



Title: CC2021-64 2022 Municipal and School Board Elections - Update.docx
Report Number: CLERKS 64-2021
Meeting Date: Tuesday, November 02, 2021
Report Prepared: October 25, 2021

RECOMMENDATION(S):

THAT Council receive report CLERKS 64-2021, for information; and
THAT Council approve both in-person and internet voting methods for the 2022 Municipal and School Board Election.

REPORT:

Key Points:

- A hybrid option, which includes both in-person and internet voting options for 2022 is recommended as it supports greater accessibility and is cost effective;
- Providing the option for alternative voting methods (internet voting) increases the voting period from an advanced poll to a 10-21 day voting period;
- Alternative voting methods, including internet voting, is a secure and trusted means of voting for elections and has been utilized in various municipalities in Ontario since 2003.

The COVID-19 pandemic has emphasized the need for an alternative voting option for the 2022 Municipal and School Board Elections. There have been a number of by-elections in 2020 which have forced municipalities to consider alternative voting methods, including Town of Pelham, who have utilized alternative voting method options.

The Municipal Elections Act, S.O. 1996 specifies that a municipal council may authorize the following through a by-law passed on or before May 1 in the year of the election:

- The use of voting and vote-counting equipment
- The use by electors of an alternative voting method that does not require electors to attend at a voting place in order to vote.

On June 9, 2016 the Province of Ontario passed Bill 181, Municipal Elections Modernization Act, 2016. This Bill amended the Municipal Elections Act, 1996 and provides for further opportunities for municipalities to adopt new alternative voting methods such as internet voting. Council is still required to authorize the use of any

alternative voting equipment (such as optical scan vote tabulators or vote by mail, telephone or internet voting).

On October 20th, 2020, the Government introduced [Bill 218: Supporting Ontario's Recovery and Municipal Elections Act, 2020](#), which would "provide liability protection for workers, volunteers and organizations that make an honest effort to follow public health guidelines and laws relating to exposure to COVID-19." It also would amend the *Municipal Elections Act*, 1996.

Updates to the Municipal Elections Act

Bill 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020* received royal assent on November 20, 2020 introducing a series of significant changes to municipal elections in light of the ongoing COVID-19 pandemic, including:

- changing Nomination Day from the fourth Friday in July to the third Friday in August;
- changing the timeline for passing a by-law authorizing the use of voting and vote-counting equipment or alternative voting method from May 1st the year before an election to May 1st the year of an election;
- changing the timeline to establish procedures and forms for voting and vote-counting equipment and alternative voting methods from December 31 in the year before the year of the election to before June 1 in the year of the election
- removal of ranked ballot voting

Staff have reviewed the various voting methods and have provided a list of them with their successes and challenges below. The Office of the Clerk has received a number of calls from members of the public over the last few weeks requesting an update and providing their preference for alternative voting methods, being on-line voting. However, Council are being provided with the various options below.

Option 1: Vote-in Person

Option 1 is the most traditional of all voting methods and requires all electors to attend a polling station, either through advance polls or on Election Day. Proxy votes would be permitted, subject to the terms laid out in the Municipal Elections Act. All registered voters would be sent a polling card, giving details of the advance polls and Election Day polling stations, of which there would be multiple across the Municipality. Voters would be able to vote at any polling station, as well as register to vote if necessary.

Pros:

Polling stations would be monitored by municipal staff, unpaid volunteers, and scrutineers who would be able to ensure all votes were cast in a secure environment, and that all ballots were accounted for in a controlled process. Voting in-person is the most familiar method of voting for many. Registered voters would be required to attend a designated polling station on Election Day to cast their ballot, but otherwise would not require additional instruction or education throughout the process. As many are familiar with this method of voting through other elections locally, staff do not perceive

communications being required throughout the process. As in-person voting is a familiar voting method for most voters, it remains a desired voting method of many residents in our community. It is a method of voting that has been utilized in various government elections for many years, and therefore makes it the preference of many voters.

Cons:

This is the most cost prohibitive election method, with the 2018 Municipal Election costing over \$77,000, not including staff time. Voting in-person will require extended staff time and staff resources during the election. In-person polling stations will require that staff dedicate time outside of normal working hours to assist in the election process and counting of the ballots would also require additional staff time. In order to properly staff each polling station, additional municipal staff and unpaid volunteers will be required to ensure all locations are properly equipped and prepared to assist members of the public during the process on Election Day.

Voting in-person introduces additional difficulties for seasonal residents and property owners and is not accessible. Those who will not be able to attend a designated polling station to vote in-person on Election Day or during advanced polls could therefore be at a disadvantage with this method. This method could, in effect, disenfranchise property owners living outside of the municipality who are unable to attend a polling station in-person, and could mean a reduction in overall voter turnout. Accessibility is also a concern, not only for those requiring assistance, but the ability to provide the greatest access to the democratic process as in-person voting could be seen as prohibitive.

Option 2: Vote-by-Mail

Under the vote-by-mail method, all registered electors would be sent a voting kit, several weeks in advance of voting day itself. The kit would include a ballot, a security declaration and a return envelope. Voters then return the ballots via Canada Post, or drop them off in person. Ballots must be received by 8 p.m. on voting day. This method was used in the most recent federal election as well as by the Town of Pelham, Welland, Ottawa and Toronto for their 2020 and 2021 By-Elections

Pros:

Vote-by-mail provides improved coverage and convenience for all electors with kits mailed to the preferred mailing address of each qualified elector on the voters list. Individuals can vote from the comfort of their home with no additional accessibility provisions required to be considered for the election. Another benefit of vote-by-mail is that there is no need for proxy voting or advance polls. This saves in additional staff time and removes an added layer of complexity. This method does cut down costs significantly since all that is required is postage coverage for the kits.

Cons:

The municipal voters list traditionally supplied is rife with errors, particularly with tenants and former residents of property. An exclusively vote by mail system requires that a

ballot be issued to everyone listed on the voters list and does not include any security measures beyond the standard oath of an elector, such as signature matching.

There are some security concerns with vote-by-mail including the possibility of forged ballots or mail fraud, including the opening or tampering of mail or altering ballots. These concerns are very limited in reality, but the public perception of the issues may cause some disquiet among the electors. Vote-by-mail is expensive considering the cost of postage, additional staff being required and necessary education campaign to use this method. Additionally, extra temporary staff will be required to assist with the opening and counting of ballots.

A strong communications effort would be needed to ensure all eligible voters are aware of the new method and how to register to vote if they are not already on the voters list. The vote-by-mail method requires a more extensive timeframe to mail out the ballots and ensure that they can be returned by voting day. There may be cases where non-resident electors may experience barriers to voting as a result of these timeframes associated with the mailing process or in situations where non-resident voters did not receive a voter kit initially and are unable to pick one up in person prior to the close of voting. The reliability of Canada Post and potential for strikes, similar to that in 2018, causes great concern for staff for the 2022 election.

The counting process for vote-by-mail is a labour intensive one, as it is for any paper-based system. A trained staff team would be required to open the mailed in ballots, verify the validity, and to count the votes. Vote-by-mail is completely reliant on Canada Post, not only to distribute blank ballots but to process completed ballots mailed back to the Municipality.

Implementing contingency measures are more difficult with this method in the event of a postal service disruption or other unforeseen delay. Voters may also feel pressured to complete their ballots so that they can be mailed as soon as possible to meet the deadline. This may affect the campaign period as there will be little value campaigning in the days immediately before Election Day.

Option 3: Internet

Voting Option 3 has been used in conjunction with other alternative methods (telephone) in various municipalities across Ontario in 2003, 2006, 2010, 2014 and 2018 elections. Internet only voting would involve providing each elector with unique credentials to access the secure voting website from a personal computer, tablet or smartphone from anywhere there is an internet connection during the voting period. A letter containing voter credentials with a separate voter identification number is mailed to each eligible elector who then has the choice to cast their ballot either through the online website or over the phone voting system. The associated benefits of internet voting include voter convenience and accessibility, low staff impact, and a familiarity with the method. Staff will be able to provide options for in-person ballot casting with log in information to voters for a 10 day to 21 day voting period. Internet voting is the most accessible and cost effective method of voting with a potential savings of \$40,000.

Pros:

There have been an increase in the number of municipalities using internet voting because it is a fast and efficient voting method and the most accessible. Users of online voting have found it is simple, convenient and private, at all ages and computer use levels. Once complete, the voter has the opportunity to review their selections. Data is then stored in a secure third-party database and not tabulated until voting has been closed. Results are generated in real time and provided easily after the close of the election.

Election results are available by 8:15PM with limited staff required and most cost beneficial to the municipality. Using Internet (and telephone voting) allows the municipality to open the voting period for as long as the municipality deems – so the voting period could be 10 days to 21 days, allowing everyone the ability to vote when they are available. Voters may also vote anywhere, at any time. Staff would have computers set up in various locations to assist voters who would like to come in to vote to cast their ballot over the 10 day to 21 day period.

This method does not allow for unintentionally spoiled ballots and provides warning prompts in races that may be under-voted or left blank. Voting credentials can be mailed to non-residents who have the capability to cast their ballot from anywhere in the world, provided there is internet available. Electors who prefer assistance can still be helped during the voting period in established voting centres or other municipal facilities providing internet access such as the Public Library or a dedicated election kiosk. iPads and laptops can be purchased through the election budget and can be repurposed to staff or members of council or rented at a reduced rate.

The City Clerk has used Internet Voting for three elections and one by-election, since 2010 with experience in a significant investment in public education and communication during those election periods. Voters now have experience with the process for internet voting and turnout has been relatively consistent. There is no need to hire additional volunteer or paid staff for an internet only election. Current Clerks staff can adequately manage the election workload, with no additional support from other departments for customer service or IT support. With the extended voting period and ability to vote anytime and anywhere, staff will be able to set up voting kiosks in various locations across the city with assistance during regular business hours or after hours. This is the most accessible voting format and provides for the longest voting period.

Cons:

Using internet voting requires the Municipality to contract with a third-party company for the technical services, in addition to the mailing costs of sending voter credentials. Despite an encrypted database for voting data storage, there are concerns respecting the security of internet voting, including fraudulent activity, viruses and other technical threats associated with the system and transmission of personal information. Additionally, there is the perception that internet voting may violate privacy concerns including family members exercising illegitimate and unlawful authority to compel a

family member's vote or voting on behalf of an individual with their credentials. There are concerns within the Municipality about the age demographics of the population and their ability to vote using an internet-based system, but is easily looked after by increasing the availability of computers for in-person on-line voting.

Furthermore, reliable internet connectivity is a challenge in the City and many users rely on satellite internet or DSL lines that are not able to provide high speed access, or do not have a home-based internet connection. This poses a barrier to residents who would otherwise be able to vote in the comfort of their homes. These individuals would be redirected to vote using an electronic device provided by the City.

Option 4: Vote in-Person & Vote-by-Mail Hybrid

Offering the traditional vote in-person (polling stations) with vote-by-mail for those who prefer to register for this alternative method creates a hybrid approach that could be used. Options 1 and 2 above discuss the benefits of each of these types of methods individually. Combined in a hybrid approach, these two methods offer the benefits of simple, familiar and secure in-person voting, combined with the wider coverage offered through a vote-by-mail system.

Pros:

Using this method has the potential to avoid many of the problems with option 1 or option 2. Offering a dual system means that voters could opt for the option that works best for them, bearing in mind their ability to attend a polling station, whether due to their location at the time of the election, or other personal issues. Those electors who prefer vote-by-mail would however be required to register in advance. This would offer more flexibility to our non-residents unavailable to vote in-person only. Unless otherwise registered in advance for vote by mail, voters would then attend polling stations on Election Day to cast their votes. Staff would recommend that communications efforts be targeted towards the promotion of vote-by-mail as an option to ensure that those voters who cannot or do not wish to vote in person are registered by the appropriate deadline. Requiring registration in order for an elector to vote-by-mail also removes many of the issues identified around security and the voters list. Ballots, or voting credentials, are not issued to every name on the voters list, but only to those presenting themselves in person at a polling station, or who have signed an application form for vote-by-mail. This signature provides an option for ballot validation should it become necessary during the election process.

Cons:

Disadvantages of each vote in-person and vote-by-mail are discussed above in options 1 and 2, including extra staff costs and time, and concerns with the postal service. This hybrid option would require an extensive communication plan with associated costs to ensure residents understood the change for the 2022 election, as well as how and when to register for vote-by-mail if that is their preference.

Option 5: Vote in-Person & Internet Voting Hybrid: RECOMMENDED

Offering the traditional vote in-person (polling stations) with internet voting for those who prefer to register for this alternative method creates a hybrid approach that could be used. Options 1 and 3 above discuss the benefits of each of these types of methods individually. Combined in a hybrid approach, these two methods offer the benefits of simple, familiar and secure in-person voting, combined with the wider coverage offered through an internet voting system and increase accessibility for those otherwise not able to vote in person.

Pros:

All those listed within Option 1 and Option 3, providing an election that is accessible to the voters; providing an election that is fair and non-biased; and ensuring the integrity of the process is maintained throughout the election. The majority of municipalities who have declared their intent to utilize alternative voting methods for 2022 have indicated that they will either conduct an on-line only, or hybrid option.

Online voting is accessible, simple, convenient and private. Once complete, the voter has the opportunity to review their selections. Data is then stored in a secure third-party database and not tabulated until voting has been closed. Results are generated in real time and provided easily after the close of the election.

Using Internet voting allows the municipality to open the voting period for as long as the municipality deems – so the voting period could be 10 days to 21 days, allowing everyone the ability to vote when they are available. Voters may also vote anywhere, at any time. Staff would have computers set up in various locations to assist voters who would like to come in to vote to cast their ballot over the 10 day to 21 day period.

This method lessens unintentionally spoiled ballots. Electors who prefer assistance can still be helped during the voting period in established voting centres or other municipal facilities providing internet access such as the Public Library or a dedicated election kiosk.

There is no need to hire additional volunteers we would run each location with staff from the Clerks Office. Current Clerks staff can adequately manage the election workload, with no additional support from other departments for customer service or IT support. With the extended voting period and ability to vote anytime and anywhere, staff will be able to set up voting kiosks in various locations across the city with assistance during regular business hours or after hours. This is the most accessible voting format and provides for the longest voting period.

The option to provide a hybrid election means that we can allow those choosing internet voting to either vote any where, any time, or attend one of the voting locations, in person, where there will be staff, computers and internet voter identification cards.

Internet voting will be more beneficial to the aging community as the voting period will be extended for a longer period of time, as well as providing for assistance to them in person. Internet voting has been in effect since 2003 and as elections continue, the

concerns decrease. Additionally, in many municipalities, the aging population has proved to be an asset in being a champion for internet voting.

Internet voting also allows for the list to be updated instantly, which limits the opportunity for duplicate votes.

Cons:

As identified in Option 1 and 3.

The Office of the Clerk will also work with the area municipalities who will be recommending similar voting methods for the 2022 municipal and school board elections.

BUDGETARY STATUS:

There are significant financial implications associated with this report. Costs for Internet and Telephone voting are approximately \$2.50 per elector, and mail in ballot approximately \$5.05 per elector and in-person ballot is significantly increased due to extra staff and additional staff and staff time at around \$7.50 per voter. Therefore, based on approximately 15,851 electors in Thorold the approximate costs for Internet and Telephone voting is \$39,627.50, mail in ballot \$80,047.55, and in-person \$118,882.50. These numbers are based on approximations of costs per voter plus staff time and eligible voters.

STRATEGIC PLAN:

CANADIAN CONTENT:

ATTACHMENTS:

[IVP_Report.pdf \(centreforedemocracy.com\)](#)

PREPARED BY: “original signed” Joanne Hyde, City Clerk

SUBMITTED BY: “original signed” Joanne Hyde, City Clerk

APPROVED BY: “original signed” Manoj Dilwaria, Chief Administrative Officer

Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:

Manoj Dilwaria - Oct 28, 2021 - 1:52 PM