Subject:	**2022 Municipal Election Voting Methods**
Department:	**Corporate Services**
Division:	**Clerks**
Report #:	**CPS-2021-031**
Meeting Date:	**2021-04-26**

Recommendations

That report CPS-2021-031, 2022 Municipal Election Voting Methods, be received;

And that Council pass a by-law to authorize the use of optical scanning vote tabulators and a vote at home program in the 2022 municipal and school board election.

Background and Analysis

The next municipal election will take place on October 24, 2022.

Section 42 of the Municipal Elections Act (MEA) states that by May 1 in the year of an election, the council of a local municipality may pass by-laws that authorize:

- the use of voting and vote-counting equipment; and
- the use of alternative voting methods that do not require electors to attend at a voting place in order to vote.

As general background, Bill 218 *Supporting Ontario's Recovery and Municipal Elections Act, 2020* made a number of amendments to the MEA, including amending 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 in the year *of* an election.

Given that there is additional planning that is anticipated as a result of the COVID-19 pandemic and to ensure that staff have sufficient time to effectively plan for the election (including the ability to facilitate a competitive procurement process), it is staff's recommendation that Council decide on vote counting equipment and alternative voting methods this year.

The purpose of this report is to provide Council with information on three of the main voting methods used in Ontario municipal elections and recommend a course of action for the 2022 municipal and school board elections.

The recommendations in the report have been formulated with the principles of the MEA in mind, as these principles serve as a benchmark and guide for the conduct of municipal elections:

- secrecy and confidentiality of the voting process;
- fair and non-biased;
- accessible to voters;
- integrity of the voting process;
- results of the election reflect votes cast;
- voters and candidates shall be treated fairly and consistently;

Paper Ballot with Vote Tabulators

A vote tabulator (optical scan unit) reads and records how ballots are marked. A ballot is marked by indicating the voter's choice(s). The ballot is then inserted into the vote tabulating unit. The tabulator reads and stores the information in the unit. At the close of voting on Election Day, the vote tabulator will produce cumulative totals of all votes cast and the totals will be compiled to produce the final election results.

The use of vote tabulators has become a generally accepted vote counting method in Ontario municipal elections over the last several years and has been used at the provincial level of government. As a result, there are established and recognized best practices for municipalities to use for effective implementation, including those already created at the Town of Orangeville in previous elections.

The use of vote-counting equipment, such as vote tabulators, allows for:

- efficient vote counting - making it possible to report unofficial election results on election night
- secret and confidential voting process - ballots and voters cannot be connected
- accurate and non-biased vote count - automated counting processes ensure that determination of voter intent and what is counted is consistent
- the integration of accessible technology, which allows for independent marking of a ballot which is indistinguishable from any other ballot once cast in the tabulator
- certainty and integrity of the process - results reflect votes cast

The system is precise, easy to use for voters, and capable of generating final election results very quickly following the close of voting. Moreover, manual counting of ballots is not required.

Vote tabulators have been used at the Town for the last several elections. It is a system that residents are accustomed to and has proven to be reliable.

Internet Voting

Internet voting has been increasingly implemented across Ontario municipalities with the passing of each municipal election. Internet voting modernizes the election experience for voters. It offers a convenient and accessible way to cast a vote without the need to attend a physical voting location and inherently offers flexible voting times – you can vote anywhere, anytime.

Internet voting offers benefits such as the integration of accessible technology and enables the voter to identify errors in the ballot selections prior to casting a ballot. This voting method also allows for automated election processes like ballot processing, striking names off the voters list, and an effective and rapid count of the votes at the close of voting.

Though the implementation of internet voting is increasing across Ontario municipalities, there are significant considerations that must be addressed in considering the implementation of this voting method. In researching approaches by other municipalities, the Clerks' Division has concluded that there is more that needs to be in place to have confidence that internet voting should be implemented at the Town of Orangeville.

Online voting standards:

Internet voting modernizes the election process and enhances the convenience of voters. However, it is evident that there continues to be a hesitancy to implement internet voting due to a lack of a framework and actionable best practices.

Ontario municipalities that have used internet voting in the past have developed their own processes to address security risks, voter verification, auditing and testing of the system, and internet and connectivity issues. Though flexibility is important, municipalities have no uniform established standards upon which to guide their elections, as there is no legislative framework for internet voting in the MEA.

Should internet voting be implemented, a considerable amount of upfront effort needs to be devoted to developing a customized framework that is secure and upholds the principles of the MEA.

This is a growing area of interest for election administrators, as the call for online services increases over time, and as such there are opportunities that standards could be developed for the 2026 municipal election.

For example, one organization that is currently undertaking this work is the CIO Strategy Council (accredited by the Standards Council of Canada), which is a Canadian forum that brings together technology leaders to collectively coordinate common digital

priorities. With respect to online voting, the CIO Strategy Council has formed a technical committee to:

> "inform and drive the development of a suite of national standards to support the implementation of online electoral voting technologies. These standards will specify minimum requirements for digital identity and authentication, data access, storage, privacy, security, and testing, and provisions for network and computational resources, capacity, and accessibility."

Though there is no guarantee that minimum standards will in fact be developed and/or legislated by the 2026 election, it is not expected that they will be in place for 2022.

In the absence of such standards by 2026 however, there will be more research completed as well as municipal experiences to learn from with respect to internet voting implementation and best practices, should it be desirable to implement at that time.

Technological Limitations:

The implementation of internet voting has technological implications that are important to consider, such as:

- internet access of voters
- reduced ability of election administrators to assist individuals during a virtual voting process
- cyber security risks
- inability to confirm secrecy of votes and/or absence of fraudulent activity as personal devices are used to vote
- reduced ability of candidates and scrutineers to observe the voting process

Voters List:

The municipal voters list, as provided by the Municipal Property Assessment Corporation (MPAC), has been criticized across the municipal sector for its lack of accuracy, resulting in election administrators needing to devote considerable resources to correct substantial amounts of errors to enable voters to vote. Having an inaccurate voters list, despite efforts to correct it, pose enhanced barriers to voters and make the administration of the election process more difficult in an internet voting environment.

For instance, with in-person voting, errors identified are addressed with election staff who are able to work with voters to verify the identity and eligibility of voters. However, in an internet voting environment, there is increased reliance in having a highly accurate voters list to ensure that voters encounter less errors as the correction of those errors would require a virtual/remote verification process, which could be more onerous for the voter.

The province has recognized the need for an accurate and centralized voters list and has tasked Elections Ontario with this objective through Bill 204, *Helping Tenants and Small Businesses Act,* which received Royal Assent on October 1, 2020. Particularly, schedule 3 outlines that:

> "The *Election Act* is amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024."

Given the imminent progress in this regard, staff are optimistic that this change will better facilitate the administration of internet voting in 2026.

For the abovementioned reasons, staff do not recommend the use of internet voting for the 2022 municipal and school board elections but will continue to monitor developments in this regard with the goal of possible uptake in 2026.

Vote by Mail

Vote by Mail is a proven voting method that allows voters to receive their ballots by mail, which are then completed without attending a physical voting location, and returned by mail. Smaller and more rural municipalities are well-versed in using this voting method, primarily due to geographic considerations that make it an effective option for administering an election. Other municipalities also use this method (sometimes in a supplementary capacity) to address accessibility needs of its residents.

In anticipation of possible continued COVID-19 restrictions, this option is also being employed by municipalities like the City of Toronto, the City of Ottawa, and the City of Guelph to provide an accessible and safe method of voting for individuals who may not be able to attend a voting location in person.

This voting method however also presents challenges, as mail processing times may impact when voters receive their vote by mail packages and when election administrators get the returned ballots to be counted. Furthermore, there is an increased chance that errors in ballot marking will occur as voters do not have the assistance of elections staff readily available. There are also increased costs given the need to use the mail service and also the potential that ballots can get lost in the mail. Vote by mail may also pose issues for voters who have moved or do not have a consistent residence as their voting package may be sent to the wrong address.

The Town of Orangeville has limited geographic constraints given the size of the municipality and staff believe that accessibility considerations can be addressed through the proposed enhancements listed later in this report. Therefore, staff do not recommend the use of vote by mail for the 2022 municipal and school board elections.

Recommendation

Staff recommend the use of paper ballots with vote tabulators as the vote counting method for the 2022 municipal and school board election.

The implementation of a new voting method, in particular internet voting, would require considerably more attention and resources than that of previous elections to address the following:

- *public engagement and education*: a significant communications campaign would need to be developed to educate the public on the new voting method and to support voters in making the transition from the previous election.

- *integration of new technology*: this includes new hardware and software solutions, and implementation and testing of security measures. Considerable work will be required across divisions to ensure the necessary technology solutions are in place and that potential risks are mitigated.

- *scoping and development of requirements*: in the absence of internet voting standards, Corporate Services would need to devote considerable time to develop new processes and a framework for the delivery of an internet election for the first time.

In addition to the considerations mentioned above, staff are cognizant of the various priorities that are ongoing this year and into 2022, such as the review of various regulatory by-laws per the established work plan, as well as the automation and modernization of services in licensing, legislative services, records management, and by-law enforcement. The recommendations made in this report provide a balanced approach that commits to the effective administration of the municipal election, while ensuring that other priority initiatives can continue to move forward.

COVID-19 Considerations

Staff have further considered the circumstances regarding the COVID-19 pandemic in the development of this report. The manner in which the election will be administered will account for the safety of voters, candidates, the public, and election staff. The Clerk's Division will continue to monitor public health guidance and employ best practices from municipalities and other governments who have delivered elections during this time.

In addition to ensuring that comprehensive safety protocols are followed, the Clerk's Division will evaluate the feasibility of additional election services to ensure that voters have adequate and safe opportunities to cast their votes. Enhancements may include:

- Enhanced advanced voting opportunities (increasing the number of days and voting hours)
- Additional voting locations

- Enhancement of accessibility accommodations for those unable to attend in person (such as a vote at home program).
- Curbside voting to address accessibility and as potential COVID-19 measure

Proposed Next steps:

Staff propose that the 2022 election proceed as recommended but will continue to plan a way forward that considers internet voting in 2026 by following a structured approach, which includes:

1. Public engagement exercise early in the next term of Council to educate the electorate on internet voting, gauge the desire of residents regarding internet voting. This will allow staff to determine if there is a perceived need to offer this alternative solution and if there is a demonstrated desire in making such an investment. This would be planned according to the Town's public engagement framework
   - In-person information sessions would be arranged as part of this exercise to ensure inclusive engagement with the public. This may be impacted by the possible continuation of COVID-19 restrictions
2. Actively continue to monitor developments with respect to potential legislated or generally accepted minimum internet voting standards and improvements to the voters list following its transition to Elections Ontario
3. Monitor other municipal elections with respect to their experiences with internet voting
4. Report back to Council and seek direction for a way forward

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Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Transparent and fair decision-making processes

Sustainable Neighbourhood Action Plan

Theme: Corporate and Fiscal

Strategy: Encourage and support inter-departmental collaboration and communication to facilitate the adoption of sustainable practices in the municipality

Notice Provisions

Not applicable

Financial Impact

The Town currently budgets $45,000 per annum as a contribution towards the election.

Respectfully submitted

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