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Minutes

A MEETING of the CENTRAL ELECTION AND SEARCH COMMITTEE was held on Tuesday, April 30, 2019 at 9:00 a.m.

Present: G. Comrie, P.Eng., Chair
              B. Dony, P.Eng., Past President (via teleconference)
              D. Brown, P.Eng., President
              J. Khan, P.Eng.

Staff: J. Zuccon, P.Eng., Registrar
              R. Martin, Manager, Secretariat
              D. Power, Secretariat Administrator

Guests: A. Elliot, Chief Elections Officer
              S. Murray, Clear Picture
              A. Fraser, Clear Picture
              K. Torabi, P.Eng., Councillor
              G. Wowchuk, P.Eng., Councillor

Regrets: S. Di, P.Eng.

CALL TO ORDER	Notice having been given and a quorum being present, G. Comrie, Chair, called the meeting to order.
APPROVAL OF AGENDA	Moved by President Brown, seconded by Past President Dony:
	That the agenda be approved as presented.
	CARRIED
APPROVAL OF MINUTES FROM THE JANUARY 30, 2019 MEETING	Moved by J. Khan, seconded by President Brown:
	That the minutes of the January 30, 2019 teleconference meeting be approved as presented.
	CARRIED
ALLEGATIONS OF VOTING IRREGULARITIES	Councillors Torabi and Wowchuk submitted, during the meeting, a number of questions regarding PEO's electronic elections for response by PEO's Chief Election Agent Clear Picture.
	S. Murray advised that Clear Picture has been in the business of survey analytics and voting for well over 25 years and have done a number of surveys and a number of electronic votes for other engineering organizations and law societies. He noted through some of the emails that he has seen that some of the things that people deem as irregular are

actually very common place. He stated that the most recent PEO election was the second one in which Clear Picture has been involved with and the behaviour of some of the members are atypical of what Clear Picture has experienced, i.e. candidates harassing or being harassed and the verbal abuse from some members toward Clear Picture staff. He stated that Clear Picture's main objective was to be PEO's partner, not its enemy. The emails that he has seen implying fraud and incompetence are unacceptable. He further noted that participating in the April 30th call with the CESC was above and beyond the scope of their contract and that the witchhunt had to stop. Clear Picture provided a graph of 2018 and 2019 votes which indicated that for the most part everything lines up regarding voting patterns. The concerns regarding the spikes on Mondays and Tuesday are to be expected because this is when communication from Clear Picture or PEO was sent out. Clear Picture sent out Monday reminders to those who had not yet voted while PEO issued candidate eBlasts on Tuesdays. When communication is pushed to voters this is when the most attention is received in the form of votes which then trails off until the next communication is sent. This is exactly what is expected when there is a weekly push.

Clear Picture recommended the elimination of the Help Desk. They do not provide this service to any other client. There were 392 calls to the Help Desk. Responding to a query regarding credentials Clear Picture advised that there was not one single occurrence in which a member called the Help Desk because their credentials had not been accepted when they tried to cast their vote. They further advised that the voting credentials remain with Clear Picture.

S. Fraser provided an overview of the credential process. The voters IP address is logged but it is not directly associated with the vote. The vote comes in and the credentials are entered into the system. The system checks to make sure the credendials are valid (not been used) and then the system allows the vote, the vote is recorded and the credentials are reported as having been used and are rendered in-operative. One of the signs of something unusual would be voters being unable to log in and getting a message that the credentials had already been used.

Clear Picture were asked to respond to a number of questions submitted by Councillors Torabi and Wowchuk.

1. What experience in running electronic association elections does our agent (Clear Picture) have?

   Clear Picture has been running elections for associations since

2009. We have run 50 or more in that time. As well, the system used is our standard platform for surveys, only the question type and information sets it out as an election. So, running programs on this platform we have two decades of experience and have run hundreds of programs, including large projects with half a million users for the likes of IBM Global.

2. Has an independent third party ever audited the contractor's electronic-elections process for reliability and data security?

   Our platform that runs both surveys and votes has been audited in the past by IBM, Bell and currently SAP.

3. Who owns the data relating to PEO's electronic elections? Is this ownership specified in the contract?

   Clear Picture advised that, while ownership of the data is not specified in their current contract, it is their position that PEO owns the data. They suggested that PEO may want to adjust the contract to be explicit about this. PEO does not house the data nor does it analyse the data. Clear Picture retains the data but if they erased the data they would still be compliant under the existing contract.

4. What data is recorded? Are specific data or classes of data proprietary or directly linked to elector privacy?

   Councillor Wowchuk noted that how a person voted is private but who voted is not.

   Clear Picture advised that what drives this is PEO policy. They noted that whatever PEO's policy is, PEO should exercise caution in exposing the list for a number of reasons. Furthermore they have never experienced voters sharing credentials in the other organizations that they conduct electronic elections for or candidates harassing voters to vote for them.

5. How and when will the data be destroyed? Typically, which data are scheduled to be destroyed, and which data are retained? How long is retained data kept?

   The current contract with the election agent is silent on this matter and should be amended to specify retention requirements.

6. The overall total of votes each day is tallied and published weekly.

During the election period, did anyone have access to the per-diem votes for individual candidates? **NO**. Which individual or what entity can access this data prior to the close of voting?

The total of votes cast were provided to PEO by ClearPictgure and published on PEO's website on a weekly (not daily) bais. No one outside of Clear Picture's staff had access to any data on votes received by any candidate until the results were posted at the close of the election.

7. What is the best explanation for the apparent spikes in voting every Monday and Tuesday during the election period? What evidence is there for this explanation? Has this phenomenon ever occurred in previous elections? What procedure is in place to investigate questions like this?

   No formal procedures exists to detect or investigate such phenomena.

8. Reg. 941 specifies that three "returning officers" shall be engaged to observe the processing of ballots, act on rejected ballots, approve the final count, and conduct any necessary investigations. Please advise how they have fulfilled this duties.

   There was a brief discussion regarding the need to amend legislation around scrutineers and Returning Officers.

Specific information requested by Councillors Torabi and Wowchuk:

1. Please provide a table of the number of votes cast for each candidate each day during the 2019 election period.

2. We would like a tally of the number of votes per unique IP address on each day, with time stamps, of the election period. This information unquestionably is logged in the contractor's server(s). (In order to preserve the secrecy of the vote, obviously, we do not want the data to included the candidate(s) voted for).

3. Please provide a list of all PEO members who are recorded as having voted. This routinely was provided to all candidates in election prior to the all-electronic format. This is an important tool to check whether a member's vote was cast without his/her knowledge or approval.

The Chair noted that the CESC will not make a recommendation to release the data as requested. CESC does not have the authority to do that, nor

does staff. A request would have to be brought before Council. He further noted that the CESC is not a policy committee, it makes recommendations to Council. He stated that IP addresses do not uniquely identify a voter. There could be hundreds of emails coming in on any given day from a given IP address. The average user, if using a home computer, do not have a fixed IP address. Councillor Wowchuk noted that it would be worth investigating if, for example, there were 400 votes coming from one IP address.

Clear Picture suggested that PEO may want to look at developing protocol around candidate behavior.

Following a brief discussion it was the position of the CESC that there would be no recommendation brought forward to Council to conduct an audit since there was no compelling evidence of voter fraud.

2019 ISSUES REPORT

The committee reviewed, discussed and amended the 2019 Issues Report which will be presented to Council for approval at its June 2019 meeting.

There were no recommendations made for items 1 to 5. Item 6 will remain as "status quo". Recommendation 7 to create viewing timelines for all videos in order to make browsing each video more user-friendly was removed from the list. Council may address recommendation 8 regarding police checks as a larger policy question since this is beyond the scope of CESC. Remove the word "endorse" from the nomination form (Recommendation 9). CESC did not make any changes to recommendations 10, 11, 12 and 15. Recommendations 13 and 14 will remain "status quo".

Moved by Past President Dony, seconded by J. Khan:

That the 2019 Issues Report be approved as amended.

CARRIED

OTHER BUSINESS

There was no other business brought forward for discussion.

DATE OF NEXT MEETING

To be determined.

There being no further business, the meeting concluded.

These minutes consist of five pages.

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G. Comrie, P.Eng., Chair   R. Martin, Manager, Secretariat