

# **ELECTIONS ONTARIO's VOTER EDUCATION EFFORTS**

## **so far for the June 2018 provincial election**

(up to and including May 14, 2018)

### **1. SUMMARY**

Elections Ontario has not done very much voter education so far at all that mentions the right to decline your ballot -- especially compared to the number of times they have communicated various messages related to casting your ballot for a candidate.

Elections Ontario made many claims on pages 4-5 of their March 15th letter to Democracy Watch/Ross & McBride LLP about their voter education efforts that include mention of the right to decline your ballot. Almost all of them are exaggerations -- especially about their social media efforts.

They have added mention of the right to decline your ballot in a few places on their website (after they received the Jan. 8th letter from Democracy Watch) and in a few social media posts (after they received the March 6th letter from Democracy Watch/Ross & McBride LLP). However, there have been very few social media posts about the right to decline your ballot compared to the number of times they have communicated various messages related to casting a ballot.

In fact, Elections Ontario's entire voter education campaign is framed as "We Make Voting Easy" and uses "X" as its symbol (which clearly represents the action of casting a ballot for a candidate, as you have to mark an "X" on your ballot to cast a ballot).

Thankfully, yes at the bottom of page in its March 15th letter to Democracy Watch/Ross & McBride LLP, Elections Ontario commits that the "householder" pamphlet that it will send to every household in Ontario will include mention of the right to decline your ballot.

However, Elections Ontario has made no commitment that its TV, radio and print ads, and its social media posts and ads, will mention the right to decline your ballot when they mention the act of voting.

Below is a detailed list about what Elections Ontario has actually done so far in terms of voter education concerning the right to decline your ballot, up to and including May 14, 2018.

## 2. ELECTIONS ONTARIO'S LEGALLY INCORRECT STANCE ON DECLINING BALLOT

Elections Ontario's March 15th letter shows clearly that Elections Ontario considers declining your ballot to be a lesser right than casting a ballot, and a right that is not even connected to voting.

In the 3rd paragraph on page 6 of its March 15th letter, Elections Ontario claims that declining your ballot:

"does not constitute 'voting' as that term is used in the Act. No ballot is entered into the ballot box and no vote is recorded. Indeed, it would be misleading to state that an elector who declines the ballot under section 53 has 'voted' successfully."

This is legally and factually incorrect. First of all, the declined ballot is placed in an envelope or some other container so it can be preserved and recorded and counted as part of the vote count, as Elections Ontario says on its own website at:

<https://www.elections.on.ca/en/voting-in-ontario/how-to-vote.html#accordionmark-ballot>

and as section 53 in Ontario's *Election Act* also says.

Secondly, "voting" is not defined in Ontario's *Elections Act* at:

<https://www.ontario.ca/laws/statute/90e06>

but "voter" is defined in section 1, and the definition includes a person who declines their ballot.

As well, many provisions in the *Act* that mention "voting" address things like registering to vote, voter ID required, the establishment of polling stations, and procedures at polling stations. All of these provisions apply equally to someone who is going to decline their ballot as they have to register, present ID, and go to a polling station in order to decline their ballot -- no differently than someone who is going to cast their ballot.

Of course, several provisions in the *Act* are about various ways to cast a ballot -- but that doesn't mean in any way that declining a ballot is not "voting" under the *Act*.

### **3. ELECTIONS ONTARIO WEBSITE**

After Democracy Watch sent it a letter on January 8th, Elections Ontario added information that day about the right to decline your ballot to 3 of its webpages which are linked at the top of Democracy Watch's Jan. 9th news release at:

<https://democracywatch.ca/democracy-watch-calls-on-elections-ontario-to-inform-voters-of-their-voting-rights/>

and also after receiving Democracy Watch's letter, Elections Ontario added mention of the right to this PDF:

<https://www.elections.on.ca/content/dam/NGW/sitecontent/2014/education/Voting%20PowerPoint.pdf>

However, the right to decline your ballot is still not mentioned in its 1-page "Voting in Ontario" information brochure (that Elections Ontario distributes across Ontario) at:

<https://www.elections.on.ca/content/dam/NGW/sitecontent/2017/resources/Voting%20in%20Ontario.pdf>

In fact, in the "What happens at the polls?" section it says that you have only "voted successfully" if you mark a candidate as your choice. This is legally and factually incorrect -- voting in an Ontario provincial election includes casting a ballot and declining a ballot (as addressed in above in section 2).

### **4. ELECTIONS ONTARIO TWEETS**

So far, Elections Ontario has tweeted about the right to decline your ballot 6 times -- all of which were posted after Ross & McBride LLP sent them the letter on March 6th) -- on March 14, March 27, April 6, April 16, April 23 and May 3 (search Twitter for "decline their ballot" and then look under the "Latest" column and you will see the 3 tweets).

From that March 14th tweet up to and including April 24th, Elections Ontario has posted 200 tweets, and has posted tweets about other voting topics (such as accessible voting, voting by mail, the prohibition on taking a selfie at the ballot box) many more times than it has posted tweets about the right to decline your ballot.

From November 15, 2017 (when Elections Ontario first started regularly tweeting about voting in the 2018 provincial election) until today (April 12th), Elections Ontario has posted more than 544 tweets. One could go back further than November 15, 2017 as there are tweets about voting before that day but that is the day that Democracy Watch proposes that one can reasonably say that Elections Ontario started regularly tweeting about the 2018 provincial election. During that time period, Elections Ontario has posted tweets about other voting topics (such as accessible voting, voting by mail, the

prohibition on taking a selfie at the ballot box) many more times than it has posted tweets about the right to decline your ballot.

If you go back prior to November 15, 2017, the ratio only gets worse for Elections Ontario as they never tweeted about declining your ballot in the past.

## 5. ELECTIONS ONTARIO FACEBOOK POSTS

So far, Elections Ontario has posted to its Facebook page at:

<https://www.facebook.com/ElectionsON/>

about the right to decline your ballot only 6 times, on May 3<sup>rd</sup> with an explanatory caption:

[https://www.facebook.com/ElectionsON/photos/ms.c.eJwFwYkRACAMArCNPJ5KZf~;FTITYGNRpQx4hngdowYvyA3D1BqU~-\\_.bps.a.2010604658969555.1073741826.230448456985193/2063482627015091/?type=3&theater](https://www.facebook.com/ElectionsON/photos/ms.c.eJwFwYkRACAMArCNPJ5KZf~;FTITYGNRpQx4hngdowYvyA3D1BqU~-_.bps.a.2010604658969555.1073741826.230448456985193/2063482627015091/?type=3&theater)

and on April 23<sup>rd</sup> with an explanatory caption:

[https://www.facebook.com/ElectionsON/photos/ms.c.eJwdyMENACAMAsCNTIGC7D~Zifc8jrEtXGKtHo4RXe82YfKjlqcGpPsAAAdgKFW~-\\_.bps.a.2010604658969555.1073741826.230448456985193/2051853501511337/?type=3&theater](https://www.facebook.com/ElectionsON/photos/ms.c.eJwdyMENACAMAsCNTIGC7D~Zifc8jrEtXGKtHo4RXe82YfKjlqcGpPsAAAdgKFW~-_.bps.a.2010604658969555.1073741826.230448456985193/2051853501511337/?type=3&theater)

and on April 16<sup>th</sup> with an explanatory caption

[https://www.facebook.com/ElectionsON/photos/ms.c.eJwFwYERACAI7GNPEqxPvsvZt1ljghtD9rTNUZPsCi~\\_H3HdBr0~-\\_.bps.a.2010604658969555.1073741826.230448456985193/2043618682334819/?type=3&theater](https://www.facebook.com/ElectionsON/photos/ms.c.eJwFwYERACAI7GNPEqxPvsvZt1ljghtD9rTNUZPsCi~_H3HdBr0~-_.bps.a.2010604658969555.1073741826.230448456985193/2043618682334819/?type=3&theater)

and on April 6th with no explanatory caption:

[https://www.facebook.com/media/set/?set=ms.c.eJwFwYERACAI7GNvMLTivsvZtKixvLN7rxwWISijEHbH3FJBqg%7E-\\_.bps.a.2010604658969555.1073741826.230448456985193&type=1](https://www.facebook.com/media/set/?set=ms.c.eJwFwYERACAI7GNvMLTivsvZtKixvLN7rxwWISijEHbH3FJBqg%7E-_.bps.a.2010604658969555.1073741826.230448456985193&type=1)

and on March 27th with an explanatory caption:

[https://www.facebook.com/ElectionsON/photos/ms.c.eJwdyMENACAMA7GNU4N006~;GBJ~\\_2mKYc7tBFS~\\_LcZkhEbV~;JJe0epfOA~;~;NCgg~-](https://www.facebook.com/ElectionsON/photos/ms.c.eJwdyMENACAMA7GNU4N006~;GBJ~_2mKYc7tBFS~_LcZkhEbV~;JJe0epfOA~;~;NCgg~-)

[.bps.a.2010604658969555.1073741826.230448456985193/2019447148085306/?type=3&theater](https://www.facebook.com/ElectionsON/photos/a.2010604658969555.1073741826.230448456985193/2019447148085306/?type=3&theater)

and on March 14<sup>th</sup> with an explanatory caption:

<https://www.facebook.com/ElectionsON/photos/a.500311206665582.131976.230448456985193/2002756486421039/?type=3&theater>

Taking March 14<sup>th</sup> up to and including May 14<sup>th</sup> as a sample period (same as above in section 4 re: Elections Ontario's tweets), Elections Ontario posted 107 times to Facebook, with only the above 6 posts mentioning the right to decline your ballot (and only 5 mentioning it clearly).

From November 15<sup>th</sup> up to and including May 14<sup>th</sup>, again the same time period as covered above in section 4 re: tweets, Elections Ontario posted more than 365 times to Facebook, again with only the above 6 posts mentioning the right to decline your ballot (all of which were posted after Democracy Watch/Ross & McBride sent them the letter on March 6<sup>th</sup>).

During that same time period, there are many more Facebook posts by Elections Ontario about other voter rights topics such as accessible voting, voting by mail, the prohibition on taking a selfie at the ballot box.

If you go back prior to November 15, 2017, the ratio only gets worse for Elections Ontario as it never posted on Facebook about declining your ballot in the past.

## **5. ELECTIONS ONTARIO ON YOUTUBE**

Elections Ontario has 19 videos on its YouTube channel at:

<https://www.youtube.com/user/ElectionsON/videos>

and none are about the right to decline your ballot.

## **6. ELECTIONS ONTARIO ADS ON TV**

The first video in the above list of 19 YouTube videos, which is about voter registration, can be seen at:

<https://www.youtube.com/watch?v=TrHZ8hQ8Gxw>

and it has been aired on TV. Democracy Watch has not been able to confirm if any other of Elections Ontario's TV ads have been aired.

Media should contact Elections Ontario for details, including whether any TV ads have mentioned the right to decline your ballot, and whether future TV ads will mention the right.

## **7. ELECTIONS ONTARIO ADS ON RADIO**

It is very difficult to track whether Elections Ontario has aired any ads on radio.

Media should contact Elections Ontario for details, including whether any radio ads have mentioned the right to decline your ballot, and whether future radio ads will mention the right.

## **8. ELECTION ONTARIO PRINT ADS**

As far as Democracy Watch has tracked so far, no Elections Ontario print ads have mentioned the right to decline your ballot.

Media should contact Elections Ontario for details, including whether any print ads have mentioned the right to decline your ballot, and whether future print ads will mention the right.