

Committee of the Whole Meeting Agenda

Consolidated as of March 31, 2017

**Monday, April 3, 2017 – 2:00 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street**

Please turn off or place on non-audible all electronic devices during the meeting.

Please note that an electronic version of this agenda is available on guelph.ca/agendas.

Call to Order – Chair Councillor Downer

Disclosure of Pecuniary Interest and General Nature Thereof

Public Services

Vice Chair – Councillor Hofland

Presentation

- a) Festivals and Events Ontario: Municipality of the Year Award
- b) Request for Inclusion in South End Recreation Centre – Steve Kraft, CEO, Guelph Public Library - **Withdrawn**

Consent Agenda – Public Services

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

COW-PS-2017.02 Outstanding Resolutions of Public Services

Recommendation:

That the recommendations marked as "completed" within Report# PS-17-05 Outstanding Resolutions of Public Services be removed from the outstanding resolutions list.

COW-PS-2017.03 Animal Control By-law Chicken Amendments

Recommendation:

1. That as detailed in Public Services Report #PS-17-04 Animal Control By-law chicken amendments, that staff be directed to create an amendment to the Animal Control By-law (2016)-20122 to permit residents that cannot facilitate a 15 metre (50 feet) distance for the keeping of poultry to keep chickens provided the following can be met:

Hen coops and hen runs shall be a distance of at least 1.2m from the rear lot line and at least 1.2m from any side lot line of the dwelling lot on which the hen coop is located (meeting the setback requirements as per the zoning bylaw);

Pens (includes hen coop and hen run) must be located the furthest from any other dwelling, and must be 1.2m away from any property line;

Pens shall be located at least 7.5m from the lot line to any religious institution or business or school;

Pens shall be a minimum distance of 3m from all windows and doors of dwellings that are located on an abutting property;

Pens are not permitted in any front or side yard;

That the maximum number of hens be limited to ten (10).

2. That as detailed in Public Services Report #PS-17-04 Animal Control By-law chicken amendments, that staff be directed to create an amendment to the Animal Control Bylaw (2016)-20122 requiring food for poultry be stored in an animal proof secured container.
3. That as detailed in Public Services Report #PS-17-04 Animal Control By-law chicken amendments, that staff be directed to create an amendment to the Animal Control By-law (2016)-20122 requiring that coop floors be lined with an appropriate material to absorb fecal matter and to facilitate cleaning.
4. That as detailed in Public Services Report #PS-17-04 Animal Control By-law chicken amendments, that staff be directed to create an amendment to the Animal Control By-law (2016)-20122 requiring that residents keeping backyard chickens shall provide each hen with food, water, shelter, light, ventilation, appropriate substrate flooring, and provide opportunities for essential behaviours such as scratching, nesting, including but not limited to dust-bathing, and roosting, to maintain each hen in good health and welfare.

5. That as detailed in Public Services Report #PS-17-04 Animal Control By-law chicken amendments, that staff be directed to create an amendment to the Animal Control By-law (2016)-20122 prohibiting persons from killing a domestic animal on their property, except by a licenced vet or otherwise authorized by the City of Guelph.

Public Services Chair and Staff Announcements

Consent Agenda – Corporate Services

Chair – Councillor MacKinnon

The following resolutions have been prepared to facilitate Council's consideration of various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. It will be extracted and dealt with separately as part of the Items for Discussion.

COW-CS-2017.02 Tax Ratios 2017-2020 Assessment Cycle

Recommendation:

1. That the Tax Ratios for the 2017 year be adopted as set out in Table One of the "Tax Ratios 2017-2020 Assessment Cycle" Report CS-2017-02 dated Monday, April 3, 2017.
2. That the Tax Ratios for the remainder of the 2017-2020 assessment cycle be adopted based on start ratios for all tax classes except for the multi-residential ratio which will remain revenue neutral on an annual basis.
3. That the tax ratios be incorporated into the appropriate Tax Policy.

COW-CS-2017.03 2017 Tax Policy

Recommendation:

1. That the 2017 City of Guelph Property Tax Policies set out in Schedule 1 to the "2017 Tax Policy" CS-2017-07 report dated April 3, 2017, be approved.
2. That the tax policies be incorporated into tax ratio, tax rate, and capping by-laws to be adopted on April 24, 2017.
3. That a tax rate related to the dedicated infrastructure levy be calculated for the required amount and identified separately on the 2017 and future years' City tax bills replacing the previously separated Public Health levy.
4. That the maximum allowed capping parameters be used for 2017, allowing the City of Guelph to exit the capping program in the shortest time frame available.

Items for Discussion – Corporate Services

The following items have been extracted from Consent Agenda and will be considered separately. These items have been extracted either at the request of a member of Council or because they include a presentation and/or delegations.

COW-CS-2017.04 2018 Municipal Election: Methods of Voting

Presentation:

Stephen O'Brien, City Clerk

Delegations:

Susan Watson
Jason Blokhuis
Richard Chaloner
Hugh Whiteley

Correspondence:

Susan Watson
Jason Blokhuis
Cameron Fioret, Council of Canadians
David Lubell

Recommendation:

1. That a By-law be adopted to support the use of vote scanners/tabulators and internet voting in the 2018 Municipal Election.
2. That a By-law be adopted to support the optional use of an in person, paperless method of voting in the 2018 Municipal Election as a complementary voting channel for the advance voting period.

Corporate Services Chair and Staff Announcements

Councillor Downer as Chair

COW-2017.01 Councillors Mike Salisbury and Leanne Piper Request for Access to Additional Training Funding 2017

Recommendation:

1. That Councillor Mike Salisbury be authorized to exceed his 2017 training allocation of \$3250 to an upset limit of \$2000 in order to attend and complete the final two courses of the Directors College Certificate in 2017.
2. That Councillor Leanne Piper be authorized to exceed her 2017 training allocation of \$3250 to an upset limit of \$400 in order to attend the American Planning Association conference in May 2017.

Special Resolutions

CON-2017.9 Surplus Asset Sales Policies – Mayor Guthrie's Motion for which notice was given on March 6, 2017

Delegations:

Brian Pittana

Recommendation:

That staff review and report back on the City of Guelph's surplus asset sales policies and that the potential for local community group/non-profit benefit be reviewed and included in the report.

Chair and Staff Announcements**Adjournment**

From: Susan Watson

Sent: March 30, 2017 2:13 PM

To: Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein; Clerks

Subject: ID requirements for internet voting not addressed in MEA

Dear Mayor Guthrie and Members of Council:

I would like to share the following correspondence I sent to the Municipal Act Review Panel in July of 2015. I believe that it is relevant to the upcoming discussion about expanded internet voting.

Sincerely,

Susan Watson

----- Forwarded message -----

Date: 26 July 2015 at 06:29

Subject: ID requirements for internet voting not addressed in MEA

To: "mea.info@ontario.ca" <mea.info@ontario.ca>

Dear Members of the Municipal Act Review Panel:

The Municipal Elections Act, as written, did not anticipate and does not address ID requirements for internet voting. This must be addressed prior to the 2018 Municipal Elections.

In August of 2014, I sent an e-mail to Minister McMeekin outlining my concerns in this regard. I am hereby sending you a copy of that e-mail so the content can be formally included in the Municipal Elections Act Review.

To: minister.mah@ontario.ca; tim.ryall@ontario.ca; lsandals.mpp.co@liberal.ola.org

Subject: Urgent concerns with Guelph internet voting

Date: Thu, 28 Aug 2014 10:27:04 -0400

Minister Ted McMeekin

Ministry of Municipal Affairs and Housing

Dear Minister McMeekin:

I wish to share some very serious concerns about the integrity of the supplementary internet voting process which will be used in Guelph for the very first time during our advance poll period.

These concerns also relate to inadequacies in the Municipal Elections Act, which as written, does not specifically address ID requirements for internet voting.

A situation is developing in Guelph where voters casting ballots in person will be required to produce the prescribed ID mandated by the Municipal Elections Act and listed on the MAH website, but voters using internet voting procedures will only need to match date-of-birth information on-line to date-of-birth information already associated with the Voters' list.

What this appears to mean is that an internet voter will be able to cast a ballot without ever producing the required ID. I had the opportunity to watch an individual register on the Voters list as a non-resident elector using the MPAC voterlookup.ca tool. At no time was any ID demanded or required.

It would seem straightforward for an individual wishing to do so to register a fictitious identity at a certain address. After receiving the PIN number by mail, he or she would only have to match the birth date used for the original registration in order to cast an extra ballot using a fictitious identity. There would be no checks or balances to verify that this person in fact existed, or was entitled to vote at the address in question. How would this ever be detected?

I hope you will appreciate that there is particular sensitivity in Guelph to the possibility of corrupt practices during the Municipal election, given the recent conviction of Michael Sona in relation to the misleading robocalls during the 2011 Federal Election. Justice Hearn found that other individuals were involved, although these people are still at large and no other charges have been laid.

I will e-mail you a separate document detailing concerns arising from the Sona trial as they relate to internet voting in Guelph and with the Admitted Facts of the Sona case attached.

My exchanges with the Clerk of the City of Guelph are below. I am happy to answer any further questions you may have.

Thank you for your attention to this matter.

Sincerely,

Susan Watson

Subject: RE: Internet voting: compliance with ID requirements?

Date: Thu, 28 Aug 2014 12:51:15 +0000

Ms. Watson,

The section of the MEA that you reference is specific to a physical voting place. See below (my own emphasis added):

Voting procedure

52. (1) The following procedure shall be followed when a person enters a voting place and requests a ballot:

1. Subject to paragraph 3, the deputy returning officer shall give the person a ballot only if,

i. the deputy returning officer is satisfied that the person is entitled to vote at the voting place, and

ii. the person presents the prescribed proof of identity and residence or completes an application in the prescribed form, including a statutory declaration that he or she is the elector shown on the voters' list.

As it relates to internet voting, the MEA outlines the following (my emphasis added) with respect to alternative voting methods:

By-laws re voting and vote-counting equipment, alternative voting methods

42. (1) The council of a local municipality may pass by-laws,

(a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;

(b) authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote. 1996, c. 32, Sched., s. 42 (1).

And further that:

Procedures and forms

(3) The clerk shall,

(a) establish procedures and forms for the use of,

(i) any voting and vote-counting equipment authorized by by-law, and

(ii) any alternative voting method authorized by by-law; and

(b) provide a copy of the procedures and forms to each candidate. 2009, c. 33, Sched. 21, s. 8 (22).

Our procedures are included on our website here:

<http://vote.guelph.ca/candidates/candidate-resources-and-forms/>

I trust this answers your questions.

Stephen

Stephen O'Brien | City Clerk

City Clerk's Office | **Corporate and Human Resources**

City of Guelph

P [519-822-1260 x 5644](tel:519-822-1260x5644) | **M** [519-820-1026](tel:519-820-1026)

E stephen.obrien@guelph.ca

Sent: August-27-14 9:43 AM

To: Stephen O'Brien

Cc: Blair Labelle; Mayors Office; Jim Furfaro; Bob Bell; Ian Findlay; Andy VanHellemond; Maggie Laidlaw; June Hofland; Gloria Kovach; Cam Guthrie; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein

Subject: RE: Internet voting: compliance with ID requirements?

Dear Mr. O'Brien:

If I understand your answer correctly, someone whose name is *already* on the MPAC preliminary list of electors (PLE) received by the City will only need to verify their identity in the following way:

“authenticate” with the record on the voters’ list through date of birth information.

Am I correct in understanding that they will not be required by the City to produce the ID prescribed by MAH and the Ontario Elections Act?

Sincerely,

Susan Watson

From: Stephen.O'Brien@guelph.ca
CC: Councillorsandmayor@guelph.ca
Subject: RE: Internet voting: compliance with ID requirements?
Date: Wed, 27 Aug 2014 12:50:54 +0000

Ms. Watson,

Thank you for seeking clarification.

As I noted in my original email to you, once the preliminary list of electors (PLE) is delivered to the City of Guelph and once we reproduce it as the voters' list, we will have our own procedures in place that will govern the process through which eligible persons can add themselves to the list. Part of this process will involve the verification of ID that is to be submitted by the individual seeking to be added to the list. Given that internet voting will not be an option for those electors who are not on the voters' list, only those that have formally added themselves and in the case of our procedures, shown ID to be added once we are in possession of the voters' list, will be permitted to vote online. Once the eligible elector is on the voters list and should they choose to vote online, the online voting platform will require them to "authenticate" with the record on the voters' list through date of birth information. This is where the verification occurs with the individual listed on the voters' list and, in turn, with the individual who has been added to the list having shown ID.

I believe this answers your question. Once again, I cannot comment on MPAC's own procedures with respect to the VoterLookup.ca tool.

Thank you and enjoy your day,

Stephen

Stephen O'Brien | City Clerk

City Clerk's Office | **Corporate and Human Resources**

City of Guelph

P [519-822-1260](tel:519-822-1260) x 5644 | M [519-820-1026](tel:519-820-1026)

E stephen.obrien@guelph.ca

Sent: August-26-14 9:48 AM

To: Stephen O'Brien; Blair Labelle; Mayors Office; Jim Furfaro; Bob Bell; Ian Findlay; Andy VanHellemond; Maggie Laidlaw; June Hofland; Gloria Kovach; Cam Guthrie; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein

Subject: RE: Internet voting: compliance with ID requirements?

Dear Mr. O'Brien:

Thank you for your reply. Unfortunately I am still unclear as to the answer to this central question:

Where in the Guelph internet voting process is an elector required to produce the prescribed ID mandated by the Ministry of Municipal Affairs and Housing and the Ontario Elections Act?

I would appreciate your help in clarifying my understanding.

Sincerely,

Susan Watson

From: Stephen.O'Brien@guelph.ca

CC: Councillorsandmayor@guelph.ca

Subject: RE: Internet voting: compliance with ID requirements?

Date: Tue, 26 Aug 2014 12:28:38 +0000

Good morning Susan,

Thank you for your email.

You are correct that in person voting requires the elector to provide proof of identity. With respect to MPAC's processes relating to provision of ID when using their tool, I cannot comment on their procedures. Our internet voting system will require electors to authenticate themselves with their record on the voters' list. Until MPAC provides the City of Guelph with the voters' list, the enumeration activities or choices of enumeration methods is wholly in the responsibility of MPAC. Once the preliminary list of electors (PLE) is delivered to the City of Guelph and once we reproduce it as the voters' list, we will have our own procedures in place that will govern the process through which eligible electors can add themselves to the list. Internet voting will not be an option for those electors who are not on the voters' list as of the day they choose to vote. Being on the list is a requirement in order to access the internet voting platform.

I hope this answers your question(s).

Thank you and enjoy your day,

Stephen

Stephen O'Brien | City Clerk

City Clerk's Office | **Corporate and Human Resources**

City of Guelph

P 519-822-1260 x 5644 | **M** 519-820-1026

E stephen.obrien@guelph.ca

Sent: August-25-14 6:39 AM

To: Mayors Office; Jim Furfaro; Bob Bell; Ian Findlay; Andy VanHellemond; Maggie Laidlaw; June Hofland; Gloria Kovach; Cam Guthrie; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein; Blair Labelle; Stephen O'Brien

Subject: Internet voting: compliance with ID requirements?

Dear Mayor Farbridge, Members of Council, Mr. O'Brien and Mr. Labelle:

As you are all no doubt aware, section 52 of the Ontario Municipal Elections Act requires that voters can only be furnished with a ballot if they provide the prescribed proof of identity or complete a special form which includes a statutory declaration.

Voting procedure

52. (1) The following procedure shall be followed when a person enters a voting place and requests a ballot:

- 1. Subject to paragraph 3, the deputy returning officer shall give the person a ballot only if,***
 - i. the deputy returning officer is satisfied that the person is entitled to vote at the voting place, and***
 - ii. the person presents the prescribed proof of identity and residence or completes an application in the prescribed form, including a statutory declaration that he or she is the elector shown on the voters' list.***

The list of prescribed documents to prove identity can be found at this link on the Municipal Affairs and Housing website:

<http://www.mah.gov.on.ca/Page10458.aspx>

I have been unable to discern at what point in Guelph's internet voting process the identification requirements of the Elections Act will be met.

I recently had the opportunity to observe the voter registration process on the MPAC website www.VoterLookup.ca. The individual was the spouse of a non-resident elector (property owner) in another jurisdiction. His name was not on the deed of the house and therefore not picked up by MPAC through their property assessment listings. While the individual had to provide his name and date of birth and answer a series of questions, other than checking a box that he knew it was a punishable offense to provide false information and typing in a "Captcha" number, there was no requirement to provide any of the ID listed on the Ministry of Municipal Affairs and Housing website.

I have also looked carefully through the internet voting information on the City website. I have cut and pasted it below for your reference. I do not see any steps which require presentation of the required ID, either in-person at City Hall or through scanned documents submitted via e-mail.

The Voter ID referenced in the steps below is not the ID required by Municipal Affairs, but a multiple digit number provided by the City on the voter notification card.

I recognize that this is a new initiative and I may be missing something, however it appears to me that a two-tier process is developing in which citizens voting in-person will not be allowed to cast a ballot unless they provide the required ID or fill out the prescribed paperwork, whereas another individual will be able to register him or herself on-line via www.VoterLookup.ca and then cast an internet ballot without ever having to produce any of the required identification.

I would appreciate any further information you can provide to confirm that the City of Guelph will be meeting the identification requirements of the Elections Act.

Again, excerpts from information on the City's website are below.

Sincerely,

Susan Watson

What information will I need to register for Internet voting?

Before you can register you will need to be on the voters' list and you will also need to have a voter ID which is a unique multiple digit number provided by the City that is uniquely assigned to each voter.

What is my voter ID?

To register to vote online, you will need to have a voter ID which is a unique multiple digit number provided by the City that is uniquely assigned to each voter. This voter ID is one of many ways we are ensuring secure access to the Internet voting system.

Voters will need their voter ID to register to vote online and will need both their voter ID and their voter PIN when they login to cast their ballot online.

How do I get my voter ID?

Voters who are on the voters' list by mid-September will receive their voter ID on their voter notification card.

Voters who add themselves to the voters' list from the beginning of September until Election Day, on October 27, will also be asked to provide their email address so that they can receive their voter ID by email.

How do I register for internet voting?

To register voters will:

- a. go to the guelph.ca/vote website and clicking on the link in the internet voting section;
- b. click the "register" button on the main internet voting webpage;
- c. enter their voter ID, as well as, their first and last name as it appears on the voters' list;
- d. complete a CAPTCHA challenge;
- e. enter information unique to the voter, such as their birth date;
- f. set up a unique secret question and answer; and
- g. either input a personal email where they can receive confirmation that their registration

is complete and a link to access their voter PIN or indicate that they would prefer to be contacted by phone to receive their voter PIN.

What is my voter PIN?

Your voter PIN is a unique code generated by the City's internet voting provider. This is used to provide a second level of security, in addition to the voter ID, when the registered internet voter accesses the internet voting site to cast their ballot.

Voters will need both their voter ID and their voter PIN when they login to cast their ballot online.

How do I get my voter PIN?

When you submit your registration, if you provided your email address, you will receive an email confirming that you are registered to vote using the Internet voting system and the email will contain a link for you to access your voter PIN.

When you click on the link in the confirmation email you will be taken to a secure website and will be asked to confirm information, including your voter ID, name and date of birth, to receive your voter PIN. Once the PIN is received, you will need to write it down and have it available when you login to cast your vote online.

If you provided your phone number, you will receive a call from the Clerk's Office staff and they will give you your voter PIN by the end of the next business day.

If you misplace your voter PIN and you still have your confirmation email, you can get a replacement PIN by clicking on the link in the email and re-entering the required information. A new voter PIN will automatically be created for you. If you have deleted your confirmation email you can contact the Clerk's Office election support line at 519-837-5625 or by email at guelphvotes@guelph.ca to receive a new PIN. Once you have your new PIN, your previous voter PIN will be de-activated and will no longer work.

How do I vote online?

To cast your vote online you will need to already be on the voter's list and have completed your Internet voting registration. You will need to have both your voter ID and voter PIN to login to vote online.

Voters will only be able to cast their ballot using the Internet voting system during the advanced voting period, from October 7 to 24, 2014.

To vote you will:

- a. go to the guelph.ca/vote website and click on the link in the Internet voting section;
- b. click the "vote" button on the main Internet voting webpage;
- c. enter your voter ID and your PIN;
- d. complete a CAPTCHA challenge;
- e. accept or decline the mandatory "Declaration of Qualification and Acknowledgement of Offences Statement";
- f. be prompted to move from one voting screen to the next until all offices have been voted, with only one (1) office appearing per voting screen.

Once you have cast your ballot, the Internet voting system will confirm that your vote has been successfully cast and you will be struck off of the voters' list.

From: Susan Watson

Sent: March 30, 2017 4:52 PM

To: Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein; Clerks

Subject: Profound problems with the Municipal Voters' List

Dear Mayor Guthrie and Members of Council:

Internet voting in Guelph needs to be suspended, not expanded. There are multiple reasons for this, but a fundamental concern is the abysmal state of the Municipal Voter's List generated by MPAC.

The document at the link below is a position paper issued by the Association of Municipal Managers, Clerks and Treasurers of Ontario:

TIME TO FIX THE VOTER'S LIST

http://www.amcto.com/imis15/content/GOVT_RELATIONS_ISSUES/AMCTO_Voters_List_Position_Paper.aspx

The conclusion of this document on p. 10 is as follows:

....this is a problem that can no longer go unaddressed. It is an issue that affects every citizen, and the very sanctity of the democratic process.

I urge you to review this document as you deliberate on the next steps for internet voting in Guelph.

Sincerely,
Susan Watson

From: Susan Watson

Sent: March 31, 2017 8:01 AM

To: Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein; Clerks

Subject: Election fraud in Guelph and internet voting

Mayor Guthrie and Members of Council:

The Guelph City Council vote to implement internet voting in Guelph for the 2014 election took place on July 29th, 2013, almost year before the Sona trial, which was conducted the first week of June, 2014.

During that trial, the shocking details of the premeditation and sophistication of the vote suppression fraud were made public. I was so alarmed by what I heard sitting through the trial that at the end of that week, I sent the email below to the previous Council. The Admitted Facts of the Sona trial are attached.

At the conclusion of the trial, Justice Hearn found that Michael Sona did not act alone. This fact was established by the technical evidence presented during the trial. What this means is that a person or persons who were the accomplices of Michael Sona are still at large, potentially in our community. Election Fraud is not an abstraction, it has already happened in this community in the most egregious way.

The very real threat of electoral fraud, as well as gaping holes in a number of the processes related to internet voting in 2014 expose our local democracy to unacceptable risk and undermine its integrity. These include:

- 1) No ID requirements to register on the MPAC list.
- 2) No ID requirements for internet voting once an individual is on the voters' list, other than the PIN number on the voter card and date of birth.
- 3) No verification process that the individual casting the ballot at the computer is the individual who is entitled to do so.
- 4) A completely abysmal voters list which is rife with errors, resulting in tens of thousands of electronic PINs being mailed out to people who no longer live in the City.
- 5) No audit process of which I am aware to verify that individuals who voted electronically were real human beings who were entitled to do so.

This list of concerns doesn't even begin to address concerns about external hacking of electronic voting systems.

Please review the material below, which was not available when the original decision on internet voting was made.

Based on this new information, I ask that you not only vote against expanding internet voting, but that you suspend it altogether.

Sincerely,
Susan Watson

ONTARIO COURT OF JUSTICE
(WEST REGION)

Exhibit # (1) Cr. ✓ Def. _____

Regina vs Michael Sona

Date June 2/14

BETWEEN:

CS
Clerk of the Court

HER MAJESTY THE QUEEN

and

MICHAEL SONA

ADMITTED FACTS
(Pursuant to Section 655 of the *Criminal Code*)

A. EVENTS IN GUELPH ON MAY 2, 2011

1. May 2nd, 2011, was the 41st General Election. The Conservative candidate in the riding of Guelph was Marty Burke. Michael Sona was Burke's communications director during the campaign. Other people who worked in the Marty Burke campaign included:

- Kenneth Morgan, who was the campaign manager;

- Andrew Prescott, who was deputy campaign manager and was in charge of information technology;
- John White, who was in charge of "Get out the Vote", or "GOTV", activities;
- Christopher Crawford, who was in charge of canvassing;
- Trent Blanchette and Paulette Padanyi, who were volunteers.

i) A false telephone call

2. On May 2nd, 2011, between 10:03 a.m. and 10:14 a.m.,¹ telephone calls were made to 6738 telephone numbers, mostly in Guelph. The calls consisted of a recorded bilingual message that purported to be made on behalf of Elections Canada. The English portion stated:

This is an automated message from Elections Canada. Due to a projected increase in voter turnout your poll location has been changed. Your new voting location is the Old Quebec Street mall at 55 Wyndham Street North. Once again, your new poll location is at the Old Quebec Street Mall at 55 Wyndham Street North. If you have any questions please call our hotline at 1-800-434-4456. We apologize for any inconvenience that this may cause.

3. An audio copy of this message, which is admitted to be an accurate copy of the message, will be filed as an exhibit.

4. In fact, the message was false. It was not from Elections Canada, as Elections Canada does not telephone electors to advise of poll changes. No polling locations had been changed.

¹ All times referenced in these facts are Eastern Daylight Time (EDT)

ii) The effects of the false telephone call

5. Elections Canada did have a polling location at the Old Quebec Street Mall, at 55 Wyndham Street North, in Guelph. The polls opened at 9:30 a.m.. Electors attended this polling location throughout the day. A number of electors told Elections Canada staff at this location that they had received a phone call directing them that their voting location had changed to the Old Quebec Street Mall. The recollection of the Central Poll Supervisor at the Old Quebec Street Mall is that, within a half hour of the polls opening, some electors were telling staff that their polls had been moved to the Old Quebec Street Mall. A receptionist at Elections Canada also recalls that her phone lines were extremely busy as soon as she arrived at work at 7:50 am EDT. Some of the calls were from electors asking where and/or when they should vote. The receptionist recalls that throughout the day electors called Elections Canada to complain about a call that had a message in both official languages directing them to a different poll location. The first instance of such a complaint that she can recall occurred sometime that morning when a voter called to report having voted at the correct poll location, only to return home to find the misleading message on their answering machine.

6. In response to these misdirected people attending, the Central Poll Supervisor at the Old Quebec Street Mall directed a member of his staff to greet electors and check their Voter Information Cards, to ensure that they were at the correct location. Electors who were assigned to a different polling location had to be re-directed to their correct location as indicated on their Voter Information

Cards, because they could not vote at the Old Quebec Street Mall. Staff at the polling station estimated that 150 to 200 electors presented themselves at the Old Quebec Street Mall as a result of the false telephone call, and were unable to vote there. Upon learning that the message was false, some individuals tore up their Voter Information Cards and walked away.

7. It is not known how many recipients of the false message were unable to vote, or decided not to vote, as a consequence of receiving the false telephone call. One elector, an elderly woman named Freda Dean, listened to the false telephone call and believed its contents. At the time of the election, Mrs. Dean was caring for her husband, Stan, who was dying. Although she had originally intended to vote at her polling location, which was just around the corner from her house, she decided that she could not leave her husband alone for the time that it would take to vote at the new (false) polling location. She, therefore, did not vote.

B. THE PHONE NUMBER ASSOCIATED TO THE CALL

8. A number of people who received the false telephone call noted that the call came from telephone number 450-760-7746. This number was displayed on the recipients' call displays when the message was received.

9. Telephone number 450-760-7746 is registered to a Virgin Mobile telephone. Bell Canada owns and operates Virgin Mobile.

10. The subscriber registered to this telephone number is "Pierre Poutine, Separatist Avenue, Joliette, Quebec". There is no Separatist Avenue in Joliette Quebec, nor is there a person named "Pierre Poutine."

11. Telephone number 450-760-7746 was the telephone number for a particular mobile telephone that bore the unique Electronic Serial Number (or "ESN") A0000024609097. The mobile phone bearing this ESN was purchased for \$45.30 in cash from the Future Shop located at 151 Stone Road West, Guelph on April 30, 2011, at 7:04 p.m.

12. The subscriber activated this phone online and gave an email address of pierres630@gmail.com. It was first activated on April 30, 2011, at 8:48 p.m. The phone was a "pay as you go" phone, meaning that there is no plan attached to it. Instead, customers can purchase time from a retail outlet or online and add it to the phone. The prepaid "Vanilla" Visa card #4729260109616641 was used on-line by the subscriber when the phone was activated.

13. On April 30, 2011, at 8:58 p.m., 9:02 p.m., and 9:20 p.m., outgoing calls were made from 450-760-7746 to 866-467-2259. 866-467-2259 is a telephone number for RackNine, a company based in Alberta that provides automated telephone calling services. Each of these calls was made through a telephone tower at 530 York Road, Guelph, which means that the telephone was closer to the telephone tower at 530 York Road than to any other telephone tower. The telephone tower at 530 York Road is the closest telephone tower to where the Marty Burke Campaign office was located at 965 York Road, Guelph.

14. On May 1, 2011, from 11:16 p.m. until 11:37 p.m., 7 calls were made from telephone number 450-760-7746 to 877-841-3511, which is another telephone number for RackNine. These 7 calls were made through the telephone tower at 530 York Road, Guelph, the closest telephone tower to the Burke Campaign office at 965 York Road, Guelph. After May 2, 2011, the telephone with number 450-760-7746 made no further outgoing calls. All incoming calls after May 2 went to voice mail.

C. HOW THE CALLS WERE MADE

i) RackNine

15. The false telephone calls referred to in paragraphs 2-4 were sent out by RackNine. The false calls were sent out through an account with RackNine to which the operator of RackNine had assigned the name "Client #93."

16. RackNine provided automated telephone-calling services to the national Conservative Party and a number of local Conservative Party campaigns during the 2011 General Election. RackNine's telephone calling services use an automated computer system. Clients are able to upload recorded telephone messages and lists of numbers to be called, and can tell the system when and to whom telephone calls will be made. This is done by calling in to RackNine's automated telephone line, through RackNine's website, or both. 877-841-3511, the telephone number mentioned at paragraph 14, is RackNine's customer "login number" that clients can use to record messages and direct RackNine's automated system to make calls. Although the calls are made by RackNine's

computer system, clients are required to provide a telephone number that will appear on a recipient's call display.

ii) Client #93

17. The owner and operator of RackNine is Matt Meier. On April 30, 2011, at 8:58 p.m. and 9:02 p.m., Meier received calls from 450-760-7746 to his number, 866-467-2259. Meier spoke to a male who said that he wanted to use RackNine's services.

18. At 9:07 p.m., Meier sent an email to the male at pierres630@gmail.com. The message provided the information required to use his system: the website address, a user name, and a password. The email bounced back with an automated message that said the address pierres630@gmail.com was invalid. At 9:20 p.m., Meier received a third call from the male using 450-760-7746. At 9:21 p.m. Meier re-sent the same email message that had bounced back to a different address: pierres1630@gmail.com.

19. As indicated in paragraph 13, each of these 3 calls, from 8:58 p.m. to 9:20 p.m., were made through a telephone tower at 530 York Road, Guelph, which means that the telephone was closer to the telephone tower at 530 York Road than to any other telephone tower.

20. The individual who called from 450-760-7746 identified himself to Meier as "Pierre S. Jones," and claimed to be a University of Ottawa student from Joliette, Quebec who wanted to use the service to conduct marketing research.

The University of Ottawa has no record of having a student named "Pierre S. Jones" at that time.

21. Meier set up an account for the individual and identified that individual on his internal system as client #93.

22. Client #93 only accessed the RackNine website on May 1 and 2, 2011, and only ever accessed the RackNine system through two Internet Protocol, or "IP" addresses. An Internet Protocol (IP) Address is a unique point of presence identifying a specific device (such as a computer or a computer modem) on a network. On the public internet, a user's unique IP address is used to establish two-way communication between a computer server and the user, providing a call-back point for data traffic. Without it, the data would not know where to go to. In other words, an IP address is a numerical address assigned to each computer device that uses the Internet Protocol for communication on the Internet. The IP address can provide the location address of a computer using the Internet, through the records of an Internet Service Provider.

23. One "IP" address used by client #93 was 64.64.11.139, which was, at the time, associated to a "proxy server." A proxy server is a website that serves as an intermediary between two computers, and allows a user to hide their actual location. Client #93 logged in to the RackNine system via the proxy server on May 1 at 2:37 a.m., 2:41 a.m., 2:43 a.m., and 1:20 p.m.

24. The other IP address used by client #93 was 99.225.28.34. At the relevant time, IP address 99.225.28.34 was assigned to a modem that had been

leased by Rogers Communications to the Marty Burke Campaign in Guelph, and was used at the Marty Burke Campaign office. Client #93 logged in to the RackNine system from this IP address on May 1, at 11:20 p.m., and on May 2 at 3:25 a.m., 9:08 a.m., 10:03 a.m., 1:00 p.m., and 6:54 p.m.

25. The email account pierres1630@gmail.com was set up at 9:19 p.m. on April 30, 2011, from the Marty Burke Campaign office IP address: 99.225.28.34.

iii) The false message sent to Guelph Electors

26. The recording of the false message sent to Electors in Guelph was uploaded via telephone to the client #93 account on RackNine's system on May 1, at 11:32 p.m. The call that uploaded the message came from phone number 450-760-7746. The call was routed through the telephone tower closest to the Marty Burke Campaign office.

27. Between 3:57 and 3:59 a.m. on May 2, client #93 uploaded to the RackNine system, via RackNine's website, the list of telephone numbers to be called. This list contained 6737 telephone numbers (mainly in the 519 area code). It took 5 seconds to upload the list of telephone numbers to the system. Client #93 uploaded this list of numbers to the RackNine website from the IP address for the Marty Burke Campaign office: 99.225.28.34.

28. The instructions relating to the false message (who to call and when) were finalized by client #93 on the RackNine system in an on-line session that

began at 9:08 a.m. on May 2. Those instructions directed the system to make the automated calls to the calling list that had been previously uploaded. At 10:03 a.m., client #93 logged back in to the RackNine website and directed the system to make a test call of the false message to number 450-760-7746. Client #93 then directed the system to make the automated calls. Client #93 gave these instructions to RackNine's system from the IP address for the Marty Burke Campaign office: 99.225.28.34.

29. The RackNine system made 7676 calls to 6738 phone numbers (including the test call). The calls went out between 10:03 a.m. and 10:14 a.m., on May 2. For 2155 calls, the recipient hung up before the call was completed. 666 calls received no answer. 818 numbers were "temporarily unavailable," and 6 numbers were out of service. For 3093 calls, the full message was completed. The total cost for RackNine's services, including tax, was \$162.10.

iv) A second message

30. Client #93 also created a second false message. It purported to be a message from the Guelph Liberal Party candidate.

31. This second false message was uploaded via telephone to the client #93 account on RackNine's system at 11:39 p.m. on May 1st. The call that uploaded the message came from telephone number 450-760-7746. The call was routed through the telephone tower closest to the Marty Burke Campaign office.

32. The instructions relating to this second message were finalized in an on-line session that began at 3:25 a.m. on May 2. Client #93 instructed RackNine's system that the list of telephone numbers to be called was the same list of numbers that was later used for the false call to Guelph electors. The instructions for this second message also specified that the automated calls were to be made between 4:00 a.m. and 6:45 a.m.. However, this second message was never sent out. An audio copy of this message, which is admitted to be an accurate copy of the message, will be filed as an exhibit.

v) Client #45

33. Client #45 also accessed the RackNine website from the Marty Burke Campaign office IP address: 99.225.28.34. Client #45 was Andrew Prescott, who had held an account with RackNine since October 2010. Client #45 accessed the RackNine system from the Marty Burke Campaign office IP address multiple times from April 30 to May 2:

- April 30 at 5:46 p.m, 6:35 p.m, 7:54 p.m, 8:37 p.m, 9:09 p.m, 9:46 p.m;
- May 1 at 3:08 p.m.; and
- May 2 at 4:15 a.m., 10:51 a.m., 6:24 p.m, 6:49 p.m. 7:13 p.m, and 7:16 p.m.

34. RackNine's records show that the RackNine accounts for client #93 and client #45 were both accessed from the Marty Burke Campaign office IP address on two occasions in close proximity of time. In particular, on May 2, the

client #93 account was logged in at 3:25 a.m., and the user accessed part of the RackNine webpage at 4:12 a.m.; the client #45 account was then logged in at 4:15 a.m. Furthermore, later in the day on May 2, the accounts for clients #45 and #93 were accessed during the same session, meaning that both accounts were logged into from the same computer, from the same open RackNine browser window. The client #93 account was logged in at 6:54 p.m. and, at some point thereafter, the user logged out, but without closing the browser window. Then, at 7:13 p.m., the client #45 account was logged in, using the open browser window. At 7:16 p.m., the client #45 account was logged into using a different browser window.

D. PAYMENT FOR THE CALLS

35. Four pre-paid Visa and Mastercard "Vanilla" cards were used to make payments to Virgin Mobile for phone number 450-760-7746, and to RackNine to pay for the false calls. The pre-paid cards used were issued by a company called People's Trust. "Vanilla" cards are a form of pre-paid gift card that can be purchased at retail outlets. The Vanilla cards issued by People's Trust are only associated with a particular individual if the person chooses to register the card with People's Trust.

36. \$75 was loaded onto pre-paid Visa Vanilla card #4729260109616641 at a Shoppers Drug Mart at 615 Scottsdale Drive, Guelph on April 30, 2011, at 6:49 p.m. This card made a \$0.01 authorization in favour of Virgin Mobile Toronto at 8:28 p.m., on April 30, 2011. Through an account on PayPal, which is a

website that allows payments and money transfers to be made through the internet, the card was used to pay \$50.00 to RackNine at 3:22 p.m. on May 1.

37. Pre-paid Mastercard Vanilla card #5113403212497464 was loaded with \$200.00 at 1:20 p.m. at a Shoppers Drug Mart at 380 Eramosa Rd in Guelph on May 1. This card was used in an unsuccessful attempt to make a payment to RackNine.

38. Two further pre-paid Visa cards were loaded with \$150.00 (on card #4729260100735549) and \$35.00 (on card #4729260107497572) at 5:30 p.m., also on May 1st, also at the Shoppers Drug Mart at 380 Eramosa Rd. These cards were used to make payments to RackNine, through PayPal, of \$125.00 and \$25.00 at 10:16 p.m. and 10:22 p.m. on May 1. None of the above cards were ever registered with People's Trust.

39. All payments to RackNine for the misleading calls in Guelph were made via the internet through PayPal. The PayPal account was registered to Pierre Jones, 54 Lajoie Nord, Joliette, Québec, J6E 3B3. This address does not exist. The email address provided was pierres1630@gmail.com. The phone number was 450-760-7746. All internet contact with PayPal, including setting up the account and depositing funds into the account, was done using the same proxy server that was also used by client #93 to interact with the RackNine system, namely 64.64.11.139.

E. THE LIST OF NUMBERS CALLED

40. The list used was consistent with being from the Conservative Party's Constituency Information Management System ("CIMS"), a database that contains contact information for party supporters and non-supporters. The list is consistent with data contained in the CIMS for three reasons: (1) virtually any list of telephone numbers generated from the CIMS will include a small number of incorrect phone numbers, which can readily be identified because they have area codes that are outside of the riding. The RackNine list includes a small number of telephone numbers with area codes outside of the riding; (2) every number on the RackNine list can be found within the CIMS; and (3) all of the numbers on the RackNine list were associated within the CIMS to constituents identified as non-supporters of the Conservative Party at one time or another. The RackNine calling list was consistent with CIMS "non-supporter" data that was updated as recently as April 27, 2011.

41. During an election campaign, local campaign workers can access the CIMS via a secure, password-protected "Virtual Private Network," once they have been approved by Conservative Party headquarters. Michael Sona was authorized to access the CIMS, as were 6 other members of the Burke campaign: Kenneth Morgan, Andrew Prescott, John White, Christopher Crawford, Trent Blanchette, and Paulette Padanyi. There is no record of Michael Sona accessing the database.

42. Paulette Padanyi did not access the CIMS after April 21, 2011. From April 23 to May 2, Christopher Crawford accessed the CIMS 13 times. John White and Andrew Prescott accessed the CIMS 10 times during this period. Trent Blanchette accessed the CIMS 4 times on April 29 and 30. Kenneth Morgan logged in to the CIMS at 9:14 p.m. on April 30 from the Marty Burke Campaign office IP address. He logged out at 9:42 p.m. Morgan also logged in on May 1 at 3:36 p.m., 6:13 p.m., and 6:21 p.m.

43. Files, including lists of telephone numbers, can be exported from the CIMS. User activity reports and export logs for the CIMS show that Andrew Prescott and John White both downloaded files of telephone numbers during the election campaign. Three entries on a CIMS user activity report for Andrew Prescott show that Andrew Prescott exported or attempted to export lists of telephone numbers between 17:20 and 17:31 on April 30, 2011. Two entries on a user activity report for John White show that John White exported lists of telephone numbers on April 29, 2011 at 12:32 p.m. and 4:16 p.m.. According to Chris Rougier, who was the Director of Voter Contact for the Conservative Party of Canada and responsible for CIMS operations at the pertinent time, each list of telephone numbers exported by Andrew Prescott and John White contained less than 15% of the telephone numbers provided to RackNine by client #93, and there is no record of a file being exported from the CIMS containing the telephone numbers provided to RackNine.

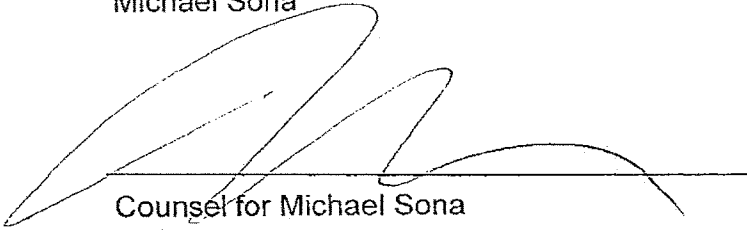
However, files containing telephone numbers can be exported from the CIMS using an export known as a "constituent report", which does not leave a record of

the numbers exported. John White generated two constituent reports, at 12:39 p.m. and 9:17 p.m., on April 30th, 2011. Kenneth Morgan and Andrew Prescott created constituent reports in March, 2011, but no member of the Burke campaign team, aside from John White, generated constituent reports from April 1 to May 2, 2011.



Michael Sona

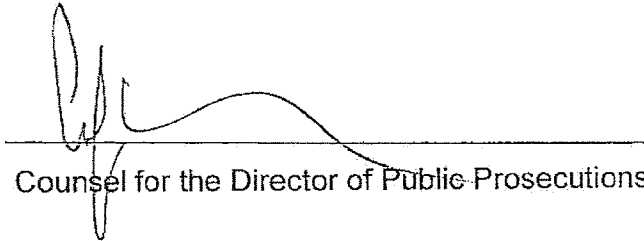
Date: May 22, 2014



Counsel for Michael Sona

Date:

June 2/14



Counsel for the Director of Public Prosecutions

Date: 2 JUNE 2014

From: Susan Watson

Sent: March 31, 2017 9:42 AM

To: Mayors Office; Dan Gibson; Bob Bell; James Gordon; Andy VanHellemond; Phil Allt; June Hofland; Mike Salisbury; Christine Billings; Leanne Piper; Cathy Downer; Mark MacKinnon; Karl Wettstein; Clerks

Subject: Internet security concerns and on-line voting

Dear Mayor Guthrie and Members of Council:

My previous emails detailing concerns with internet voting have focussed on issues such as Voter ID, the Voters' list and election fraud.

A key issue for internet voting is on-line security.

Below, I have pasted an excerpt from a timeline of computer security hacker history:

https://en.wikipedia.org/wiki/Timeline_of_computer_security_hacker_history

Prominent hacks in 2016 included the FBI and the Democratic National Committee. The list I have provided includes breaches of both governments and prominent corporations.

Closer to home, last year the EQAO Grade 10 literacy test was cancelled due to a cyberattack:

<http://www.ctvnews.ca/canada/online-literacy-test-for-ontario-students-cancelled-due-to-cyberattack-eqao-1.3128746>

There have been recent reports of thefts of Petro Points and AirMiles from user accounts.

Breaches of the Conservative database (CIMS) in Guelph and other ridings in 2011 have never been explained or solved. Justice Mosley made the following findings in a case involving the ridings of Yukon, Winnipeg-South-Centre, Saskatoon-Rosetown-Biggar, Elmwood-Transcona, Vancouver Island North and Nipissing-Temiskaming:

<https://www.canlii.org/en/ca/fct/doc/2013/2013fc525/2013fc525.html?resultIndex=3>

[244] I am satisfied that it has been established that misleading calls about the locations of polling stations were made to electors in ridings across the country, including the subject ridings, and that the purpose of those calls was to suppress the votes of electors who had indicated their voting preference in response to earlier voter identification calls.

[245] In reaching this conclusion, I make no finding that the CPC, any CPC candidates, or RMG and RackNine Inc., were directly involved in the campaign to mislead voters. To require the applicants to identify the perpetrators of the misleading calls would impose an impossibly high standard of proof. I am satisfied, however, that the most likely source of the information used to make the misleading calls was the CIMS database maintained and controlled by the CPC, accessed for that purpose by a person or persons currently unknown to this Court. There is no evidence to indicate that the use of the CIMS database in this manner was approved or

condoned by the CPC. Rather the evidence points to elaborate efforts to conceal the identity of those accessing the database and arranging for the calls to be made.

[246] I find that the threshold to establish that fraud occurred has been met by the applicants. The questions remaining are whether the fraud affected the results of the election, and if so, whether the Court should exercise its discretion to annul the results in the subject ridings.

Given the current vulnerability of all government agencies and corporations to criminal and malicious breaches of their databases and systems, there appears to be currently no fail-safe guarantees to protect the integrity of our electoral system, other than the paper ballot.

I urge you to make an evidence-based decision and suspend internet voting.

Sincerely,

Susan Watson

Timeline of computer security hacker history

2014^[edit]

- February 7: The Bitcoin exchange Mt.Gox filed for bankruptcy after \$460 million was apparently stolen by hackers due to "weaknesses in [their] system" and another \$27.4 million went missing from its bank accounts.^[73]
- October: The White House computer system was hacked.^[74] It was said that the FBI, the Secret Service, and other U.S. intelligence agencies categorized the attacks "among the most sophisticated attacks ever launched against U.S. government systems."^[75]
- November 24: In response to the release of the film The Interview, the servers of Sony Pictures are hacked by a hacker group calling itself "Guardian of Peace".
- November 28: The website of a major provider of Telecommunications Services in the Philippines Globe Telecom usually known as GLOBE was hacked to acquaint for the poor internet connection service they are distributing.^[76]

2015^[edit]

- June: the records of 21.5 million people, including social security numbers, dates of birth, addresses, fingerprints, and security-clearance-related information, are stolen from the United States Office of Personnel Management.^[77] Most of the victims are employees of the United States government and unsuccessful applicants to it. The Wall Street Journal and the Washington Post report that government sources believe the hacker is the government of China.^{[78][79]}
- July: The hacker group "Impact Team" breached the servers of extramarital affairs website Ashley Madison.

2016^[edit]

- February: A hacker has reportedly dumped a list of more than 20,000 agents of the Federal Bureau of Investigation and 9,000 Department of Homeland Security officers online. The stated motive appears to be related to that of Israeli–Palestinian conflict.^[80]
- March: A teenage hacker whose pseudonym is "Cyber Anakin" had hacked numerous Russian websites as a response to the MAS 17 tragedy.^[81]
- July 22: Wikileaks published the documents from the 2016 Democratic National Committee email leak.
- July 29: a group suspected coming from China launched hacker attacks on the website of Vietnam Airlines.
- September: Hacker Ardit Ferizi is sentenced to 20 years in prison after being arrested for hacking U.S. servers and passing the leaked information to members of ISIL terrorist group back in 2015.^[82]
- October: The 2016 Dyn cyberattack is being conducted with a botnet consisting of IOTs infected with Mirai by the hacktivist groups SpainSquad, Anonymous, and New World Hackers, reportedly in retaliation for Ecuador's rescinding Internet access to WikiLeaks founder Julian Assange at their embassy in London, where he has been granted asylum.^[83]
- November: Liberia's internet is hit by a DDOS attack.^[84]
- December: Hacker "Kapustkiy" announced that he has breached the Russian Visa Center's systems via an SQL injection.^[85]

2017^[edit]

- January: After ESEA League ignored a ransom notice from hackers, the latter decided to post the data leaks from the former's database online.^[86]
- February: The Cloudbleed bug was discovered by Google Project Zero team.

Internet voting should not be available for extended periods before election day

After the municipal election last October, the city clerk invited candidates to participate in a survey for something called the Internet Voting Project.

Nicolé Goodman, from the Munk School of Global Affairs at the University of Toronto, wanted to know whether candidates were satisfied with internet voting in Guelph. Apparently our participation in the survey would "provide valuable insight into ongoing efforts to ensure an efficient and equitable election process and to understand the impacts of internet voting on our elections."

That's a laudable goal, but I'm uncomfortable responding to online and telephone surveys. This one involved only candidates. We were to choose from a limited number of set responses that did not reflect my concerns. And what would be done with the survey data, anyway?

This particular survey appeared to be part of an academic research project, or at least a research project led by an academic. But we really do need to be careful when we respond to online and telephone surveys. Information would not be solicited unless it had value to someone. At a minimum, anyone who responds to a survey should know who that "someone" is.

How many people in Guelph received an automated telephone call in the final weeks of the campaign asking whether they supported Karen Farbridge, Cam Guthrie, or "other"?

We know who conducted the Forum Research poll in late August, and we know those results because they were published right here in the Mercury. But only one campaign knew the results of the telephone poll in October because it had paid for it. (It wasn't that cryptic "other" campaign.) And after election day on Oct. 27, of course, the question was moot. But I digress.

In many ways, internet voting in Guelph was a success. It appears to have contributed to a dramatic increase in voter participation rates compared to 2010, which in turn enhanced the legitimacy of the outcome.



JASON BLOKHUIS
community
editorial board

In a mayoral race in which there are more than two serious contenders, each with a coherent platform and a clear plan of action, the candidate who garners more than 50 per cent of the votes cast without engaging in any chicanery may claim a legitimate mandate.

This is especially true when voter participation rates are high. I will say more on this in another piece. Suffice it to say for the present that Cam Guthrie met these criteria on Oct. 27.

According to the City of Guelph, internet voting was implemented because:

- It had "the greatest potential to engage new voters when offered in addition to traditional voting places"

- It had "the greatest benefits compared to other alternative voting methods," including "greater accessibility and convenience"

- "Recent public opinion research (had) revealed a greater number of Guelph electors (were) more likely to vote using internet voting (48 per cent) than traditional paper ballots (40 per cent)."

Note that the rationale given on the city's website neither explains nor requires the availability of internet voting for lengthy periods of time ahead of election day. If internet voting were available only on election day, it would arguably be just as convenient and accessible while retaining its potential to engage new voters and satisfying the 48 per cent of participants in the city's survey who had indicated a preference for it. So why was internet voting made available for such a long time? Whose interests were served?

Would the outcome of our mayoral election have been the same if internet voting had been available only on Oct. 27?

Probably. But here are a couple

of "what ifs" to consider:

- What if a leading mayoral candidate had made racist or misogynistic comments or smoked crack a week or so before election day? With internet voting open well in advance, votes from many core supporters would already be "locked in." This is a little far-fetched (though perhaps not for Torontonians). More importantly, it didn't happen.

- What if a trailing mayoral candidate had resorted to objectionable tactics a week or so before election day, knowing that votes from core supporters were "locked in"? This did happen. I had often felt pained and shamed by the behaviour of the Ford brothers in Toronto, but I'd never felt ashamed of Guelph's former mayor. The day after the attack ad was published, I offered an apology to Guthrie, noting that it had diminished us all. He accepted my apology and said it meant a lot to him. He then told me the ad had appeared on his 39th birthday.

In Ward 3, after the last edition of this newspaper before election day had been printed, the Laidlaw campaign apparently distributed postcards attacking Phil Allt and Cam Guthrie while making a pitch for Karen Farbridge. Had election day fallen on Tuesday, Oct. 28 rather than Monday, Oct. 27, news reports might have put Karen Farbridge in the awkward position of having to disavow both the postcard and the Laidlaw campaign. Some Laidlaw donors may have objected to this particular use of their money. But of course, many of their votes were "locked in" because internet voting had by then been available for weeks.

If researchers from the Internet Voting Project are reading this, let me be clear: first, internet voting should not be made available for extended periods ahead of election day. Second, election day should take place on a weekday other than Monday. This, in my view, would contribute to a more "efficient and equitable election process" in Guelph.

Jason Blokhuis is a member of the Guelph Mercury's community editorial board.

From: Cameron Fioret

Sent: March 31, 2017 8:07 AM

To: Clerks

Subject: Re: for the clerks to send to the councillors before 9am Friday

Mayor Guthrie and Members of Guelph City Council.

On behalf of the Guelph chapter of the Council of Canadians, I am here to urge you to refrain from accepting electronic voting in the next election.

As you know and to our shame, Guelph was confirmed to be the centre of thousands of vote thefts across the nation in the federal election of 2011. The Federal Court found that there was an orchestrated attempt that resulted in widespread election fraud during that election. Michael Sona went to prison for this crime but the judge stated that he had help from other people who have never been brought to justice.

Also, you should know that the recent report from the federal government's all party Committee on Electoral Reform

states that they were persuaded by "significant testimony, particularly from experts in technology, that the secrecy and integrity of an online ballot cannot be guaranteed".

Based on these few facts alone, we urge that City Council must not move to accept electronic voting for our city.

Sincerely,

Cameron Fioret for Council of Canadians- Guelph

From: David Lubell
Sent: March 30, 2017 7:51 PM
To: Clerks
Subject: Electronic voting

Members of Council:

I write to provide information to you regarding your consideration of changing to a system of electronic voting for the 2018 Guelph municipal election. While not in principal opposed to the use of electronic voting, I believe there are serious objections which must be resolved before it can be adopted and used.

My household was one of those that received a robocall during the 2011 federal election and it may illustrate my point if I briefly describe what happened.

I was working as a volunteer driver, had voted in the advance poll, and was waiting at home by the telephone in case there were people needing help getting to the polls. My party preference was thus well known. My wife and daughter voted at our local poll at about 3:30pm and came straight home (a 5 minute walk). Shortly after they returned, we received a telephone call, purportedly from Elections Canada, telling us that our poll had been changed and that we should go to a different one. That was, of course, completely false, but as the call was a recording, not an individual, I simply hung up. After a few minutes thinking about it I called the party for which I was volunteering and informed them about the call. I was told they were aware of the calls and were pursuing the matter. I left it at that although then subsequently became involved in the court case brought by the Council of Canadians.

My point is this. Unless sufficient safeguards are put in place to maintain confidentiality and eliminate any possibility whatsoever of fraud, an electronic voting system is unacceptable. The current system of personal appearance with confirmation of identity from a voter list, and paper or machine readable ballots which are then scrutinized, avoids almost any possibility of fraud. Unless there is a way to provide each and every eligible voter with a unique and totally confidential identification number that s/he must use in order to cast a vote, there can be no way in which to ensure the validity of that vote. So far as I am aware, no such system has yet been used in Canada, and thus I argue against the adoption of electronic voting.

Thank you for your consideration.

Yours sincerely,

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Dr David Lubell