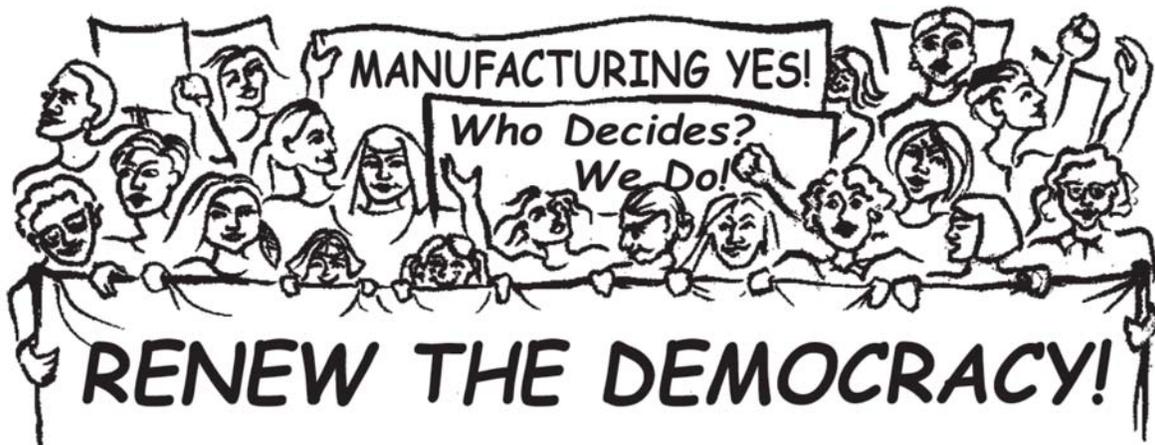


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Urgent Need to Renew the Democratic Process

Unique Identifiers for Electors Without Informed Consent

- Anna Di Carlo -



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Urgent Need to Renew the Democratic Process

Unique Identifiers for Electors Without Informed Consent

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The Ontario election is being conducted under the new electoral law adopted in December 2016. Despite hype of the Liberal government that it enhances the democratic process and has all-party

support in the Legislature, the changes to the law are self-serving and in no way guarantee the fundamental democratic principles which affirm the right of citizens to elect and be elected, let alone to an informed vote.

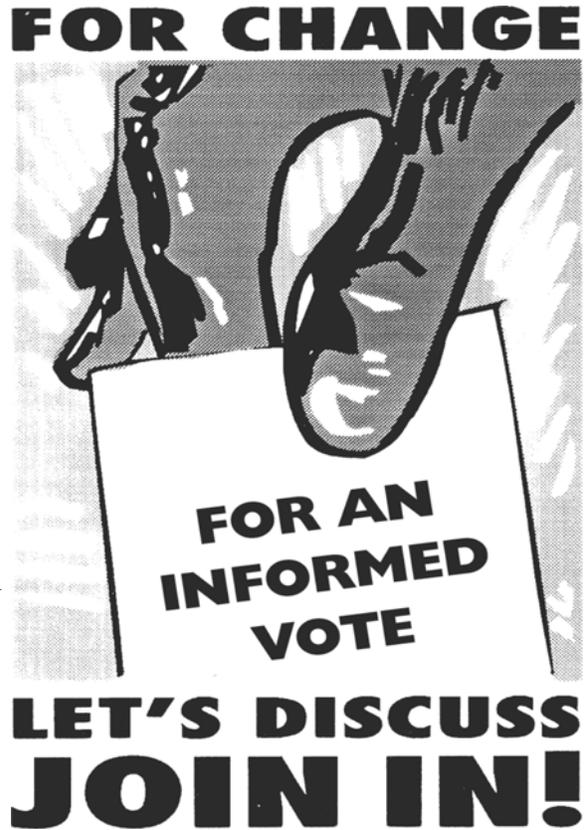
Starting in July 2017, provisions of the new electoral law requiring the Chief Electoral Officer (CEO) of Ontario to assign a unique identifier to every person in the Permanent Register of Electors (the Register) went into effect. It is one of the ways the Election Act as amended in December 2016 has been enhanced to facilitate voter surveillance and micro-targeting. It is done without prior informed consent of the electors.

Registered political parties receive the Register of Electors and this is not new. They are entitled to receive it once a year after Elections Ontario's annual update. The Register is also provided to MPPs on a yearly basis for their riding only.

The Register, however, is not useful for the political parties' data-management if the entries for each elector do not have a unique identifier. This ID is not required for Elections Ontario's use of the Register, since it continuously updates its information from a variety of sources such as address changes reported to the Ministry of Transportation for driver's license updates and the like. Elections Ontario has access to full information indicating if a person has moved. It also has the birth dates of electors which also serve as unique identifiers when matched with names, addresses and the like. The practice was for Elections Ontario to assign identifiers at each election for purposes of maintaining order in its own database, avoiding repetitions, etc.

Political parties who maintain elector databases, on the other hand, want each elector to have a permanent unique identifier to track them during an election and between elections as well. The unique identifier enables these parties to integrate the electors list into their own database without losing any accumulated information. These parties use the unique identifier to continuously add information from election to election, including by-elections. For example, 25 per cent of the people in Toronto have moved over the five-year period prior to 2016, with 10 per cent moving in 2015 alone. The political parties with extensive and expensive databases use the unique ID number to track these people no matter where they go or whether they move in or out of a specific riding. The same is the case when somebody changes their name due to marriage, or a new elector is added with the same name as another elector.

This change is a cause for concern because it facilitates the elector-tracking activities of social media and data analytics companies and the parties that hire them. This shows that talk about political parties being required to respect the privacy of electors is inadequate and diversionary. Electors are not considered to be citizens with the right to elect and be elected and participate in taking the decisions which affect their lives. They are treated as consumers to be targeted with messages they allegedly want to hear so that they vote in a manner desired by whatever interests are targeting them.



Digital 30-Minute Bingo Cards to Inform Who Has Voted

In this vein, a complementary element to bring the *Election Act* on par with the voter surveillance and micro-targeting needs of the cartel parties is the introduction of "bingo cards," referred to as such because their paper format looks like a bingo card. The law states that on polling day, every half hour, the returning officer must provide, upon request, to every candidate or to the registered party, "a document permitting the identification of every elector who during that interval has voted or forfeited his or her right to vote." When it is requested by the registered party, it is provided in digital format. Candidates can receive it in printed or digital form.

Gone are the days when political parties have volunteers to "scrutineer" at every polling station in the province. The information they want is fed right into a central location and linked to individual campaigns. One reason this is required is because these cartel parties no longer have a significant number of members or supporters and can no longer cover all the polls.

But this is not all. These parties are now relieved of the laborious task of manual entry as to who has voted and are thus receiving another form of public subsidy which is not counted as goods in kind within their campaign spending limits.

Before June 7 which is polling day, the returning officer in each riding must also provide candidates with a paper copy of all the electors who voted or forfeited their votes during advance polling. The CEO must provide the registered party of the candidate with a digital copy.

Within nine months after the election, registered parties receive an official list of everyone who has voted.

Digital "Official Polling Lists" for Parties

Starting in October 2017, another provision went into effect requiring the CEO to provide registered political parties with the "official polling lists" prepared by returning officers after the writ has been dropped. Previously, only candidates received them. This change reflects the increasingly concentrated management of election campaigns on a data-intensive basis by companies brought in by the central party offices.

Prohibition Against Commercial Use

The regulations regarding the use of information from the Register and the list of electors state that it can be used "for electoral purposes only" -- no commercial uses are allowed. The *Election Act* says that the information cannot be handed over to a third party *unless they respect these usage limits*. This in itself is a contradiction. The hiring of a company by a political party to analyze elector data is by definition a commercial transaction, unless it is working for free, in which case it would likely be a violation of the laws governing contributions. But the integration of the uniquely identified electors and their addresses into other databases is not benign as the restriction that information can be used "for electoral purposes only" implies.

The law does contain a prohibition against downloading of the Register and electors lists which would seem to prevent their integration into party databases. The law states: "A person who obtains information from the permanent register in electronic format shall not reproduce, store or transmit any part of the information by electronic means for any purpose." But the very next clause exempts registered political parties and members of the Legislature from this prohibition. It also exempts "a person or entity" who has received the lists from a registered political party or a member of the legislature.

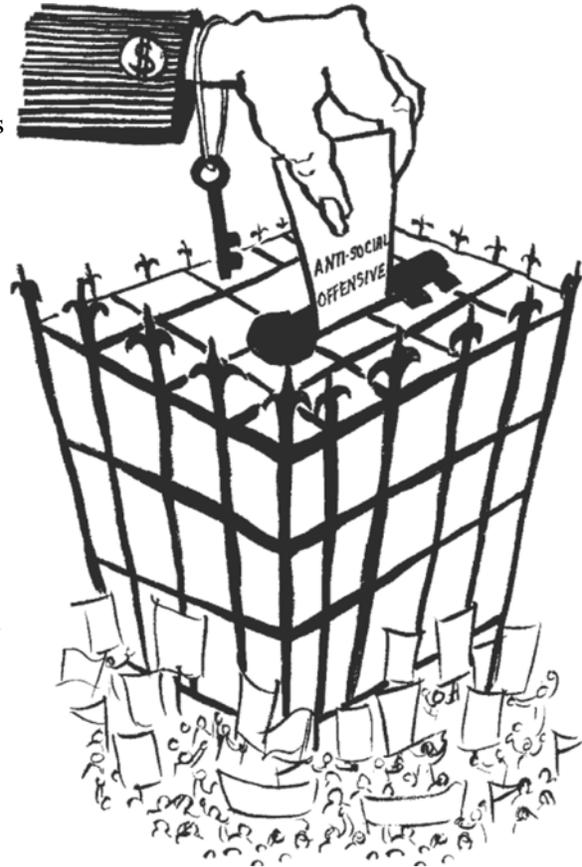
The clincher is that the privacy guidelines issued by Elections Ontario specifically exempt the party elector databases from the rules regarding destruction of data within a set time frame. Under a section entitled "Destruction Exception," Elections Ontario informs that "The Guidelines do not require a political entity to wipe information that has been integrated into databases that the political entity has created for electoral purposes."

All told, what it means is that on the basis of information provided by Elections Ontario, registered political parties can fill their databases with precise information indicating who has and has not voted; who declined their ballots; who voted at the advance polls; and who voted from outside of the country, all on a poll-by-poll basis. With the use of data analytics, they can integrate and cross reference information gathered from other sources, including internal polls and surveys that remain their proprietary information, as well as social media sources and establish with relative precision who most likely voted for whom.

A false premise used to justify all of this is that the aim of the political parties of the establishment is to expand the participation of the people in political affairs and even in the formulation of party policies. This in turn is based on the false premise that political parties are providing the people with information which is critical for them to cast an informed vote and critical to a healthy polity. Without the unique identifier, the political parties claim they would not be able to communicate with the electors.

Nobody consented to any of this. It is purely self-serving and confirms that the party system of government is corrupt through and through.

(Version française de cet article)



CBC Calls on Electors to Become Sleuths

In light of the predominance of micro-targeting, as the Ontario provincial election approached, CBC announced it was teaming up with ProPublica, a U.S.-based non-profit organization, "to track political ads on Facebook through crowdsourcing." Referencing elections to be held in Ontario, Quebec and New Brunswick, as well as several municipal elections in 2019, CBC said, "As millions of Canadians cast ballots in pivotal provincial elections this year, it will be difficult, if not impossible, to gauge how much they were influenced by online campaign ads tailored to their specific interests and opinion." Micro-targeting, it explained, is "why you might see an ad from a candidate about health care spending while your friend sees one from the same candidate about cutting taxes."

CBC says that in this situation, it is "difficult for the public to get an overview of the full range of ads being used in political campaigns and harder for media and watchdog groups to fact check the claims being made in those ads."

CBC called on its readers to download a browser extension called "Facebook Political Ad Collector" that ProPublica developed. The application triggers a questionnaire to pop up every time a paid advertisement appears in a Facebook user's news feed. Users are then asked to classify the ad as "normal" or "political" and they are enabled to see ads that other Facebook users received and tagged as "political."

Through this crowdsourced sleuthing, CBC and ProPublica build a database of all these different political ads. They are then "analyzed by CBC and other news organizations and help us dig up and research news stories." CBC warns that the app will not provide a full picture of all the different ads because it doesn't capture "posts by partisan groups or individuals that might serve as *de facto* political content but are not paid advertisements *per se*. It only captures posts marked 'sponsored.'"

Surveillance of the electors for purposes of targeting different groups of people with different campaign messages is one of the features of current cartel party campaign practice.

Surveillance has been defined as "any collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered."^[1]

Voter surveillance and micro-targeting^[2] is the campaign method that suits the era of government by political parties that serve the private interests of the most economically powerful. The public campaigning by the incumbent and aspiring governors and the horse-race media coverage of things such as leaders' debates and their appearances in various towns and cities increasingly serves as a mere cover for the real vote-getting machinery that targets electors on a poll-by-poll basis wherever data analysis has determined the various parties need to deploy their resources to get the magic numbers needed to put them into power in the winner-take-all first-past-the-post system.

The question arises. Why would electors want to become sleuths working to track down the different messages that corrupt political parties send to different segments of the population? While CBC seems to have some vested interest in compiling this information (it says it will make for good reporting and human interest stories), the workers and people of Ontario are best served by building their own political organizations and supporting political parties such as the Marxist-Leninist Party who are working to break the silence on the conditions of the workers and the people and give space to their concerns while fighting for democratic renewal to build the new.

Notes

1. *Surveillance Society: Monitoring Every Day Life*, David Lyon, Buckingham: Open University Press, 2001.

2. Voter surveillance and micro-targeting has been made particularly easy through social-media platforms which allow selective messaging based on the platform user's trail of data. It allows, for instance, messaging to all individuals in certain postal code(s) who have visited certain websites or who are deemed to be interested and/or concerned about specific matters. The platforms do the 24/7 monitoring of user on-line behaviour; user-generated content provides the information subjected to data analytical tools which draw inferences, connections and conclusions which, debatably, can influence electors by sending particularly tailored messages.

(Version française de cet article)



Privatization of Elector Lists

The purpose of a register of electors is to have a record of who is entitled to elect and to be elected. It is a tool for Elections Ontario to administer the voting process.

Through their power and privilege, the political parties of the establishment have transformed the list of electors into something they were never meant to be. This is evident in their use in the Ontario election. Amazingly, the *Election Act* even entitles a registered political party to commission Elections Ontario to update the Permanent Register of Electors at any time it chooses. If it does so, it must pay for the costs and in turn it has exclusive access to the updated list.

There was a time when the list of electors was considered a matter of public, not private interest. The preliminary lists were mailed to every urban household and posted on telephone polls and at local post offices in rural ridings, along with a large ballot showing the full list of candidates. Federally, this system ended in 1982. Somewhat ironically, given the concerns about the violation of privacy today, privacy was one of the reasons given to end the public distribution of the lists. Addressing the issue in the House of Commons at the time, Liberal MP David Collenette said, "Many women living alone feel that the voters lists ... receive far too wide circulation [...] It is possible to find out who lives in all the houses nearby or in all the apartments in a building." He added, "I wish the situation would be otherwise, but we must change



the *Canada Elections Act* so we do not put fear into the hearts of many of our female citizens who do not like the publicity which is now being afforded by these lists." No consideration seems to have been given to according concerned individuals the right to have their name removed from the publicly distributed lists.

Progressive Conservative MP Walter Baker was one of several MPs who argued to maintain the public lists. "It is part of the openness of the election system. It is part of telling people that they are part of a community and who else is in that community. It allows people who live on the street to know who lives up the street and to deal with them on a much more personal basis. It also assists the people who work for parties to assess whether someone who is on the list should not be there or whether someone who is not on the list should be on it. It allows friends and neighbours to help others. [...] When only a small number of the lists is produced and they are sent around to only a few people, this has the effect of treating some citizens differently from others. I think in an open election where every vote counts, and only counts once, and every voter is treated equally, they should be treated equally in every part of the process. That is the reason for the list and that is the reason we ought not to move quickly just in order to save some money."

The real motive for going to the current system of elector list distribution was revealed by Progressive Conservative MP Stanley Knowles. He stated, "... there is some concern about what is to be done with respect to the lists. I believe there have been meetings among the bureaucrats of our various parties, persons who are not members of the House at all but who get called into action

when there is an election." He concluded that while there were differences of opinion among the parties, he felt strongly that after study of the bill, a consensus would be reached.

(Version française de cet article)



The Right to Decline Your Ballot

The *Election Act* entitles electors to decline their ballots, as opposed to spoiling a ballot. Declined ballots are counted as such and make a statement that the elector is not willing to vote for any of the candidates.

In the 2014 election, 29,937 voters chose to forfeit their right to vote through declension. This was the highest number since 1975. In addition, 12,124 ballots were deposited into the ballot box unmarked. These two forms of protest votes amounted to about 0.9 per cent of the total 4,885,493 ballots cast.

To decline a ballot, an elector must go to their designated voting place and request a ballot, providing the required identification as normal. They must tell the deputy returning officer how they are planning to vote and hand the blank ballot back. If the voter is on the official polling list, the candidates and political parties will receive information that x voter declined to vote. Hardly a secret ballot! The only exception is if the elector registers to vote on polling day. In that case, their name and their declension of the ballot is not included in the voting reports to the candidates and parties.

(Version française de cet article)



Report on Party Compliance with the *Taxpayer Protection Act, 1999*

The *Taxpayer Protection Act, 1999* is a symbol of the anti-social offensive austerity program launched in Ontario during the tenure of the Harris Progressive Conservatives. The law binds the hands of an elected government to not increase taxes unless it specifically states so before it is elected. It applies to any tax increases under the *Corporations Tax Act; Education Act; Employer Health Tax Act; Fuel Tax Act; Gasoline Tax Act; Income Tax Act* and *Provincial Land Tax Act*. The law requires the leaders of all registered political parties to file a statement with Elections Ontario if they plan to increase taxes set out in these acts. If they do not give notice of their intention, a referendum has to be held before taxes can be increased.

According to a May 28 press release by Elections Ontario, 24 of the 28 registered political parties did not file a statement. The PC Party of Ontario submitted a statement which did not include any intended tax increases under the stipulated acts. The Green Party filed a statement, but the Chief Electoral Officer says he "was unable to provide an opinion on the proposed initiatives" because they did not comply with the information that is supposed to be provided according to the law. The Liberals and NDP filed statements which were satisfactory, showing in detail how they plan to increase taxes and the amount of revenue that will be generated by them.

Consequently, the Chief Electoral Officer declares: "Should either the Liberal Party of Ontario or the Ontario NDP form the government ... a referendum will not have to be held with respect to [their] tax initiatives."



This is a peculiar law indeed. It essentially affirms an austerity agenda, according to which public funding of health, education, safety and income security must be curtailed, notwithstanding increasing amounts dedicated to pay-the-rich schemes. At the same time, the law includes enough loopholes that enable a government to increase taxes as it sees fit without a referendum, as any Ontario resident who has experienced such increases knows.

What is most peculiar about it is that while an aspiring government must spell out certain tax hikes or put the question to the people, everything else remains *carte blanche* for a political party to do whatever it wants. It can stuff the treasury with revenues from more bonds and loans and indebt the people to the usury of the international financial oligarchy without any restrictions. It can cut spending for social programs as it sees fit. And then it can use the fact that there is a debt to further cut social programs.

The legislation, does, however give a glimmer of what an electoral process could be. Even within the party-dominated system where electors are supposed to choose from the agendas and programs of political parties and are not given the possibility of setting their own agenda and program, it would be an advance to have a public authority responsible for guaranteeing the right to an informed vote. Instead of the public treasury being used to subsidize political parties, the funds could be used to inform the entire electorate of the plans and programs of every registered political party. A law requiring a referendum permitting the citizenry to veto any law the government passes which they do not approve of would also be a step forward in giving people some control over what happens.

(Version française de cet article)



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