
HALDIMAND COUNTY

Report CLE-05-2021 Municipal Election 2022 – Alternative Voting Options For Consideration by Council in Committee on November 16, 2021



OBJECTIVE:

To authorize the use of optical scan vote tabulators, and to consider alternative voting options for the 2022 Municipal Election.

RECOMMENDATIONS:

1. THAT Report CLE-05-2021 Municipal Election 2022 – Alternative Voting Options be received;
2. AND THAT a by-law be presented for enactment to authorize the use of vote-counting equipment for use in the 2022 and subsequent municipal elections;
3. AND THAT a by-law be presented for enactment to authorize the use of internet voting as an alternative voting method in the 2022 Municipal Election for advance voting.

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Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

Interest has been expressed in the past about offering internet voting as an alternative option for municipal elections. This report lays out several alternative voting methods that may be considered for use in the upcoming municipal election. Based on maximum accessibility and convenience, staff are recommending that internet voting be approved as an alternative voting method during the advance voting period for the October 2022 municipal election.

BACKGROUND:

Municipal elections occur every four years in Ontario and the parameters and timelines for administering these elections are outlined in the *Municipal Elections Act, 1996* (MEA). The next municipal election is scheduled for October 24, 2022. While much of the administrative details related to the election rest with staff, Council may pass a by-law authorizing the use of vote-counting equipment and also authorizing the use of an alternative voting method which does not require electors to attend at a voting place in order to vote (i.e. mail, internet, telephone).

Members of Council have indicated in the past that there is an interest in utilizing alternative voting methods in addition to in-person voting – specifically internet voting – to provide increased access and opportunity for voters to cast their ballots. There are multiple factors to take into account in deciding to proceed with an alternative voting method and this report provides information that will set the stage for determining how to incorporate alternative voting methods for the 2022 election.

ANALYSIS:

The MEA outlines the framework within which all 444 municipalities in Ontario conduct elections. Certain aspects are legislated through the MEA, other aspects are to be determined by the Clerk, who is responsible under the MEA for conducting elections, and there are a few matters to be determined by Council. The areas that require Council determination are:

- Placing a question on the ballot
- Language of forms to be used, if other than English
- Authorizing the use of vote-counting equipment such as optical scanning vote tabulators
- Authorizing electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote
- Authorizing the need for a by-election for municipal office
- Establishing rules and procedures with respect to the use of municipal resources during an election campaign (Haldimand County Policy 2003-07)
- Establishing a compliance audit committee by October 1 of an election year

Of the above list, the two matters that require Council approval at this time are the authorization of the use of vote-counting equipment, and authorization to use an alternative voting method that does not require electors to attend at a voting place in order to vote. The legislated deadline to have by-laws in place to authorize both of these facets of the election is by May 1st in the year of an election. (Previously, the deadline was May 1st in the year prior to the election.) If Council wishes to proceed with an alternative voting method in addition to in-person voting, staff will need to focus time and resources in procuring the service and establishing procedures to that effect. The balance of the report outlines the options and implications in this regard.

Vote Tabulators

Since 2006, Haldimand County has utilized optical scan tabulators to count votes. When voters mark their ballot, the ballot is inserted into the tabulator which reads the information on the ballot, stores the information and then provides a cumulative total of all votes cast at the close of the polls. This technology ensures confidentiality of the vote, and makes the process of counting composite ballots efficient and quicker than manual counting, and unofficial results are available in a timely manner. Haldimand County voters are familiar with this technology, as it has been used through the last four elections and also now that the province has adopted the use of tabulators for their elections. Staff are confident in the efficiency, security and reliability of this technology and recommend proceeding with tabulators for the upcoming election and future elections as it has become a standard function of administering elections. By enacting a by-law authorizing the use of vote tabulators from 2022 forward, no additional authorizing by-laws will be necessary for future elections.

Alternative Voting Methods

There are three main alternative voting methods used in Ontario: mail, internet and telephone voting. Each method has advantages and disadvantages, and costs will vary as well. Accessibility and convenience are the main reasons for offering alternative voting, specifically for voters with disabilities that may find it easier to vote through an alternative method rather than attend a voting location. The recent pandemic also highlighted the need for offering alternative methods of providing services in the case where the population is required to physically distance. Having an alternative option will be helpful in the case where public health measures may be in place, and where individuals prefer to limit their exposure to public events.

Studies conducted on the effect of alternative voting indicate that remote voting methods don't increase voter turnout to any great extent, rather they tend to transfer the voting method for voters. However,

with a significant number of seasonal residences in the County, an alternative voting method may encourage non-resident property owners to participate in the election, where they otherwise may not attend to vote.

The following sections outline the three alternative voting methods. As each method involves software, supplies, and distinct procedures, it is recommended that only one alternative method be adopted in order to most efficient with administrative resources.

Special Vote by Mail

As an alternative method, voting by mail would involve a voter completing a form to request a mail-in ballot. The request would have to be received by a set cut-off date in order to ensure that the vote-by-mail kit is received by the voter and mailed back in time before Voting Day. Once the request is processed, staff would prepare and mail the kit to the requestor which would include: the ballot, the secrecy folder, the voter declaration card and a return envelope with pre-paid postage. The voter would then mark their ballot, seal it inside the secrecy envelope provided in the kit. They would sign their declaration card and mail it along with the secrecy envelope back to the election office using the postage-paid return envelope.

When election officials receive the returned envelope, they will open the package and separate the voter declaration card from the ballot which is kept secret and sealed in the secrecy envelope. Election officials would then scan the voter declaration card to automatically strike that voter off the voters list, and the secrecy envelope containing the ballot will be placed in a ballot box until Voting Day. At an appointed time on Voting Day, secrecy envelopes containing ballots would be opened; ballots would be flattened and fed through the tabulator. Results from this tabulator would be tallied after the close of voting locations on Voting Day, just like any other advance voting results.

The mail option may be preferred by some voters who use mail on a regular basis and are confident in the postal system. Alternatively, some people don't feel confident about the postal system and may not use it for that reason.

The very nature of the timeframes involved with preparing and mailing out voting kits and having them mailed back by Voting Day, means that this option will be available to those voters who are confirmed on the voters' list by mid-September. If a voter does not check to see whether they are on the list until a week or two prior to the election, and they need to add themselves to the list, this alternative option will not be available to them. An estimate of costs for 2000 special vote by mail kits is \$21,500. This includes the software application, a set-up fee, 2000 Vote by Mail kits and the lease of an additional tabulator. Additionally, an estimated \$4,500 would be required for postage, bringing the total to \$26,000. It should be noted that this option would involve additional staff time to process the requests and prepare and send out the kits. Auditing fees are not included in the estimate and staff would need to look into this aspect further.

Given the logistics and costs involved relative to the anticipated small number of voters who would be expected to request this service, staff do not feel this option is practicable for Haldimand County at this time.

Internet Voting

Internet voting has been use in Ontario municipal elections since 2003. Many municipalities have been using this method as an alternative option in addition to in-person voting, and some have moved to utilize internet only. Interest has been expressed by members of Council about adopting internet voting in Haldimand County in order to provide an option for voters who may not be present on Voting Day or who may find it to be a more accessible option to vote remotely rather than attend a voting location. Most internet voting options are available on mobile devices.

Security is a factor to be considered in connection with internet voting. Voting systems providers utilize various security measures to ensure protection from cybersecurity threats. Any providers that are utilized in the U.S. must be certified by the U.S. Election Assistance Commission in accordance with federal requirements. While there have been no proven instances of an internet voting system being hacked, many municipalities utilize a third-party to audit their internet voting system and to conduct penetration tests. In recent municipal elections, a number of municipalities partnered together to procure a third-party independent consultant to audit their alternative voting systems. Staff would seek further information on the benefits of procuring third-party audit services.

In terms of registering to vote through the internet, there is a single step process where the PIN is sent directly to the voter with their Voter Notification Card (VNC), or a two-step process where registration instructions are included on the VNC and the voter must register through the internet and receives their PIN via email. The two-step process is seen to be more secure as it ensures that a single voter credential cannot be used alone to access, mark, and cast a ballot, however, it may potentially involve more staff time to administer.

The voter can log in using their voter ID and PIN, and will be asked to accept a voter declaration statement indicating that they are aware of offences and penalties under the MEA and that they are not committing fraudulent acts by voting. The voter will then receive their ballot and once completed, will be provided with a confirmation screen. The system will flag any ballot marking errors such as blank, over- or under-voted races and allows for corrections prior to casting. (Undervotes are allowed.) Once confirmed, the “cast ballot” button can be selected and the ballot is sent through an encrypted channel to secure servers. Once the ballot is cast, the voter is struck off the voters’ list.

In terms of accessibility, internet voting can allow a voter with a disability to utilize a screen reader or to adjust colour contrast, screen size, and font size as best suits their needs.

Based on a 2018 post-election survey by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), of the 263 responding municipalities, 132 utilized some form of internet voting in 2018. 91% of those municipalities indicated that they would recommend using internet voting again. An unofficial list indicates that at least 72 municipalities will be utilizing internet voting in the 2022 election, and staff are aware that others are in the process of considering it as well.

To successfully introduce a new alternative method such as internet voting, it is recommended that it only be utilized during the advanced voting period for the 2022 municipal election. This will provide access to those who need it, it will allow the County to pilot the introduction of a new way of voting and will allow staff to support the method without potentially adding new complications on Voting Day which can be a very hectic day. Once staff have experienced the full impact of internet voting, decisions can be made about expanding the option in future elections to continue through Voting Day. For the 2026 election, broadband internet service should be available to the majority of County residents.

The City of Brantford has used internet voting since 2014 and Brant County has decided to use internet voting for the first time in 2022. Norfolk County has not yet considered alternative voting methods for the 2022 election.

Staff support in principle the implementation of internet voting as an alternative voting method for the 2022 municipal election. There are implications in terms of additional cost (\$53,000 to \$65,000). The technology aspect will be provided through the vendor’s services and internal IT resource needs will generally remain what they have been in past elections.

Vote by Phone

Telephone voting uses a similar platform to internet voting and the two are often provided concurrently. In recent years, there has been lower adoption of this methodology as the voter experience can be frustrating. The automation script for completion of votes is lengthy, involves multiple confirmations and

there is a requirement to proceed through the full script in order for a ballot to be cast. On a composite ballot, a voter may be interested in voting for one or two offices only, and with Vote by Phone, has to proceed through all candidates' names being read out and confirmation of voting preference for each office in order for the vote to be recognized. Based on the issues experienced in 2018, at least one service provider is no longer offering telephone voting as a product. It is also costly – likely equivalent to the cost of internet voting. Staff do not recommend considering this as an option for alternative voting.

Advance Voting

During an initial pilot of offering internet voting during the advanced period, staff would continue to provide advance polls largely consistent with past elections as experience shows that adoption rates tend to be low the first time that an alternative voting method is provided. Efficiencies can best be evaluated after the first use.

In 2018, an advance voting location was held at the Cayuga Administration Building over the course of six days in order to provide a broad range of voting opportunities. There were also three separate advance polls held at the Hagersville Arena, Grandview Lodge, and the Caledonia Lions Community Centre. These required more staff time and resources in terms of election workers, technology set up and take down, etc. The total number of advance votes cast at these varying locations were:

Cayuga Administration Building (41.5 hours over 6 days)	615 votes cast
Hagersville Arena (8 hours)	231 votes cast
Grandview Lodge (8 hours)	590 votes cast
Caledonia Lions Community Centre (7 hours)	432 votes cast

Although the number of advance votes increased from 2014 to 2018, generally speaking, the number of advance votes is not high and is perhaps an indicator that local voters' past preference has been to vote on Voting Day.

Year	Advanced votes cast
2006	1936
2010	1677
2014	1542
2018	1868

In past years, staff have received some inquiries from voters who were not able to attend a voting location in person and were seeking an alternative. Voters were advised of numerous times and locations to take advantage of advance voting, or alternatively, to arrange for a proxy vote. In some cases, these alternatives were helpful, however, they did not provide an accessible voting solution for everyone who inquired.

Voters who may have previously voted by proxy will hopefully be able to take advantage of the alternative voting method which is much less complicated than filling out a form, getting multiple signatures and then having it commissioned at the Administration Building.

FINANCIAL/LEGAL IMPLICATIONS:

Although municipal elections occur every four years, an annual contribution is made to the Election Reserve Fund in order to evenly distribute the cost of the event over the term of Council. Since 2010, the annual contribution has been \$50,000. Overall costs have varied from election to election

depending on the number of workers hired, the number of polling locations and the number of ballots supplies required, and the extent of compliance audit activity involved.

Staff will seek to take advantage of any cooperative purchasing opportunities, or a provincial leasing program for optical scan tabulators that will be less expensive than contracting directly with the provider. This program provides tabulators used by the province for their election which will occur on June 2, 2022. Municipalities that took advantage of this program in 2018 indicated that there were no issues with receiving the provincial tabulators in time for setting up and testing the tabulators ahead of advance voting in early October of the same year.

In terms of procuring internet voting services, staff would seek a provider that aligns with the tabulator service provider, has Ontario experience, retains data in Canada and has positive references from Ontario municipalities.

In 2014, the total cost of the election was approximately \$182,000 and in 2018 it was \$181,000, inclusive of compliance audit activities. It is anticipated that many costs have risen since 2018, just like other industries have experienced in the last few years in relation to supplies, shipping, etc. so that prior to taking into account alternative voting, the 2022 cost will most likely be more than what was expended in 2018. As noted above the County budgets \$200,000 for the cost of the election.

An initial estimate of the potential cost for contracting of internet voting is from \$53,000 to \$65,000, based on 35,000 eligible voters and dependent on potential costs for third-party audits. The Elections Reserve currently has approximately \$195,000 within it and with the anticipated 2022 annual contribution of \$50,000 the additional costs of a pilot for internet voting should be offset by existing funds and any variance could be funded from the Contingency Reserve. Going forward if Council decides to pursue internet voting on a permanent basis the annual election contribution will need to be increased.

A temporary Election Assistant has always been hired to assist staff in the Clerks Division with election administration. With the addition of alternative voting and with reduced staff in the division since being reorganized earlier in 2021, the Election Assistant will be hired for a longer period – a full 10 to 11 months to ensure sufficient resourcing for the election.

The full budget for the 2022 municipal election will be included in the Draft 2022 Tax Supported Operating Budget. If Council approves internet voting the associated costs will be included as part of the New Initiative for administration of all aspects of the election.

STAKEHOLDER IMPACTS:

In considering an alternative voting method, the primary intent is to provide accessibility and convenience for Haldimand County voters. The addition of remote voting would possibly increase voter turnout, but at the very least would make the voting experience more accessible and efficient for all voters in Haldimand County. Communication will be a key factor in ensuring the success of alternative voting. Providing voters and candidates with clear information about voting options will be a focal point of the election communication plan.

In addition to Clerks Division staff, the administration of the municipal election will involve staff from Innovation and Technology Services (ITS), Customer Experience and Communications, and Facilities and Parks Operations in order to administer communications, organize and set up voting locations. The assistance of ITS staff is also key in setting up logic and accuracy testing of tabulators, and the results tally software that displays election results. Based on information gathered for this report, the addition of internet voting should not have a significant impact on ITS resources, having said that it, this is new program that may impact operational/corporate technological work plans.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

None.