerks to share with confirmed election candidates, to build awareness of voterlookup.ca.

We launched an extensive social media campaign targeted at first time voters, millennials, **tenants**, retirees and professionals and voterlookup.ca inserts were included in over 70,000 Property Assessment Notices and shared during residential property inspections from May to August 2018.

Sec. 16.1 of the *Assessment Act* includes provisions whereby owners of multi-residential properties (7 or more units) are to provide the name of tenant for each unit to MPAC and this is to occur annually:

Information from landlords

16.1 (1) For the purposes of sections 15 and 16, on or before July 31 in each year, every owner of a property with seven or more self-contained residential units shall provide the assessment corporation with the information described in subsection (2). 1997, c. 5, s. 11; 1997, c. 43, Sched. G, s. 18 (20).

What information is required

(2) The information referred to in subsection (1) is the names and unit numbers of the persons who, during the 12-month period that ends with, and includes, July 1 in the year in which the information is provided,

- (a) have become residential tenants of the property;
- (b) have ceased to be residential tenants of the property; or
- (c) have continued to be residential tenants of the property but have changed units. 1997, c. 5, s. 11.

These provisions do not extend to owners of multi-residential/tenanted properties with fewer than 7 units.

When information is received (7 or more units), we are typically furnished with just the name of the lease holder without Canadian citizenship confirmation, religion or school support. For names added to our database, we attempt to match these against the National Register of Electors (NROE) and/or Permanent Register of Electors for Ontario (PREO), as was done in 2018, in an effort to obtain Canadian citizenship confirmation which would result in any successful matches/names appearing on the PLE. When generating the PLE, we also augment with NROE information in cases where we have a tenant unit reflected as 'vacant' or where we have associated tenant names and citizenship for all is reflected as 'unconfirmed'. 2018 PLE's included over 1.5m tenant names.

Question: Regarding voterlookup.ca, there seems to be lack of security. Why?

Response: Data privacy is of the upmost importance to MPAC and voterlookup.ca harnesses the latest technology and was designed using the Privacy-by-Design principles. Further, the site meets *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) requirements.

voterlookup.ca features a declaration component (see below) which requires the user to verify that the information is 'true and accurate'. In addition, specific information entered by each user on voterlookup.ca has to match with existing data maintained by MPAC before users are permitted to add their name or apply changes to their information. voterlookup.ca does not allow users to delete/remove names.



Persons using the site, must select “I Agree” before confirming/updating their information and based on the information a user provides, there’s further authentication protocols in place to match the name, property address, etc., vs. information maintained in our Names Database. If not able to match, a user is directed accordingly to contact our Customer Contact Centre.



Question: There seems to be a disconnect with some owner's addresses. How does the accuracy software work?

Response: MPAC learned from the 2014 experience, that had time permitted to apply address accuracy software against our data prior to generating electoral products, we could have eliminated over 236,000 mailing address accuracy revisions.

MPAC applied address accuracy software resulting in over 511,000 address updates prior to generating 2018 enumeration output products.

The address accuracy software used verifies the mailing address pertaining to every property/unit with Canada Post standards to ensure correctness.

Postal Codes and Wards:

- Postal Code information in MPAC's databases is that which corresponds to the mailing address of a property owner/elector which in many cases is different than the physical/civic address of a property;
- Ward and Poll information associated with a property owner/elector corresponds with the physical/civic address of a property;
- The municipality works with MPAC to ensure the correct ward and poll boundary assignments are applied to every unique 19-digit roll number in MPAC's database that pertains to the municipality.

One comment at the end of this session spoke to following up with the "Working Group". For further clarity, there are actually two working groups, which are as follows:

MMAH Voters' List Working Group

- Established by the Ministry of Municipal Affairs and Housing (MMAH)
- Includes representation from MMAH, Ministry of Finance, Cabinet Office, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), various municipal clerks, MPAC and Elections Ontario
- Explore potential long-term solutions to creating more accurate provincial and municipal Voters' Lists
- Referenced in resolutions following 2018 elections.

MPAC Elections Working Group

- Established by MPAC
- Includes representation from Elections Canada, Elections Ontario, MMAH, AMCTO, a number of municipal clerks from across the province and MPAC
- Share new ideas, information and insights, to help further inform our plans for an enumeration event to best support municipal and school board election related activities.

CITY OF HAMILTON NOTICE OF MOTION

General Issues Committee: November 20, 2019

MOVED BY COUNCILLOR S. MERULLA.....

Support of Private Member’s Bill to Reverse Pit Bull Ban in Ontario

WHEREAS, the Province of Ontario banned the ownership of Pit Bulls in 2005;

WHEREAS, opponents of this ban believe this “breed-specific legislation” does not address the root cause of vicious dogs, which is often attributed to the handler or owner of the dog; and,

WHEREAS, a Private Member’s Bill introduced into the Ontario Legislature is seeking to reverse the Provincial ban of Pit Bulls.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor correspond with the Province of Ontario to advise of the City of Hamilton’s support the Private Member’s Bill for the reversal of the Pit Bull ban and changes to the *Dog Owners’ Liability Act*; and,
- (b) That Licensing and By-law Services Division be directed to review the feasibility of changes to the Responsible Animal Ownership By-law 12-031 to include professional obedience training for dogs, with the participation of the dog’s owner and the feasibility of reduced licensing fees for large working dogs (i.e. Rottweilers and Pit Bulls) to mitigate public safety concerns and report back to the Planning Committee.