
STAFF REPORT TO COUNCIL

FROM Brian Tocheri, CAO/Clerk
DATE September 7, 2021
REPORT CAO-13-21
SUBJECT 2022 Municipal Election Voting Options

RECOMMENDATION

1. That Report CAO-13-21 2022 Municipal Election Voting Options be received;
2. That in consideration of staff report CAO-13-21 respecting voting methods for the 2022 municipal and school board election, council direct staff to bring forward a by-law authorizing the internet and telephone voting method for the 2022 Town of Hanover municipal and school board election; and
3. Further that staff be directed to prepare a Request for Proposal for the purpose of sourcing a suitable internet and telephone voting provider.

BACKGROUND

- Municipal and school board elections must be held every four years and are administered by the Clerk as Returning Officer, pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c.32 (the "MEA"). A list of key dates for candidates in the 2022 municipal election are attached as Schedule 'A' to this report.
- The MEA states that a by-law authorizing an alternative voting method must be passed by May 1, 2022. However, it is important that staff begin the groundwork now and therefore require direction from council on the voting method to be employed.
- The Town employed internet and telephone voting in 2018. There was an issue on the final day of voting that caused a slow down for traffic to the internet voting system where a limit was inadvertently placed on the available bandwidth; this issue has been thoroughly investigated by the service provider who was responsible and measures have been put in place to prevent it from reoccurring. To address the slow down, the election was extended by 24 hours. While the results were delayed, it did not affect the integrity of the election. There was no evidence of voter fraud, security breaches or other issues that could give cause for a controverted election. Overall, staff deem the election to have been very successful - it was convenient, provided improved accessibility, eliminated spoiled ballots, enabled an accurate count, allowed for quick reporting of results, and was cost effective in terms of budget and efficient use of staff resources.
- In December 2019, the first known cases of COVID-19 infections in Canada were recorded. Since then, the virus has escalated into a global pandemic which has significantly affected how people interact with each other and the world around them. The future of this situation still remains uncertain. Vaccines have been effective and continue to be widely administered. However, it is prudent that the municipality prepares for the possibility that this or another virus results in or continues to result in public health protocols that discourage large gatherings.

DISCUSSION

The principles of the *Municipal Elections Act, 1996* include the following:

- maintaining the secrecy and confidentiality of the voting process and individual votes;
- providing an election that is accessible to the voters;
- providing an election that is fair and non-biased;
- ensuring the integrity of the process is maintained throughout the election;
- ensuring the results of the election reflect the votes cast, and that valid votes be counted, and invalid votes be rejected so far as reasonably possible; and
- ensuring voters and candidates are treated fairly and consistently within the municipality.

With these principles in mind, an analysis of voting methods that staff consider to be appropriate for Hanover was completed. These include:

1. Internet/Telephone Voting (ITV);
2. Vote-by-Mail (VBM); and
3. Combination of Internet and Vote-by-Mail.

1.0 INTERNET/TELEPHONE VOTING

1.1 How ITV Works

- Electors confirm they are on the Voters' List.
- In early October, each elector receives a personal voter notification letter containing information to access the voting system. The letter will include: access credentials (e.g., a unique identification number and PIN); the URL and telephone number for the voting system; and voting information such as the candidates running for office, the location of help centres, legal requirements to vote, contact information for inquiries, etc.
- Electors access the voting system wherein they: confirm that they are entitled to vote; enter their access credentials; follow the prompts to vote; and confirm their selections.
- Help Centres would be available. In addition, on-site assistance could be provided at long-term care and retirement homes. Help Centres promote the election and assist voters with the following services: adding electors to the Voters' List; providing information on the election process; offering access to computers for voting on-site; and assisting electors with voting where requested.
- Voting closes at 8:00 p.m. on Election Day. Anyone already in a Help Centre or in the ITV system will be able to complete their voting session.
- Results are provided at the close of polls (in 2018, the results were available at 8:15 p.m.).

1.2 Benefits of ITV

Public Health Protocols

- Ensures that the Town is prepared to respond to disruptions in day-to-day life related to public health concerns.
- Should there be an ongoing public health concern during the election period, this method reduces large gatherings and supports social distancing.
- Electors can vote without leaving their homes or at Help Centres with smaller crowds.
- Percentage of voters using Help Centres allows for social distancing and easy sanitizing of equipment between uses (in 2018, 237 or 9% of voters used the Civic Centre Help Centre).
- Reasonable costs for personal protective equipment for election staff.

Customer Service

- Provides flexibility and opportunity for participation.
- Allows for a longer voting period (10 days) and 24 hours/day voting until Monday, October 24, 2022 at 8:00 p.m.
- Electors can vote in the privacy of their own home or anywhere in the world.

- Electors can vote by telephone, smartphone, tablet or computer.
- Weather does not affect voting.
- Help Centres will be available throughout the voting period.
- Even if the current pandemic ends, it is likely to have long-term impacts on the ways in which electors feel comfortable voting. ITV supports changes in transaction habits.

Accessibility

- ITV supports independence, dignity, integration and equal opportunity.
- Voters can use their personal telephones or computers with accessibility features including high volume, headphones and talk-to-you (TTY) features.
- Help Centres will be available in accessible locations with ample parking. These locations provide electors who want to vote in person with the greatest access as they will be available throughout the 10-day voting period.

Voter Education

- The Town can build on the familiarity with the system from the 2018 election.
- Help Centres will be set up throughout the voting period to assist voters with general questions, registration and voting.

Proxies

- This method removes the need for proxies and enables absent voters to exercise their voting right by themselves.

Advance Poll

- A longer voting period removes the need for advance polls and offers more time – 24/7 voting – for the voting period.

Security

- Risks are mitigated with comprehensive security controls, including secure data centres, access controls, data confidentiality and data integrity.
- A two-step authentication process will be employed.
- Once an elector has voted they are automatically struck from the Voters' List and are unable to log into the system.
- When access credentials are issued to a voter, any previously issued credentials are automatically deactivated.
- With some systems, a digital image of every ballot cast can be created, along with the audit trail for that ballot.
- No significant attempts at voter fraud or other process challenges which would sufficiently influence the outcome of an election have been reported by Ontario municipalities using ITV. The Town did not receive any allegations of voter fraud in 2018 to refer to local police.
- The Town's network consultant has reviewed the technical platforms of the major service providers for ITV and is confident that all are capable of providing a secure service.
- Testing and auditing is performed throughout the various stages of implementation to ensure the validity and accuracy of the system is maintained.

Accuracy of Count

- The system prevents over voting, warns for under voting and does not enable a voter to mark the ballot in an unclear manner.
- The count is 100% accurate – there is no human error component or interpretation component to the count.
- No risk of spoiled ballots or unclear voter intent – every ballot counts.
- Early results – in 2018 the results were available at 8:15 p.m.

Resources, Staffing and Climate Change

- ITV is the most economical method due to lower staffing and postage costs and paperless format.
- The voting could be managed with existing staff. Some training would be required.
- Reduces the amount of paper as there are no printed ballots or voter kits.
- Reduces the reliance on transportation as only a small portion of voters travel in order to vote.

1.3 Drawbacks with ITV

- In the 2018 election, 12% of electors who voted used the telephone option. There were concerns associated with the telephone system including voice clarity and clarity of instructions. It is anticipated less voters will use the telephone option in 2022 because more people have adapted to the internet and technology as a result of the pandemic. It is also anticipated that the clarity issues will have been resolved since 2018.
- Voter Turnout
 - There is no clear evidence that ITV impacts voter turnout. While it can be perceived that a high voter turnout is evidence of the legitimacy of the voting system, a low voter turnout can also be a function of voter contentment or the interest generated by a particular race. In a review of Hanover's last four elections, voter turnout is generally lower when the mayoral race is not competitive and higher in years when it was, regardless of voting method:
 - 2006: vote by mail - voter turnout was 44.51% - the mayor was acclaimed
 - 2010: vote by mail - voter turnout was 48.12% - the mayor was acclaimed
 - 2014: vote by mail - the voter turnout was 56.39% - there were 3 candidates for mayor who split the vote 47.3%, 31.8% and 20.9%
 - 2018: internet/telephone voting - the voter turnout was 48.64% - there were two candidates for mayor - the successful candidate secured 68.4% of the vote
 - Voter turnout for 2018 was above the provincial turnout of 38.29% and Grey County's turnout of 40.07%.
- Voter Profile
 - Concerns about ITV disenfranchising senior voters was not evident in 2018 where turnout was highest among voters aged 60 and over, consistently bettering 60% for both men and women. Turnout was lowest among those under 35.
- Access
 - In 2018, approximately 86% of Canadians had a smart phone and 90% were connected to the internet. These numbers have increased as a result of COVID as many users of traditional transaction methods have turned to online options as a physically safer and more comfortable and accessible alternative. As was recently stated during the Ministers Forum at the AMO Conference, *"We can no longer be an off-line government in an on-line world."*
 - Help Centres will provide access to computers for those who do not have personal access and who prefer to use computers over the telephone.

2. VOTE-BY-MAIL

VBM was last used in Hanover for the 2014 election. VBM will support public health protocols, but there will be a higher cost, greater risk for spoiled ballots and reliance on the postal system (which undertook rotating strikes during the 2018 election period).

VBM requires the use of tabulators to manage the count of the election. Additional staff resources will be required for opening ballot envelopes the day of the election and then feeding

tabulators in addition to handling collated ballots after recorded. With VBM most Civic Centre office staff will be involved on election day with handling ballots. For council's information, the Town used 2 tabulators in 2014. One of the tabulators failed and staff had to scramble to get results in on time using a single tabulator.

2.1 How VBM Works

- Electors confirm they are on the Voters' List.
- Electors receive a Voting Kit in late September. The kit includes a voting instruction sheet, a composite ballot, a ballot secrecy envelope, a Voter Declaration Card with bar code, and a return envelope with prepaid postage.
- Electors complete the declaration, mark the ballot, place the ballot in the secrecy envelope, seal the secrecy envelope and then place the secrecy envelope and declaration into the return envelope and mail back or drop off to the Civic Centre.
- There is a "guaranteed mail return date" after which electors are advised to use personal delivery of the return envelope to ensure receipt by close of voting on Election Day.
- As return envelopes are received, the Voter Declaration Card is scanned which automatically strikes that voter off the Voters List. The secrecy envelope is then placed in a ballot box for safe keeping until Election Day tabulation.
- On Election Day, eligible ballots are counted by tabulator.
- When all ballots have been reviewed and eligible ballots counted, the tabulators will be closed and each will provide a tally that, combined, will be the election results.

2.2 Benefits of VBM

Public Health Protocols

- VBM allows electors to vote from home.

Customer Service and Accessibility

- VBM has the ability to enhance the convenience of voting for some resident and non-resident electors, but some may find it less convenient as there will be a "guaranteed mail return date" prior to Election Day to ensure receipt by close of polls.

Proxies and Advance Polls

- Removes the need for proxy voting and advance polls.

2.3 Drawbacks of VBM

- Security
 - Electors may mistakenly receive ballots intended for other individuals.
 - Electors may mistakenly disclose their identity by returning ballots in the wrong envelope.
 - Full reliance on the postal system to disseminate blank ballots and return completed ballots creates risk. The postal strike in 2018 presented some challenges for electors and municipal staff.
- Accuracy of Count
 - There is no ability to interact with a voter using VBM so ballots may need to be rejected because of inadvertent voter errors such as over-voting, or voters not including the signed declaration with their return envelope.
 - Ballots not clearly/sufficiently marked can be rejected by the tabulator because it cannot read a faint image. When this occurs and the intent of the elector is clear, staff could darken the mark so the tabulator could read it, but this creates some hesitancy from staff. With ITV there is no uncertainty - the system automatically prompts the voter of any problem and allows them to correct it before submitting their final vote.

- Accessibility
 - VBM may be more or less accessible than a traditional paper ballot, depending on an elector's disabilities – it is less accessible than ITV.
- Climate Change Initiatives
 - VBM is paper intensive as the voter kits require multiple envelopes, a page of instructions and a ballot.

3. COMBINATION OF INTERNET AND VOTE-BY-MAIL

Combining voting methods is possible, but it will add complexities and costs to the election. Combining internet and vote-by-mail, for example, would essentially result in conducting two separate elections simultaneously.

3.1. BENEFITS OF HYBRID INTERNET & VBM

- There would be no need for telephone voting. As outlined, there were some challenges experienced in 2018 with telephone voting; however, it is reasonable to assume that providers have resolved these issues.
- There would be less need for help centres, particularly in long-term care and retirement homes as voters can vote by mail.
- This method would capture 100% of eligible voters in terms of accessibility.
- Based on the experience in 2018, it is anticipated that fewer than 500 voters would choose to vote by mail meaning return postage costs would be minimal.

3.2. DRAWBACKS OF HYBRID INTERNET & VBM

- Resources and Staffing
 - Significant staff time and resources would be required to administer a hybrid election and operate two distinct voting systems.
- Cost
 - Would still require a full VMB system in addition to internet voting platform regardless of number of electors using each system. This would significantly increase expenses. A manual vote count could reduce cost if the projected 500 voters use VBM, however accuracy and timeliness of results would be affected.

4. MUNICIPAL COMPARISONS

In 2018, 194 Ontario municipalities used internet/telephone voting. Most municipalities are still in the planning stages for 2022, but it is likely that more will be using some combination of internet and telephone voting for the 2022 election. Hanover's most direct comparator in Grey County, Owen Sound, has opted to use internet/telephone again in 2022. Other county municipalities are considering using a combination of options including internet/telephone, vote by mail, and paper ballots primarily because of the rural nature of their communities and unreliable internet service.

FINANCIAL IMPLICATIONS

The costs of running a VBM and IV versus ITV voting system are outlined below. These are based on preliminary proposal from a service provider for VBM and IV services and preliminary estimates on other costs based on 5,500 eligible voters.

| Item | Vote by Mail & Internet Voting | Internet and Telephone Voting |
|------------------------------------|--------------------------------|-------------------------------|
| Voting Services | \$8,500 | \$8,500 |
| Election Management System Licence | \$3,700 | \$3,700 |
| Tabulators (2 x \$2,700) | \$5,400 | ---- |
| Remote Ballot Marking | \$8,525 | ---- |
| Voter Kits | \$15,925 | \$2,500 |
| Postage (voter kits, return mail) | \$5,400* | \$4,950 |
| Printing & Advertising | \$1,500 | \$1,500 |
| Travel/Training | \$1,000 | \$1,000 |
| Election Assistance | \$3,000 | \$1,000 |
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| Total Estimate | \$52,950 | \$23,150 |

* Cost may be significantly higher depending on the weight of the voter kit.

In summary:

- Costs to run a VBM/IV system is estimated to be approximately \$53,000 versus \$23,000 for an ITV system. The VBM component adds about \$30,000 to the costs for a system that is likely to result in less than 500 voters using.
- If a postal strike was to occur, these costs would increase as a robust advertising campaign would be necessary to explain where and how to return voter kits.

LINK TO STRATEGIC PLAN

This report supports the indicated Strategic Directions and Goals of the Town of Hanover.

☐ **Strategic Direction #1: Economic Development**

Goal: To create an environment that supports economic diversification, a broader range of attractive employment opportunities and our role as a regional centre in order to retain existing residents and businesses and attract investment and new families to the community.

☒ **Strategic Direction #2: Community**

Goal: To support initiatives that contribute to healthier residents, more active and rewarding lifestyles, increased cultural activity and a safer community.

☒ **Strategic Direction #3: Environment**

Goal: To preserve or enhance our natural surroundings while implementing local initiatives toward a more sustainable community.

☒ **Strategic Direction #4: Sustainable Municipal Operations**

Goal: To continuously review the financial and operational aspects of municipal programs and services and support the maintenance, rehabilitation and reconstruction of our infrastructure.

Respectfully submitted,



Brian Tocheri
CAO/Clerk

2022 Election Timelines

2021

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| Fall 2021 | <p>Revisit the merits of the following bylaws and report to council for decision if necessary:</p> <ul style="list-style-type: none"> • Language of notices and forms, s.9; • Policy regarding circumstances in which a municipality requires a recount; • Contribution rebates, s.88.11. <p>Clerk to decide:</p> <ul style="list-style-type: none"> ○ E-filing of financial statements, ss.88.25(11) and 88.29(9); ○ Hours of voting at institutions; ○ Any voting places opening before 10:00 am |
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2022

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| Beginning of Year | <ul style="list-style-type: none"> • Prepare package of information for candidates and list of information to be obtained from candidates at time of filing. • Calculate preliminary maximum campaign expense limit • Publish Notice of Nomination Period, s.32. |
| February 19 | <p>Last day for notice of intent to pass a bylaw to submit question to electors, s.8.1(3).</p> <p>Note: At least one public meeting to be held prior to passage of by-law.</p> |
| March 1 | Last day to pass a by-law to submit a question to the electors. s.8.1(1) |
| March 16 | <p>Last day to give notice of passing a by-law to submit a question to electors. s.8.1(3)</p> <ul style="list-style-type: none"> • The last day to file an appeal of the by-law is within 20 days after it has been passed. • Within 15 days after passing the by-law, the clerk shall give notice to the public and the Minister of the passing of a by-law to submit a question to the electors. s.8.1(4) • Within 60 days of receiving any notices of appeal, the Chief Electoral Officer shall hold a hearing regarding the appeal of the by-law s.8.1(9) |
| March 31 | Deadline for ward/poll data (defining voting subdivisions) to be submitted to MPAC, s.18(1-2). |
| April 3 | Deadline for school boards to provide school board election clerks with a copy of the report on determination and distribution of trustees; <i>Education Act</i> , Reg. 412/00 ss.9 |

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| April 30 | Last day for municipality and local boards to establish rules and procedures regarding the use of municipal resources during election campaign period. s.88.18 |
| May 1 | <ul style="list-style-type: none"> • Deadline to pass a by-law authorizing the use of voting and vote-counting equipment and/or alternate voting method. s.42(2) • Last day to pass a by-law with respect to the circumstances in which the clerk shall hold a recount. s.56(5) |
| May 2 | <p>Nomination period begins, s.33.</p> <ul style="list-style-type: none"> • On day candidate files, give candidate preliminary maximum campaign expense limit, s.33.01. • Provide candidate with interim maximum amount of contributions to candidates own election campaign. s.33.0.2 • Provide candidate notice of penalties related to campaign finances, s.33.1. • Provide candidates with a copy of procedures and forms established for vote-counting equipment or alternative voting method, s.42(3). • First day Notice of Registration as Third-Party Advertiser can be filed, s.88.6(7). |
| June 1 | Final date to establish procedures and forms for use of voting or vote-counting equipment or alternative voting method. s.42(4) |
| July 31 | Last day for MPAC to provide preliminary list of electors. s.19(1.1) |
| August 19 | <p>Nomination Day (9am to 2pm) s.31</p> <ul style="list-style-type: none"> • Deadline for candidates to file or withdraw a nomination (2pm) s.33(4-4.1) |
| August 19 | Last day to revoke a by-law to submit a question to the electors |
| August 22 | <ul style="list-style-type: none"> • Certification of nomination papers by 4pm s.35(1) • Declare acclamation(s) after 4pm. s.37(2) • First day for an elector can appoint proxy (unless additional nominations required) s.44(4) |
| August 24 | <ul style="list-style-type: none"> • If necessary, additional nominations will be received between 9am to 2pm s.33(5) • Withdrawal of additional nomination in writing by 2pm s.36 |
| August 25 | <ul style="list-style-type: none"> • Certification of additional nominations by 4pm. s.35(1) • Declare acclamation(s) after 4pm. s.37(2) |
| August & September | <ul style="list-style-type: none"> • Mail voter identification notice (optional). • Ad – Watch for voter identification notice (optional). • Ad – Is your name on the voters' list? (optional). • Ad – Notice of Nomination Period (for additional nominations). |
| Sept 1 | <ul style="list-style-type: none"> • Last day for reproducing the voters' list and determining revision procedures s.23(2) |

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| | <ul style="list-style-type: none"> ○ Upon written request – necessary before copy of voters' list can be supplied to those referred to under ss.23(3) ○ Upon written request – necessary before copy of voters' list of names of electors qualified to vote for the office can be provided s.23(4) <ul style="list-style-type: none"> • Revision Period for Voters List (Sept 1 to close of voting on voting day Oct 24th) • Determine head count for voting locations to be held at an institution with ≥ 20 beds occupied and ≥ 50 beds occupied at a retirement home as of this date. s.45(7) • Determine time and place for receipt of applications for revisions, s.23(2). |
| Sept 15 to 26 | <ul style="list-style-type: none"> • Prepare and distribute interim list of changes to the voters' list that were approved on or before Sept 15 s.27(1) |
| Sept 23 | Last day to revoke by-law to submit a question to electors s.8.1(1) |
| Sept 24 | Earliest date for mandatory advance voting day. s.43(3) |
| Sept 26 | <ul style="list-style-type: none"> • Last day to provide copy of the interim list of electors to each person previously provided a copy s.27(1) • Issue Certificate of Maximum Campaign Spending Limits to candidates and third-party advertising registrants. <ul style="list-style-type: none"> ○ Provide candidate with: <ul style="list-style-type: none"> - Certificate of applicable maximum expenses s.88.20(6) - Certificate of applicable maximum contributions s.88.9.1(4) - Certificate of applicable maximum amount for third parties after voting day s.88.20(9) - Provide registered third parties with maximum expense amounts s.88.21(14) |
| Oct 1 | <p>Deadline to establish compliance audit committee (CAC) for 2022-2026 term of office. s.88.37(1)</p> <ul style="list-style-type: none"> • CAC shall be composed of three to seven members and its term shall match that of council. • The Clerk shall establish administrative practices and procedures for the compliance audit committee, s.88.37(6). <p>Note: Clerk should alert the secretary(ies) of school board(s) of similar requirements to establish a CAC and administrative procedures.</p> |
| Oct 10 | Deadline to request use of specific facilities for voting places without a charge. |
| Oct 21 | Deadline for third party advertisers to file their notice of registration s.88.6(7) |
| Oct 21 | Last day for third-party advertisers to register. S.88.6(7) |

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| Oct 23 | <ul style="list-style-type: none"> • Last day to provide candidates with notice of penalties related to campaign finances and the refund of the nomination filing fee. S.33.1 • Last day to prepare an accessibility plan (i.e., identifications, removal and prevention of barriers), s.12.1(2). Suggestion is to have this prepared ahead of advance voting for the public. |
| Oct 24 | <p>Voting Day</p> <ul style="list-style-type: none"> • Voting locations (help centres) open at 10am and close at 8pm, s.46(1). (Note: Unless earlier opening established by the Clerk). • Deadline for applications to vote by proxy and for applications to amend the voters' list. <p>Unofficial election results traditionally released as soon as practicable, after 8:00 pm close of vote and all statements of counts have been returned and compiled by the Clerk.</p> |
| Oct 25 | <p>Clerk to declare official election results as soon as possible after voting day (post on website) s.55(4.1)</p> <p>From date of declaration of official election results:</p> <ul style="list-style-type: none"> ○ Clerk has 15 days to conduct a recount in event of a tie or in accordance with any recount policy passed by municipality or school board s.56(2) ○ Council or school board has 30 days to pass motion requesting recount. ○ Minister has 30 days to order recount regarding question ○ Once all opportunity for a recount has expired, Clerk to certify results and advise upper tier, local board (and Minister in the case of a question on the ballot). |
| Nov 7 | First date on which council may consider a by-law to which the electors have given assent (14 days after declaration of results). |
| Nov 15 | <p>New Term of Office begins s.6(1)</p> <p>New council deemed organized when quorum of members have taken declaration of office <i>Municipal Act, 2001</i>, s.231</p> |
| Nov 23 | Final date to provide MPAC with the final list of changes to the voters' list, s.27(2) |
| Dec 16 | Deadline for inaugural council meeting <i>Municipal Act, 2001</i> , s. 230 |
| Jan 3, 2023 | <p>Campaign period ends s.88.24(1), s.88.28</p> <p>Deadline for candidate to provide Clerk with written notification of deficit and continuation of campaign period s.88.2.4(1-4) (This also applies to third-party advertisers)</p> |

**This timeline is provided for information purposes only.
Candidates should refer to the Act and associated regulation(s).**