

2013 Municipal Election Audit

February 27, 2014



The Office of the City Auditor conducted this project in accordance with the International Standards for the Professional Practice of Internal Auditing

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1. Introduction

Election planning is a complex process, typically taking about two years of intensive effort by the Election Planning Team to ensure that Election Day proceeds as smoothly as possible. The conduct of Municipal Elections is governed by the *Local Authorities Election Act*, associated regulations, and City Bylaws. Although legislation does not require it, the Office of the City Clerk has consistently chosen to ensure that every vote is recorded in a manner that would allow a recount, if needed. In the 2013 Municipal Election, all votes were recorded on paper ballots, including those votes cast on electronic terminals that feature assistive technologies.¹

2. Background

The 2013 Municipal Election Day was October 21 and the City Clerk again asked the Office of the City Auditor (OCA) to include this project in its Annual Work Plan. The City Clerk is the designated Returning Officer for the City of Edmonton and is responsible for ensuring that the Municipal Election is carried out in accordance with legislated requirements. The OCA has been providing election audit services to the City Clerk for the past nine municipal elections (since 1989). For each election, the City Clerk has asked the OCA to participate at significant points during election planning and to conduct field observations of the election processes during Election Day.

OCA involvement

We provided control and process-related input on those aspects of the election processes that had potential to impact the outcome of the vote, could affect the secrecy of ballots, or were related to legislated requirements for the conduct of the election. This meant that prior to Election Day, we focused on Nomination Day processes, vote tabulator logic and accuracy testing, results compilation systems, and results reporting systems.

On Election Day, we observed the processes at selected voting stations, monitored the process of obtaining the results from each vote tabulator, and monitored the processes of compiling and posting the official results. We also monitored the ballot reconciliation process and the official results reported to the Province on Friday, October 25.

¹ "Assistive technology" is a term used to describe a voting machine that assists voters who have various types of disabilities (e.g., vision or hearing loss).

Election planning team structure

The City Clerk, the Director of Elections and Census, and the Director of IT Client Solutions Practice formed the Election Decision Team. This Team provided overall guidance and decision-making to the Election Project Team (responsible for planning and overseeing the election, including election logistics). The Specialized Resources from Law Branch, Finance Branch, and the OCA provided guidance and advice to the Decision Team as required (process control measures, independence, legal matters, etc.) and participated in election planning meetings on an as-needed basis.

The organizational structure of the 2013 Election Planning Team is shown in Chart 1.



Chart 1 – 2013 Election Planning Team

Final election preparations

In the four weeks between Nomination Day and Election Day, the following election processes needed to be finalized and readied for the election:

- Confirming candidate names as they are to appear on the ballots,
- Ordering 48 ballot types to accommodate the overlapping boundaries of the municipal, public school, and separate school wards,
- Receiving and processing ballots and other supplies for distribution to assigned voting stations and ward offices,
- Programming about 300 voting machines to accept ballot types associated with the assigned voting stations,
- Verifying logic and accuracy testing on each voting machine to ensure that each one produces the expected results based on the logic and accuracy test programming, and

• Validating the interfaces between election systems to ensure that results are accumulated and reported completely and accurately.

3. Audit Objective, Scope, & Methodology

3.1. Objective and Criteria

Our primary objective was to provide assurance that the 2013 Municipal Election was conducted in accordance with legislation, in a manner that ensured the accuracy and auditability of the vote, and in compliance with election procedures as outlined in the City's training materials.

We used the following criteria to evaluate the election process:

- The election planning process appropriately addressed issues and potential issues that could impact the effectiveness, accuracy, or auditability of the voting process.
- The election was carried out in compliance with the requirements of the Local Authorities Election Act, associated regulations, City Bylaws, and the City's Presiding Deputy Returning Officer and Assistant Presiding Deputy Returning Officer Training Manual.
- The election was carried out in a manner that ensured the accuracy and auditability of the vote.

3.2. Scope

All 2013 Municipal Election planning processes and outcomes (including Nomination Day and Election Day) were in scope. We did not make any decisions or approve processes or procedures chosen by the Administration. We limited our involvement to providing advice based on our experience with previous elections and our knowledge of systems of control and project management processes.

3.3. Methodology

We participated in extended Election Planning Team meetings when requested and provided advisory services. Our planning role was limited to providing assessments and advice regarding issues and/or administrative decisions as appropriate. We reviewed process documentation (including voting station and mail-in ballot procedures), training materials, and other materials (ballot proofs, nomination documents, etc.) that had potential to impact the effectiveness, legitimacy, accuracy, or auditability of the voting process.

On Nomination Day, we provided oversight and verification of the collection, entry, and validation of all nomination process steps.

Between Nomination Day and Election Day, we conducted verification reviews of the vote tabulator logic and accuracy testing and the voting results compilation systems.

During advance voting and again on Election Day, we observed processes at selected voting stations and remote vote accumulation sites (assessing compliance with applicable legislation and City procedures), assisted the Returning Officer with resolving any issues that arose, and oversaw the procedure of processing votes and compiling the results following the close of voting.

4. **Observations and Analysis**

4.1. Status of Recommendations from the 2010 Election

We made five recommendations in our 2010 Municipal Audit Report. One of those recommendations addressed issues that arose as a result of attempting to simultaneously manage the election and a citizen-driven petition. Based on the alternate process defined by the Office of the City Clerk, we closed that recommendation in December 2012. Since the remaining four recommendations from our 2010 Municipal Election Report were made to enhance processes for the 2013 Election, we assessed the implementation status of those recommendations during the preparations for this election. Based on our observations and materials submitted by Management, we have closed all four of those recommendations.

Recommendation 1 – Core staffing levels

The OCA recommends that the Returning Officer evaluate core and peak staffing levels from this election in Election Central, the Information Technology Hotline, Remote Accumulation Sites, and voting stations that had bottlenecks with regard to minimizing related issues for the 2013 Municipal Election.

The Office of the City Clerk purchased an application (Election Logistics Management System or ELMS) to coordinate the key activities associated with staffing and voting station management. The application was also used to coordinate Election Day communications between Election Central, the IT hotline, voting stations, and Remote Accumulation Sites. Management also had standby workers available for both advance and Election Day voting, including a mid-day increase to staffing in the voting station as required. Based on our observations both in the field and at Election Central, there were no significant issues that would have negatively impacted core and peak staffing levels during the 2013 Election. Our overall impression is that staff resources were efficiently deployed throughout advance voting and Election Day.

In this election, we observed that there were no voting stations with extremely small numbers of voters. As seen in Figure 1, 69 percent of the voting stations had between 625 and 1,234 voters on Election Day. In 2007, there was one voting station that had no voters at all. In response to our observation that some voting stations also had very low voter turnout in 2010, the Director, Elections and Census reduced the number of regular voting stations for this election to 203. Based on reported feedback from the Election Team, that reduction did not cause an issue for voters.



Figure 1 – Number of 2013 Voting Stations Compared with Number of Ballots Cast

Status of 2010 Recommendation 1 – Closed.

Recommendation 2 – Training issues

The OCA recommends that the Returning Officer expand hands-on and mock training for key positions (Presiding Deputies, Assistant Presiding Deputies, Tabulator Clerks, and Ballot Clerks) to better prepare them for situations they are likely to encounter on Election Day.

In August 2013, the Office of the City Clerk conducted a mock election to test the flow of activities associated with Nomination Day, advance voting, and Election Day. As a part of that activity, they reworked the training for Presiding Deputy and Assistant Presiding Deputy, Tabulator Clerk, and Ballot Clerk positions to incorporate more opportunities for hands-on activities and walk-throughs. In particular, Tabulator Clerk training time was revised to include more scenarios and problem resolutions.

For this election, the Office of the City Clerk provided role-based video training for each election worker with comprehension tests at the end of each module. In addition, each election worker participated in hands-on training in a mock voting station. Each worker was encouraged to go through the videos on their own and take the unit tests to demonstrate their comprehension of the material for the position they would be working. Management reported that many of the election workers took advantage of the opportunity to participate in the video training.

We noted that training-related issues during the 2013 Election were not completely eliminated, but the reduction in significant issues previously noted demonstrated improvement in the training processes.

Status of 2010 Recommendation 2 – Closed.

Recommendation 3 – Logistics issues

The OCA recommends that the Returning Officer evaluate the voting station supply, tabulator repair, remote accumulation site procedure, where-to-vote card addressing, and ballot supply and packaging issues encountered in this election and revise processes to avoid recurrence in the 2013 Municipal Election.

As mentioned previously, the Office of the City Clerk used ELMS in this election to improve supply distribution and to provide overall management of election operations and internal communications. They also developed new business and logistics process mappings to address the logistics issues identified in 2010.

We observed only minor issues with voting station supplies and no issues with ballot supplies or packaging in this election. In addition, we believe that Management's changes to the where-to-vote card addressing process were effective in reducing the number of invalid addresses. They incorporated the address lists provided by Sustainable Development Department to supplement the list created from the 2012 Census. The Election Office mailed out 377,175 where-to-vote cards for the 2013 Election. Approximately 11,500 of the cards were returned, of which an estimated 2,875 cards (25 percent) were due to invalid addresses. This was a significant improvement from the 2010 election when an estimated 8,000 (67 percent) of the 12,000 cards returned were due to invalid addresses. We believe that the Election Office's effort to reduce the number of cards returned due to invalid addresses has been reasonable.

Based on the small number of tabulator service calls and problem-free scheduled equipment collection from Remote Accumulation Sites, we believe that Management's process improvements to address the issues observed in 2010 were successful.

Status of 2010 Recommendation 3 – Closed.

Recommendation 4 - Logic and accuracy issues

The OCA recommends that the Returning Officer ensure that the electoral process is revised to:

- a) Enhance internal project management and oversight processes to ensure that the City effectively manages all portions of the electoral process,
- b) Identify root causes for each of the logic and accuracy and system validation issues encountered in this election and redesign processes accordingly,
- c) Revise vendor contracts to more clearly and thoroughly define roles and responsibilities of both the City and the vendor(s), and
- d) Enhance contract requirements and consequences for vendor non-performance or under-performance.

An Information Technology Branch project manager and team provided IT and project management services to support the Office of the City Clerk during the 2013 Election. The IT project manager was assigned to oversee all of the information processing and

contractor requirements and to ensure that all the issues observed in 2010 were effectively addressed. We did not observe any of the issues that we identified in 2010 occurring in the 2013 Election. We believe that the changes that the Office of the City Clerk implemented significantly improved its logic and accuracy planning and testing and satisfied the intent of our recommendation.

Status of 2010 Recommendation 4 – Closed.

Recommendation 5 – Petition

The OCA recommends that the Returning Officer develop contingency plans for effectively managing a city-wide petition received during the four months prior to any general election.

In 2012, the Office of the City Clerk developed a contingency process to manage petitions to add questions to the ballot. In the event of a future petition, the City Clerk will assign a team other than the election team to address petition requirements. We reviewed the contingency process documentation and are satisfied that the process will avoid the issues we observed in 2010. We closed this recommendation in December 2012 as a part of our Follow-up Reporting process.

Status of 2010 Recommendation 5 – Closed.

4.2. 2013 Election Observations and Analysis

During advance voting and on Election Day, we visited nearly fifty percent of all voting stations (110 of 232). We did not observe any issues that were in conflict with the requirements of the *Local Authorities Election* Act or the City's bylaws. Based on our observations and our controls testing, we found the declared results of the 2013 Municipal Election to be accurate and complete.

We did note some opportunities to improve specific processes that would further enhance the conduct of future municipal elections. We have grouped our observations and analyses into six themes: 2013 initiatives, candidate eligibility, logic and accuracy testing, training matters, voting station operations, and ease of voting.

4.2.1. 2013 initiatives

In previous elections, Nomination Day was operated from meeting rooms in City Hall. This year, it took place in the City Room at City Hall (the main floor open area) using curtained dividers and posts and ropes to manage the flow of candidates, press, and supporters. The much larger space resulted in a significantly smoother traffic flow, thus enhancing the ability of security and election staff to effectively carry out their responsibilities.

Another initiative was to develop an election application for iPhone, Blackberry, and Android smartphones. The YEG Vote '13 app provided voters with real time information on where to vote, voter eligibility requirements, official results in real time, information

for candidates, answers to frequently asked questions, opportunities to work the election, etc. in a mobile-friendly environment.

4.2.2. Candidate eligibility

On Nomination Day, one Council candidate submitted nomination papers with the required number of nominators listed on the forms and the required cash deposit. The candidate then refused to:

- Sign the nomination forms (as required by the *Local Authorities Election Act,* Section 27),
- Provide any form of personal identification,
- Provide any form of contact information other than "Edmonton, Alberta, Canada,"
- Allow his candidate information to be released to the public or press,
- Speak his name to be recorded for use with the assistive voting technology, and
- Acknowledge his willingness to serve if elected.

The candidate asked that his nomination papers be accepted as submitted. Since the Ministry of Municipal Affairs is responsible for the legislation, the Returning Officer contacted the Ministry for direction. The Ministry representative instructed the Returning Officer to accept the papers as submitted and to list the candidate's name on the ballot even though the submission did not comply with legislation.

Because of the candidate's failure to comply with *Local Authorities Election Act* requirements, the Returning Officer and legal counsel submitted a written request for a ruling to the Minister. The Deputy Minister responded the following day stating,

...it appears that the returning officer has received the nomination paper for the prospective candidate in accordance with Sections 14, 27, and 28 of the [*Local Authorities Election Act*]. Neither of the conditions that would require the returning officer to not act, or to not accept, the nomination form as set out in Sections 27(4) or 28(3.01), respectively, appear to apply to the circumstances described. Section 42 indicates that the names of the candidates must be placed on the ballot in the prescribed form.

Section 27 of the Local Authorities Election Act states:

Every nomination of a candidate...shall be accompanied with a written acceptance signed in the prescribed form by the person nominated, stating (a) that the person is eligible to be elected to the office, (a.1) the name, address and telephone number of the person's official agent, and (b) that the person will accept the office if elected, and if required by bylaw, it must be accompanied with a deposit in the required amount.

However, the Sections cited by the Deputy Minister as valid reasons for refusing to accept nomination papers refer only to failure to provide the required deposit or to not have the required number of elector signatures on the nomination papers.

We believe that this matter needs to be further pursued by the Returning Officer prior to the 2017 municipal election. The requirements of Section 27 seem to be straightforward. If the Province continues to allow potential candidates to refuse to comply with legislation, it could result in a legal challenge to future elections. For example, if there were three candidates in a given race and the leaders were separated by 2 votes, an ineligible candidate would need to receive only two votes to call the election outcome into question. If the City were subsequently directed by the courts to hold a by-election, then all related costs would be borne by the City. To protect itself against such completely unnecessary costs, the City needs to ensure that nominees provide all the information itemized in Section 27 of the current *Local Authorities Election Act*.

Recommendation 1 – Nomination Package Requirements

The OCA recommends that the Returning Officer request a formal response from the Ministry of Municipal Affairs to support the City of Edmonton in refusing to accept incomplete nomination packages in future elections.

Management Response and Action Plan

Accepted

Action Plan: Administration will request Alberta Municipal Affairs to provide in writing a clarification of the requirements necessary to accept an individual's nomination according to the relevant sections of the *Local Authorities Election Act.*

Planned Implementation Date: June 30, 2014

Responsible Party: Office of the City Clerk, Returning Officer

4.2.3. Logic and accuracy testing

Logic and accuracy testing is performed to ensure that vote tabulators are programmed correctly for use in their assigned voting stations and that the tabulator programming cannot be changed.

We observed a few logic and accuracy testing issues that need to be addressed prior to the 2017 Election. We reviewed logic and accuracy test results for 276 tabulators (39 were spares to replace any tabulators that might fail in voting stations) and found 39 instances where the testing procedures were either not completed as required or were not documented correctly. In each of these instances, we were able to clear the issues before the tabulators were used in voting stations.

One step in the logic and accuracy testing procedures was to ensure the tabulator's memory card was secured after programming using a wire seal device. During our physical examination of tabulators, we found that 117 (49 percent) of the 237 wire seals on the vote tabulators were not properly attached. This introduced the risk that tabulator memory cards could be removed, reprogrammed, and replaced without breaking the seal. When we alerted Management, they replaced each of the defective wire seals and re-ran the logic and accuracy test procedures for each of those tabulators. We then reverified both the seals and the logic and accuracy test results for each tabulator.

Recommendation 2 – Logic and Accuracy Testing

The OCA recommends that the Returning Officer take steps to ensure that election staff and/or assigned contractors:

- Completely and accurately document all required logic and accuracy tests, and
 Are trained to securely attach the memory card seals.
- Management Response and Action Plan

Accepted

Action Plan: Returning Officer will develop a process for documentation and completion of logic and accuracy testing. The process will include a mock of the logic and accuracy testing and completion of training by all staff to complete election-related logic and accuracy.

Planned Implementation Date: July 31, 2017

Responsible Party: Office of the City Clerk, Returning Officer

4.2.4. Training matters

One of the challenges of operating an election is training approximately 3,000 election workers, the majority of whom are hired for a short time for training and to work on Election Day. This year, the City provided these workers with both classroom training (including a mock voting station) and web-based video training.

Over the past nine elections, we have consistently observed issues with election workers not following approved voting station procedures. We have come to believe that the material covered in the worker training classes is not the root cause of those issues. Rather, there seems to be a more fundamental issue with the way in which election workers are assigned to specific positions.

There are four critical positions within voting stations: Presiding Deputies, Assistant Presiding Deputies, Ballot Clerks, and Tabulator Clerks. Presiding Deputies and Assistant Presiding Deputies are responsible for managing and overseeing the smooth operation of the voting station. Ballot Clerks are responsible for ensuring the completeness of voter registration forms and managing ballots within the voting station. Tabulator Clerks are responsible for overseeing the vote tabulator and assisting voters with casting their ballots as required.

Although none of our observations were significant enough to impact the election results, we observed several instances in which voting station processes did not work as intended. In each of those instances, there would not have been any issue if those workers had consistently followed the processes detailed in their reference manuals, training classes, and online video training.

The issues we observed included:

- Presiding Deputy Returning Officers and Assistants
 - A few instances in which voting booth arrangements could be perceived as compromising ballot secrecy (too close together).
 - Close proximity of campaign signs to at least one voting station (the areas in and around specific voting stations, particularly for schools, that fall under the definition of a publication offence).
- Ballot Clerks
 - At least two Ballot Clerks initialed ballots in advance of issuing them.
 - Ballots that are initialed would normally be accepted by the Tabulator Clerk without question, introducing the risk that one voter could submit multiple ballots.
 - One Ballot Clerk did not label spoiled ballots before placing them in the specified envelope.
 - Several Ballot Clerks had challenges maintaining and completing their ballot clerk reconciliation worksheets.
 - This was an issue particularly in voting stations with more than one Ballot Clerk.
- Tabulator Clerks
 - Some Clerks did not offer voters the opportunity to feed their ballots into the vote tabulator as suggested in training to help voters feel more involved.
 - One Tabulator Clerk compromised ballot secrecy when attempting to determine why a ballot was resulting in an error code on the vote tabulator.
 - Several ballot boxes were either not correctly assembled, not sealed and signed, or took excessive time to construct.
 - Several Tabulator Clerks did not seem to understand the various vote tabulator display messages and/or how to efficiently dislodge jammed ballots.
 - One Tabulator Clerk lacked the physical dexterity and visual acuity to keep the process flowing smoothly.

All of the above issues were addressed in election worker training, both in-person and online, but they were not applied consistently on Election Day. The Director, Elections and Census indicated that workers were allowed to team up for the hands-on portions of their training. This resulted in some workers only observing the process rather than walking through it themselves. We believe that overall consistency would be improved by requiring each worker that is assigned to a key role to demonstrate their understanding of their duties and responsibilities.

Recommendation 3 – Worker Comprehension

The OCA recommends that the Returning Officer implement methods to evaluate comprehension during training to improve the likelihood that voting station personnel will understand the key elements of their responsibilities on Election Day.

Management Response and Action Plan

Accepted

Action Plan: Online training will be used in 2017. The purpose of that training will be to provide election workers with the general instructions related to their positions. In person training will be focused on the position's key election day activities.

Planned Implementation Date: July 31, 2017

Responsible Party: Office of the City Clerk, Returning Officer

4.2.5. Voting station logistics

Voting station locations

Selecting voting station locations can be challenging in those areas of the City that have few buildings with large rooms and adequate parking. In most cases, the City is able to choose voting station locations that pose few challenges. However, in neighbourhoods with more limited options, some challenges are unavoidable.

We observed that some downtown voting stations had very limited parking available, which could have created difficulties for some voters getting to those stations. We also observed one voting station where there was a Francophone School Board voting station in the same room of the building. This caused some confusion for voters.

Voting station supplies

We observed that voting station supplies could be set up more easily if they are tailored to the needs of specific voting stations rather than providing each station with a generic list of supplies. For example, some voting stations required voters to use an elevator to enter the designated room. In one station, the route to the elevator from the building entrance was not obvious. The Presiding Deputy Returning Officer had to construct a handwritten sign directing voters to the elevator. In another station, the elevator malfunctioned, requiring the Presiding Deputy Returning Officer to adjust voting station arrangements to accommodate voters unable to use the stairs. Generic Edmonton Election signs could be included as part of the Presiding Deputies' voting station supplies to be used as needed.

Incomplete or missing supplies

We observed several voting stations in which the election workers were unable to locate certain supplies. For example, the Hourly Count of Voters log sheet is used to record the cumulative numbers of votes processed by a voting station at set times during the day. Ten of the Tabulator Clerks in the stations we visited on Election Day did not have an Hourly Count of Voters log sheet to keep track of these numbers.

In one voting station, we were advised that the Tabulator Clerk was forced to improvise a seal to the ballot boxes because the punch-outs securing the auxiliary ballot box slot were missing. In two other voting stations, the Presiding Deputy Returning Officers told us that they did not have the "Prior to Opening Voting Station" and "Opening of Voting Station" checklists in their supplies.

During training, the Returning Officer should ensure that workers who are assigned to key positions (Presiding Deputy Returning Officer, Assistant Presiding Deputy, Ballot Clerk, and Tabulator Clerk) confirm that they have copies of all required Election Day checklists, forms, and worksheets and can locate them in their materials.

Recommendation 4 – Voting Station Logistics

The OCA recommends that the Returning Officer:

- 1. Conduct a full review of voting station locations used in 2013 and consider alternative locations or contingency plans for those locations that presented logistics challenges.
- 2. Ensure that voting stations that are "non-standard" receive specific supplies related to their locations/layouts and that appropriate contingency plans are made in advance of Election Day.

Management Response and Action Plan

Accepted

Action Plan: A review of voting stations, voting station requirements and related logistics will be completed.

Planned Implementation Date: December 31, 2016.

Responsible Party: Office of the City Clerk, Returning Officer

4.2.6. Ease of voting

There were some comments from election workers that the ballot design seemed to introduce challenges for voters with vision and/or motor skill impairments. Several election workers indicated that some voters were having difficulty seeing and/or filling in the small ovals that were to be marked to indicate the voter's choice of candidates. In Ward 6 (downtown), the names of the 16 Councillor candidates flowed into a second column and used a smaller font than was used for Mayor and School Board Trustee races. These difficulties reportedly contributed to a number of spoiled ballots and voter frustration.

Recommendation 5 – Ballot Design

The OCA recommends that the Returning Officer ensure that election ballot designs do not introduce challenges for voters with impairments.

Management Response and Action Plan

Accepted

Action Plan: The Ballot will be re-designed and tested to ensure a reduction in the challenges for voters. The re-designed ballot will be used for all elections occurring in the 2017 election.

Planned Implementation Date: July 31, 2017

Responsible Party: Office of the City Clerk, Returning Officer

5. Conclusions

Overall, the 2013 Municipal Election was carried out in an effective and efficient manner. We observed that the processes, systems, and innovations used in this election resulted in significant improvements to issues we observed in 2010.

Although the logic and accuracy testing failures had the potential to affect the outcome of the election, the Office of the City Clerk responded quickly to resolve the issues. By taking immediate action, we were able to gain assurance that the vote tabulators were working as intended and would generate accurate counts of the ballots.

Based on our observations, the 2013 Municipal Election was carried out in a fair and impartial manner. None of the Election Day process issues discussed in this report impacted the outcome of any of the election races.

We provided five recommendations to improve the election process for the 2017 Municipal Election that addresses nomination package requirements, vote tabulator logic and accuracy testing, evaluating worker comprehension during training, improving voting station logistics, and ballot design.

We thank the Office of the City Clerk for its support and responsiveness throughout the course of this project.