



ADMINISTRATIVE REPORT

Report Date: April 26, 2018
Contact: Rosemary Hagiwara
Contact No.: 604.873.7177
RTS No.: 12547
VanRIMS No.: 08-2000-20
Meeting Date: June 6, 2018

TO: Standing Committee on City Finance and Services
FROM: Chief Election Officer
SUBJECT: Randomized Ballot Name Order - Proposed Amendments to the Election By-law No. 9070

RECOMMENDATION

- A. THAT Council approve the following increases to the 2018 election budget in support of implementing a randomized ballot name order for the 2018 municipal election:
 - i. \$175,000 for implementing communication and public outreach strategies; source of funding is the City's 2018 Council contingency budget; and
 - ii. \$60,000 for additional staff at voting places; source of funding is the City's 2018 Council contingency budget.
- B. THAT Council approve, in principle, the proposed amendments to Election By-law No. 9070 as set out in Appendix A.
- C. THAT the Director of Legal Services be instructed to bring forward for enactment an amending by-law substantially in the form of the by-law attached as Appendix A.
- D. THAT Council receives for information considerations for including candidate photographs on the ballot as presented in this report.

REPORT SUMMARY

This report proposes amendments to the Election By-law No. 9070 to allow for the order of candidate names on election ballots to be determined by lot, and discusses the required resources to implement the proposed ballot name order.

Staff also provide general considerations on the inclusion of candidate photographs on the ballot for future elections.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The legislative authority for conducting an election in the City of Vancouver is found in the *Vancouver Charter* and the Election By-law No. 9070.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The order of candidate names on a ballot for an election in the city is governed by Section 78 of the *Vancouver Charter*, which specifies that the names of the candidates must be arranged alphabetically by surnames. Alternatively, section 79(1) of the *Vancouver Charter* authorizes Council, by by-law, to permit the order of names on a ballot to be determined by lot.

There is a longstanding collection of empirical evidence demonstrating that voters without well-defined preferences are more likely to select the top-listed names on ballots due to cognitive fatigue. In an alphabetically ordered ballot, candidates whose surnames begin with the initial letters may benefit from this positional bias. For this reason, numerous electoral studies caution that ordering candidates alphabetically undermines the principle of fair elections and advocate for randomizing and rotating ballot name order to offset the bias. Jurisdictions including Australia and various US states have adopted some form of randomized and / or rotational ballot order system to minimize positional bias.

Strategic Analysis

Randomize ballot order

On April 17, 2018 Council directed staff to report back with a draft by-law to allow for a randomized ballot name order for elections to negate the perception of an unfair advantage that may result from the current alphabetical ballot order. In response to this resolution, staff are proposing amendments to the Election By-law No.9070 attached as Appendix A to apply a randomized ballot name order in local general elections in accordance with the requirements set out in section 79 of the *Vancouver Charter*. The section of the by-law impacted is as follows:

Existing Election By-law	Proposed Election By-law
List of names of candidates 6.14 The list of names of all candidates for an office must be on only one side of a ballot.	List of names of candidates 6.14 The list of the names of all candidates for an office must be on only one side of a ballot, <u>and the order on the ballot of the names of candidates for the office of Mayor, Council and Park Board members shall be determined by lot in accordance with section 79 of the <i>Vancouver Charter</i>.</u>

The proposed by-law and ballot name order would apply to the Mayoral, Council and Park Board races in the upcoming 2018 local election. Council has no control over the order of ballot names for the election of school board trustees. Under the School Act, the school board has the authority and would need to direct the chief election officer on the order of the ballot name other than alphabetical.

Staff reached out to 14 municipalities in British Columbia, Alberta, Saskatchewan and Manitoba (provinces which allow for randomized ballot system in municipal elections). Feedback from these jurisdictions helps inform on the potential impacts and planning of a randomized ballot order system. As summarized in Table 1, six cities indicated having a randomized ballot form. A key commonality among these municipalities is their small candidate lists, which presumably makes randomizing orders less burdensome for voters. Furthermore, having had this practice in place for many years, many election staff surveyed at these municipalities believe that voters have grown accustomed to this order style.

As a noteworthy case, the Township of Langley, which had a randomized ballot form in place between 1993 and 2011, received numerous negative comments on this ballot form following the 2011 local general election. Many voters were used to alphabetical listing and had experienced difficulty in finding the names of the candidates.

The Township's staff also observed a "bottleneck" effect at voting places due to the length of time it took a voter to mark their ballot (in 2011, this contained 41 names: 3 for Mayor, 11 for School Trustee and 27 for Councillor). In response, the municipality reverted to listing candidates alphabetically beginning in the 2014 local general election for the Mayoral and Council races.

Table 1 Municipalities with Randomized Ballot System

Municipality	Type of Lot	# of Candidates	Year
White Rock, BC	Randomized single ballot	Mayor (2) Councillors (17) School board (1)	2014
Dawson Creek, BC	Randomized single ballot	Mayor (1) Councillors (12) School board (4)	2014
Fort St. John, BC	Randomized single ballot	Mayor (1) Councillors (12)	2014
Calgary, AB	Randomized rotating ballots	Mayor (10) Councillors by ward (<10) School board by ward (<15)	2017
Winnipeg, MB	Randomized rotating ballots	Mayor (7) Councillors by ward (<10) School board by ward (<10)	2014
Langley Township, BC	Randomized single ballot for school trustee race only	School board (12)	2014

Table 2 provides a snapshot of the number of candidates for each race in previous Vancouver municipal elections for comparison purposes against municipalities with randomized ballot system.

Table 2 Number of Candidates by Race in Previous Vancouver Municipal Elections

Candidates by Race	1996	1999	2002	2005	2008	2011	2014	2017*
Mayor	58	11	16	20	15	12	10	-
Councillor	58	43	46	36	32	41	49	9
Park Board commissioner	26	22	33	19	20	21	31	-
School Board trustee	28	19	23	21	19	20	29	19
Total	170	95	118	96	86	94	119	28

*by-election

If the proposed by-law is enacted, the upcoming 2018 municipal general election will be the first time that Vancouver voters will vote with a randomized ballot order. In keeping with the goals of making voting easy and accessible, a key priority for staff will be to enhance outreach and communication activities to inform voters of the new ballot form. Staff will publicize the change, but anticipate more spoiled ballots and longer wait times at voting locations. In addition, the transition from an alphabetized ballot name order to a randomized order will introduce changes to the pre-approved project plan of the upcoming election and add new expenditure to the election budget.

Voter Confusion

Staff anticipate that some voters may be confused by the new ballot order style, resulting in more ballots marked in error than in previous elections. In addition to the outreach and communication strategies already established for the 2018 election, staff will increase activities in both areas to ensure the new ballot order style is communicated to voters at an anticipated cost of \$110,000. Under the proposed action plan, the order of the candidates as it would appear on the ballot will be included in the statutory advertisement and on the City’s website. As used in previous elections, the Plan Your Vote tool available on the website will be enhanced to accommodate the randomized ballot names implementation. Staff will also conduct a survey on the impact of the new ballot style with candidates, voters and staff after the election.

Longer wait time

Staff also foresee that a randomized ballot order will lengthen the wait time at voting places as more voters will likely take a longer time to locate and vote for their desired candidates. If the recommendation to implement a randomized ballot order is approved by Council, staff will expand the number of voting booths available at voting locations, where possible, within the limits of the space available. Large voting locations will be made as supercentres to accommodate more voters. To mitigate voter confusion and wait time at voting booths, staff plan on recruiting additional election workers at voting places to ensure that voters receive adequate assistance on using the new ballot form. The cost of employing additional election workers will be approximately \$60,000.

Moreover, there would be an aggressive push to encourage voters to come out during advance voting opportunities. Staff plan on developing messaging and content to promote advance voting; and an increased advertising budget included in the expanded communication strategy above will also allow for more extensive communication in public spaces, on websites and on social media.

In addition to the above action plan, staff considered two public outreach options:

Option 1:

The list of candidates and their platform information will be advertised in the local newspapers as a detachable insert which voters can bring to a voting place. Candidates' biographies will be made available on the City's website similar to previous elections. Limited copies of the voters' guides will be printed and made available at the Election Office, all community centres, libraries and targeted community groups (large print). Voters can also request for a copy of the voters' guide mailed by calling 3-1-1. An audio version of the voters' guide will be available on the City's website. The implementation cost for this option is estimated at \$65,000. **Staff recommend this option for the 2018 election.**

Option 2:

In 2011 and previous elections, each household was mailed a hard copy of the voters' guide. Since then, new tools were available to get the same information out to voters allowing a reduction in printed copies made available. Consequently, staff had discontinued this practice in the 2014 election. However, because most voters will be unfamiliar with the new ballot form and may require more substantial awareness and materials to inform them of this change, the City may consider restoring this procedure for the 2018 election. The cost of mailing of the voters' guide to each household in this year is estimated to be an additional \$290,000 for printing and postage. Staff find that Option 2 carries a significant financial cost and does not align with the City's commitment to reduce waste and efficiently manage resources. **For these reasons, staff do not recommend this option for the 2018 election.**

As a result of additional plans to ensure that voters are aware of the new ballot style, additional costs will be incurred that are not currently in the election budget. This additional cost is estimated to be \$235,000 including the recommended Option 1.

Strategies	With Option 1 (newspaper inserts)	With Option 2 (printed voters' guide)
Expanded Communication & Outreach Plan (minimum required)	\$110,000	\$110,000
Additional Education Printed Materials	\$65,000	\$290,000
Additional staff support at voting places	\$60,000	\$60,000
Total Additional Funding Required	\$235,000	\$460,000

Inclusion of photographs of candidates on ballot

To better facilitate voters in locating their desired candidates on the ballot and reduce confusion, Council directed staff to explore the possibility of adding a photograph of each candidate to the ballot. In response, staff provide the following considerations:

Legislation

Section 77 of the *Vancouver Charter* sets out what must not be included on a ballot for an election. The legislation prohibits reference to a candidate's occupation, any title or honour received and an indication that a candidate has held an elected office, but it does not specifically preclude the inclusion of photographs of candidates.

Technological feasibility

The City's election technology provider has indicated that it is not technologically feasible to add candidates' photographs to the ballot for the 2018 election. At this time, the firmware and software technologies provided for the upcoming election has been locked down to prevent programming modifications. However, this feature may be included in the ballot design for future elections given advance notice.

Budgetary requirement

The addition of candidates' photographs to ballot will lengthen the ballot and / or necessitate multiple ballots. This adds complexity to the production and printing of ballot sheets, thereby generating additional costs for voting equipment and technology. These costs include programming labour, additional quantities of ballot sheets and printing surcharge. At a minimum, the cost to adopt this ballot style is an additional \$320,000 (2018 rate).

Other impacts

The inclusion of candidate photographs on the ballot can potentially help voters locate the desired candidates more easily. However, there may be other unintended impacts. Numerous empirical analyses of actual and hypothetical elections find that the inclusion of candidate photographs on ballots may have resulted in candidates whose facial appearance were rated more positively to poll better. These findings suggest that physical features are likely used as a heuristic in voting decisions when they are attached to the ballot form. Staff are therefore concerned that the inclusion of photographs may trigger prejudices based on age, gender and other qualities that may be derived from a candidate's appearance, ultimately undermining the fairness of an election.

Public / Civic Agency Input

The Persons with Disabilities Advisory Committee provided feedback on the move to a randomized ballot order. The committee is concerned that this switch may cause confusion for electors, particularly seniors, people with reduced cognition and people who are visually impaired. These voters would require more time and more assistance to process the candidate names. To mitigate this challenge, the committee recommends the City provide in advance the confirmed randomized list to be used in the election. These materials may help voters familiarize themselves with the actual name order as they would appear on the ballot. The committee suggests that these resources be made available at the voting stations, on the City's website and in local newspapers.

The Seniors Advisory Committee did not provide further feedback.

Implications/Related Issues/Risk (if applicable)

Financial

The estimated cost for implementing a randomized ballot order in the 2018 election is \$235,000 including the recommended Option 1. The source of funding is the City's 2018 Council contingency budget.

CONCLUSION

Staff are committed to ensuring an effective transition to a randomized ballot order in the upcoming 2018 election. To help inform voters of this change, the proposed outreach strategy and funding resources will support our goals in educating electors on the new randomized ballot style. To implement the randomized ballot order, additional funding of \$235,000 will be required to support outreach and communication strategies, as well additional staffing requirements.

Following the election, staff will report back on how the new system worked for voters, candidates and staff.

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