

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CITY OF TORONTO**

Applicant

- and -

**ATTORNEY GENERAL OF ONTARIO**

Respondent

APPLICATION UNDER Rule 14.05(3)(d), (g.1) and (h) of the *Rules of Civil Procedure*

**AFFIDAVIT OF FIONA MURRAY**

(Affirmed August 22, 2018)

I, Fiona Murray, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Deputy City Clerk of Election Services at the City of Toronto (the "City"). In this capacity, I am responsible for providing overall direction and leadership in the delivery of programs and services to fulfill the Toronto City Clerk's responsibilities under the *Municipal Elections Act, 1996* (the "MEA") and various other provincial statutes.

2. As such, I have personal knowledge of the matters deposed below, except where it is based on information from others, in which case I have indicated the source of the information and believe such information to be true.

### ***Municipal Elections in Toronto***

3. The *MEA* requires the City Clerk to prepare for and conduct the City's elections for municipal Council as well as local school boards. The *MEA* grants authority to the Clerk to (among other things) establish voting places, determine policies and procedures, hire staff and delegate responsibilities.

4. Staff of the City Clerk's Office are delegated responsibilities to administer the election. They plan, organize and implement the logistics of a complex election that has multiple interdependencies and technology.

5. Toronto's 2014 election was the fourth largest municipal election in North America. From over 1.8 million eligible electors, 991,754 votes were cast across 1,679 voting locations. Over 15,000 short term election workers were hired and trained. The overall expenditure was approximately \$8,390,900. A copy of the Clerk's declaration of results is attached as **Exhibit "A"**, and the Clerk's 2014 election report is attached as **Exhibit "B"**.

6. 2018 is an election year for the City. The election will be held on October 22, 2018, pursuant to s. 5 of the *MEA*.

### ***Toronto's 2018 Election and Bill 5***

7. The Clerk's Office has prepared a Work Plan and Confluence calendar which are attached as **Exhibits "C" and "D"**.

8. This year, the Clerk and her staff had been preparing to conduct an election for 47 councillor positions and 39 school board trustees, based on the new ward structure that was in effect for the 2018 election.

9. On July 27, 2018, the government of Ontario announced its intention to align Toronto's wards with the federal and provincial electoral ridings for the 2018 election. A printout of the Ontario government's news release is attached as **Exhibit "E"**.

10. Further to this announcement, Bill 5, the *Better Local Government Act, 2018* ("Bill 5"), was introduced in the Ontario Legislature on July 30.

11. When Bill 5 passed, there were 509 certified candidates for councillor or school board trustee in the 2018 election. The City Clerk's preparations for the election were underway and some of the key tasks had been completed or commenced are as follows:

| Date / Period | Work Completed / Commenced  |
|---------------|---|
| <b>2017</b>   |   |
| May           | <ul style="list-style-type: none"> <li>• Began inspecting voting places</li> </ul>  |
| December 21   | <ul style="list-style-type: none"> <li>• Notified MPAC of new ward boundaries for 47-ward structure</li> </ul>  |
| December 31   | <ul style="list-style-type: none"> <li>• Established procedure for alternative voting method (home visit pilot program)</li> </ul>  |
| <b>2018</b>   |   |
| January       | <ul style="list-style-type: none"> <li>• Began re-mapping electoral geography for 47 wards</li> <li>• Recruited and assigned ward managers and assistant ward managers</li> <li>• Secured 24 ward centres</li> <li>• Internal recruitment campaign</li> <li>• Hired warehouse supervisor</li> <li>• Tested, performed security assessments, confirmed web accessibility and placed into production the following election technology:               <ul style="list-style-type: none"> <li>○ Voters List Management System</li> <li>○ Voting Place Management System</li> <li>○ Ward boundary software (vBoundary)</li> </ul> </li> </ul> |
| January 31    | <ul style="list-style-type: none"> <li>• Secured 24 receiving centres</li> </ul>  |

| Date / Period                   | Work Completed / Commenced  |
|---------------------------------|---|
| February                        | <ul style="list-style-type: none"> <li>• Tested, performed security assessments, confirmed web accessibility and placed into production the following election technology:               <ul style="list-style-type: none"> <li>○ Election Day Management System</li> </ul> </li> </ul>   |
| February (to May)               | <ul style="list-style-type: none"> <li>• Developed process documents, manuals and training manuals for home visit pilot program</li> </ul>  |
| February (to October)           | <ul style="list-style-type: none"> <li>• Ward centre simulations for voting place staff</li> </ul>  |
| February (to September)         | <ul style="list-style-type: none"> <li>• Hire a coordinator, 3 executive assistants and 80 home visit officers for home visit pilot program</li> </ul>  |
| February 1                      | <ul style="list-style-type: none"> <li>• 48 voting places inspected and confirmed for advance vote</li> <li>• Advance vote voting places report for each ward completed</li> <li>• Scheduled 75 trainers to deliver training sessions for 15,000 individuals</li> </ul>   |
| Mid-February (to mid-September) | <ul style="list-style-type: none"> <li>• Conduct 23 train-the-trainer sessions</li> </ul>   |
| March                           | <ul style="list-style-type: none"> <li>• Inspected all voting places</li> <li>• Hired coordinator/call centre lead</li> <li>• Tested, performed security assessments, confirmed web accessibility and placed into production the following election technology:               <ul style="list-style-type: none"> <li>○ MyVote</li> <li>○ Candidate Election Management Application (for candidates)</li> </ul> </li> </ul>  |
| March (to June)                 | <ul style="list-style-type: none"> <li>• Recruited 600 supervisors, 140 ward centre staff</li> </ul>  |
| March 1                         | <ul style="list-style-type: none"> <li>• Permits secured for all advance vote voting places</li> </ul>  |
| March 26                        | <ul style="list-style-type: none"> <li>• News release issued – City to host information session on becoming a candidate</li> </ul>  |
| March 31                        | <ul style="list-style-type: none"> <li>• All voting places inspected</li> <li>• Informed MPAC of voting subdivision boundaries</li> </ul>   |
| April                           | <ul style="list-style-type: none"> <li>• External recruitment campaign</li> <li>• First phase of hiring 20 call centre agents</li> <li>• Tested, performed security assessments, confirmed web accessibility and placed into production the following election technology:               <ul style="list-style-type: none"> <li>○ Toronto Election Management Information System</li> <li>○ Election Night Management System</li> <li>○ Toronto Election Results Application</li> </ul> </li> </ul> |
| April (to July)                 | <ul style="list-style-type: none"> <li>• Hired 30 warehouse staff</li> </ul>  |
| April 1                         | <ul style="list-style-type: none"> <li>• Developed and published all operational procedures and disseminated/published to all staff</li> <li>• Planned, secured and implemented resources and processes for an estimated 700+ candidates</li> </ul>   |
| April 3                         | <ul style="list-style-type: none"> <li>• Began securing permits for all voting places</li> </ul>  |
| April 6                         | <ul style="list-style-type: none"> <li>• Information session (City Hall) – "Becoming a Candidate in the 2018 Municipal Election"</li> </ul>   |
| April 10                        | <ul style="list-style-type: none"> <li>• Voting places report for each ward completed</li> </ul>  |

| <b>Date / Period</b> | <b>Work Completed / Commenced</b>   |
|----------------------|---|
| April 26             | <ul style="list-style-type: none"> <li>• News release issued – City of Toronto municipal election nominations and third party advertiser registration opens May 1</li> </ul>  |
| April/May            | <ul style="list-style-type: none"> <li>• Tested, performed security assessments, confirmed web accessibility and placed into production the following election technology: <ul style="list-style-type: none"> <li>○ Candidate Election Management Application (for third party advertisers)</li> </ul> </li> </ul>  |
| May                  | <ul style="list-style-type: none"> <li>• Issued RFQ for voting place furniture</li> </ul>   |
| May (to June)        | <ul style="list-style-type: none"> <li>• Secured technology and support</li> </ul>  |
| May 1 (to July 27)   | <ul style="list-style-type: none"> <li>• Began accepting nominations</li> <li>• Preliminary expense limits calculated</li> </ul>  |
| Early May            | <ul style="list-style-type: none"> <li>• Hired 14 recruiters</li> </ul>   |
| Mid-May              | <ul style="list-style-type: none"> <li>• Developed and delivered an enhanced recruitment assessment tool</li> <li>• Began securing furniture suppliers for voting places</li> </ul>   |
| June                 | <ul style="list-style-type: none"> <li>• Voting place simulations for staff</li> <li>• Hired 25 receiving supervisors, 80 team leads and 550 receivers</li> <li>• Conducted first round of end-to-end results systems tests on voting technology</li> </ul>   |
| June 1               | <ul style="list-style-type: none"> <li>• Requested preliminary list of electors from MPAC</li> </ul>  |
| Mid-June             | <ul style="list-style-type: none"> <li>• Produced job aids, lesson plans and presentations for classroom training</li> </ul>  |
| June 19              | <ul style="list-style-type: none"> <li>• Candidate information session and presentation on election sign regulations (City Hall)</li> </ul>   |
| June 28              | <ul style="list-style-type: none"> <li>• Candidate information session and presentation on election sign regulations (North York Civic Centre)</li> </ul>   |
| June 30              | <ul style="list-style-type: none"> <li>• Successfully installed and tested 1,850 LTE internal modems into vote counting equipment</li> <li>• Procured all required supplies</li> </ul>  |
| Late June            | <ul style="list-style-type: none"> <li>• Developed 10 online training modules</li> </ul>  |
| End of June          | <ul style="list-style-type: none"> <li>• Staffed and scheduled 3,400 voting place positions for advance vote</li> </ul>   |
| July                 | <ul style="list-style-type: none"> <li>• Recruited members of the disability community to participate in election accessibility training</li> <li>• Conducted second round of end-to-end results systems tests on voting technology, building on results achieved in June tests <ul style="list-style-type: none"> <li>○ (Third round in August and fourth round on October 1)</li> </ul> </li> </ul> |
| July (to October)    | <ul style="list-style-type: none"> <li>• Procure transportation contract for distribution and receiving of all election supplies, materials and equipment</li> </ul>  |
| July 9               | <ul style="list-style-type: none"> <li>• 1,747 voting places established</li> </ul>   |
| July 12              | <ul style="list-style-type: none"> <li>• Candidate information session and presentation on election sign regulations (Scarborough Civic Centre)</li> </ul>  |
| July 19              | <ul style="list-style-type: none"> <li>• Candidate information session and presentation on election sign regulations (Etobicoke Civic Centre)</li> </ul>  |
| July 20              | <ul style="list-style-type: none"> <li>• Load and cleanse the preliminary list of electors</li> </ul>   |
| July 25              | <ul style="list-style-type: none"> <li>• News release issued – Municipal election nominations close at 2 p.m. this Friday</li> </ul>  |
| July 27              | <ul style="list-style-type: none"> <li>• Nominations closed</li> </ul>  |

| Date / Period | Work Completed / Commenced  |
|---------------|---|
| July 30       | <ul style="list-style-type: none"> <li>• Candidate nominations certified</li> <li>• Approximately 11,000 short term election workers recruited to date</li> </ul> |

12. Section 13 of the *MEA* requires the Clerk to provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights under the Act. Copies of news releases and announcements from the 2018 election are attached as **Exhibit "F"**. Printouts of the Election Services website are attached as **Exhibit "G"**. A printout of the Election Services Twitter page is attached as **Exhibit "H"**.

13. Staff of the City Clerk's Office held an information session at Toronto City Hall on becoming a candidate in the 2018 municipal election on April 7, 2018. One hundred fifty individuals attended. Attendees were told that the 2018 election would be based on a new ward structure. A copy of the news release announcing the information session is attached earlier as Exhibit "F", and a copy of the presentation slides is attached as **Exhibit "I"**.


14. Nominations opened on May 1, 2018, and candidates began filing their nomination papers for the 47 councillor offices or 39 school board trustees.

15. While nominations were open, staff of the City Clerk's Office held four candidate information sessions, on June 19, June 28, July 12 and July 19, 2018. In total, one hundred eighty individuals attended these sessions. At each session, attendees were told that the 2018 election would be based on a new ward structure. A copy of the presentation slides is attached as **Exhibit "J"**.

16. Nominations were open for three months, until 2:00 p.m. on nomination day, July 27, 2018. As of August 1, after nominations had been certified, there were 509 certified candidates for councillor or school board trustee:

| Office                                 | Nominations Accepted | Withdrawn | Active Candidates |
|--|----------------------|-----------|-------------------|
| Councillor                             | 303                  | 11        | 292               |
| Toronto District School Board          | 168                  | 11        | 157               |
| Toronto Catholic District School Board | 45                   | 2         | 43                |
| Conseil scolaire Viamonde              | 9                    | 1         | 8                 |
| Conseil scolaire catholique MonAvenir  | 9                    | 0         | 9                 |
| <b>Total</b>                           | <b>534</b>           | <b>25</b> | <b>509</b>        |

Affirmed before me at the City of Toronto, in the Province of Ontario, this 22<sup>nd</sup> day of August, 2018.



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PHILIP CHAN  
Commissioner for Taking Affidavits



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FIONA MURRAY