

## Council-In-Committee Meeting – December 14, 2021

Subject: Alternative Voting and Vote Counting Methods  
Report Number: CAO 21-92  
Division: Chief Administrative Officer  
Department: Clerks and By-Law  
Purpose: For Decision

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### Recommendation(s):

THAT the STAFF REPORT 21-92: Alternative Voting and Vote Counting Methods be received for information;

AND THAT a by-law, substantially in a form as set out in Appendix 1, be passed to authorize the use of voting and vote tabulating equipment for Norfolk County Municipal Elections, and to repeal By-law 2017-44;

AND THAT staff further explore Special Mail-in Ballots and a Home Voting Service for use as an alternative voting method for the 2022 municipal election, and bring forward a report outlining these options in Q1 for Council consideration.

### Executive Summary:

The next municipal election for Norfolk County will be held on Monday, October 24, 2022. Section 42 of the *Municipal Elections Act, 1996* (MEA) permits municipal Councils to pass by-laws to authorize the use of voting and vote-counting equipment. In addition, the MEA permits the use of alternative voting methods that do not require electors to attend a voting place.

Norfolk County uses vote tabulators and accessible voting units at voting locations. This report recommends passing a by-law to authorize the use of accessible voting machines, vote tabulators and to introduce a home voting service for homebound Norfolk County electors at the discretion of the County Clerk. This report further recommends repealing By-Law 2017-44.

### Discussion:

## Background:

Municipal elections occur every four years in Ontario and there are many elements that need to be in place as required by legislation. While much of the administrative details related to the election are the authority of the Municipal Clerk, Council has a role to play in determining some of the parameters. Areas that require Council determination include:

- Placing a question on the ballot
- Language of forms to be used, if other than English
- Authorizing the use of vote-counting equipment
- Authorizing electors to use an alternative voting method that does not require electors to attend at a voting location 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 (Norfolk County Policy CAO-09)
- Establishing a Compliance Audit Committee by October 1 of an election year

The regulations and timelines for these requirements are regulated through the *Municipal Elections Act, 1996*. 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. By-Law 2017-44 authorized the use of vote tabulating equipment for Norfolk County for the 2018 municipal election. At the early stages of planning for each election, a report is presented to Council to consider alternative voting methods. A by-law authorizing the use of voting and vote counting equipment must be passed before May 1, 2022 in order for the County to use vote tabulators and accessible voting units in 2022. The County currently has a contract with Dominion Voting for this service until after the 2022 municipal election.

If Council wishes for staff to proceed with alternative voting methods, staff will require time to plan for the procurement and procedures required.

### Voting Methods

There are five commonly-used voting methods (three of which are considered alternative voting methods) used by Ontario municipalities listed below. Alternative voting methods are typically used for accessibility and convenience. The ongoing COVID-19 pandemic highlighted the need for offering alternative methods to address physical distancing and limiting exposure of individuals to public events. The five voting methods are:

1. **Traditional Paper Ballots – Hand Count** (voters attend a voting location and make a physical mark on a printed ballot, ballots are collected and counted by Election Staff at the end of the night and results are reported back to the Elections office). Hand counting has not been done in Norfolk County since 2003.

2. **Traditional Paper Ballots – At Poll Electronic Vote Tabulators** (voters attend a voting location and make a physical mark on a printed ballot, ballots are inserted by the elector into a tabulator, counted and deposited into a ballot box). Results are compiled and reported to the Elections Office by the tabulator immediately following the close of vote. This technology ensures confidentiality of the vote, and makes the process of counting ballots efficient and timely. Norfolk County has been using this type of voting at regular municipal elections over the past few terms of Council and note that electors are familiar with this technology. Staff recommend continuing with this process for both the advanced vote and Election Day in 2022 and further recommend passing a by-law that allows for alternate vote-counting equipment for future elections for the efficiency it provides.
  
3. **A) Mail-In Ballots as a primary method** - (ballots are mailed to each elector, and returned either in-person or by return mail to the municipality, to be counted following the close of vote by either hand count or tabulator). Norfolk County used this type of method solely for the 2021 Ward 2 By-election as a result of the COVID-19 pandemic. A summary report on this method of voting was provided at the November 9, 2021 Council-in-Committee meeting in Staff Report CAO 21-79.

Some of the benefits of mail-in voting are that it provides an opportunity for electors to cast their ballot without attending a physical voting location – electors who cannot visit a voting location can vote independently, rather than appointing a proxy voter to vote on their behalf. It also provides convenience for those electors who know they will be unable to vote at any of the advance voting dates or on Voting Day.

Some of the risks include having to rely on the mail system. There is potential for ballots to be lost or damaged in the mail, and completed ballots may be received after Voting Day, and so would be rejected. Mail-in voting would not be an accessible method of voting for electors who are moving residences or who experience homelessness or may not have a consistent address. Additionally, with in-person voting, staff make every attempt to ensure that an elector can vote privately, in secrecy and without the influence of others – this cannot be accomplished in a remote voting environment. Security of the vote and knowing who is marking a ballot may be a concern.

As outlined in Staff Report CAO 21-79, additional staff is required to administer a mail-in voting program and this voting method comes at an additional cost. Staff do not recommend this as the primary voting method for conducting the 2022 municipal election.

**B) Special Mail-In Ballots** – (provides the mail-in ballot option through a request-only process. The request for the Special Mail-In Ballot must be submitted by the elector during a specific application period and would require

proof of identification with their request.) Upon review of the application, staff would determine elector eligibility. At the end of the application period, staff would create a listing of electors who are voting by mail and work with the County's designated provider to mail special voting kits to those electors. Determination would need to be made if receipt of the Special Mail-In Ballot would only be allowed through Canada Post or if drop boxes would be available (similar to the Ward 2 By-Election). Electors who opt for this voting method would not be eligible to vote in person if a vote-by-mail kit was sent to them.

The Special Mail-In Ballot option may be preferred by some voters who use mail on a regular basis and are confident in the postal system.

Special Mail-In Ballot voting was used as an alternative voting method in combination with in-person voting in both Ottawa and Toronto during recent by-elections held:

<b>City By-election</b>	<b>Timeframe</b>	<b># of mail-in ballots cast</b>	<b>Total # of ballots cast</b>	<b>% of Electors voting by mail</b>
City of Ottawa	Oct. 2020	1,234	8,713	14%
*City of Toronto	Jan. 2021	3,515	12,127	29%

\* By-election was during a provincial lock-down order

As the timeframes involved with preparing and mailing out voting kits and having them mailed back by Voting Day are imperative, this option would only 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 would not be available to them. Based on the Ward 2 By-Election, for 6,300 special vote-by-mail kits the cost was approximately \$17,500. This includes the software application, a set-up fee, and 6,300 Vote-By-Mail kits. Additionally, \$7,700 was required for postage, bringing the total cost to \$25,200 or approximately \$4/elector. Staff would estimate 10% of the 46,400 eligible electors may opt for a special mail-in ballot option. It should be noted that this option would involve additional staff time to process the requests and prepare and send out the kits. Using this method for a regular election would also need to take into consideration the ability to provide composite ballot needs for both the various ward and school board candidates. It is difficult to determine how many electors would opt for this provision however recognizing that it may be a small number of voters who would be expected to request this service, staff are concerned the cost and resources required may be prohibitive. The additional funding, which would be over and above the regular costs for an election, has not been forecasted for the 2022 election budget. Should Council wish for staff to explore further, an update can be provided in Q1 of 2022.

4. **Telephone Voting** (voters call in to an automated system, provide identity verification and cast their vote using a touch-tone menu). Telephone voting uses a similar platform to internet voting and is often provided concurrently with internet voting. In recent years, fewer municipalities have adopted this method 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. Staff do not recommend using this option.
5. **Internet Voting** (voters log-on to an internet portal, provide identity verification and cast their vote on-line). Internet voting has been used in Ontario municipal elections since 2003. Many municipalities use this method as an alternative option in addition to in-person voting, and some municipalities solely utilize the internet voting method.

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 United States must be certified by the United States 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 collaborated to procure a third-party independent consultant to audit their alternative voting systems. Should Council wish to implement this method, staff would need to investigate 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. (Under votes 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 provides barrier-free voting options to members of our community who are living with disabilities allowing individuals to utilize a screen reader or to adjust colour contrast, screen size, and font size as best suits their needs. Internet voting may also provide an increased level of comfort for individuals using mobility devices as they can vote from their home. Any voting platform explored would be required to meet WCAG 2.0 Level AA compliance as a part of the procurement process.

It should be emphasized that currently the County does not have the Information Technology (IT) staff resources to implement and host an internet voting application and that should Council wish to explore this option, a third party vendor would have to be used. Initial cost estimates to implement internet voting through our designated vendor, for advanced vote only, would be approximately \$44,080 plus tax. This additional funding, which would be over and above the regular costs for an election, has not been forecasted for the 2022 election budget.

The County Clerk notes that the timelines to explore voting methods not previously utilized are tight and it may be challenging to successfully implement this method without adequate preparation time. Staff could support, in principle, exploring the implementation of internet voting for 2022 if time and resources can be committed, but would prefer to defer consideration of internet voting to the 2026 municipal election. This would allow for proper planning, resource allocation and budget provisions.

### Home Voting Service

Another option that could be considered is a Home Voting Service for electors who are homebound (i.e. electors who cannot leave their home due to illness, injury or disability). This type of program has been implemented in other municipalities such as the Cities of Toronto and Brampton and the Town of Newmarket. In 2014, the City of Brampton (population 570,000) provided this service to 50 electors.

This type of method could be implemented during the advanced voting period, with dates and times to be established by the County Clerk. The service would be based on the following guidelines:

- An elector who is home-bound due to illness, injury or disability may contact the Election Office to request a home voting appointment – an elector is not required to provide the reason they are home-bound, but they will be required to sign an acknowledgement form stating they are home-bound due to illness, injury or disability and are choosing to vote using the home voting service.
- Election staff will review the elector's information and will verbally confirm their eligibility to vote and will schedule an appointment time during the advance voting

period, to visit the elector during the County's business hours. Staff will also confirm whether a caregiver will be present or if the elector requires assistance to mark the ballot.

- A team of two staff members, appointed as Deputy Returning Officers (DROs), will attend the elector's home and provide them with the appropriate ballot in order to vote. Staff will review the elector's identification and administer any oaths during the visit, and the elector can vote independently in their home. The elector will place their completed ballot in a sealed ballot box, which will be returned to the Election Office for secure keeping until Election night results tabulation takes place.
- In consideration of the COVID-19 pandemic, staff will review the County's Emergency Management policies and adjust the process where appropriate, to ensure the safety of both our staff and of electors and their caregivers. For example, based on the state of the pandemic next October, staff may be required to wear personal protective equipment during the visit, and it may be recommended that staff wait at the elector's doorstep, rather than enter their home, if required.
- Electors may also be required to complete a COVID-19 screening when making an appointment and at the start of the scheduled visit. For the safety of our staff, this service would not be provided to electors who do not pass the COVID-19 screening – such electors may use the proxy voting process to vote in the election. Proxy voting is a process legislated under the MEA, which allows an elector to appoint another elector to vote on his or her behalf.
- Leading up to the advance-voting period, as the state of the pandemic continues to evolve, staff will continue to work with the Emergency Management Team and other internal stakeholders to review best practices for serving electors at their homes. If deemed necessary based on current health regulations, the Clerk may use her discretion to alter or suspend the program for the 2022 Municipal Election.

The cost to administer this program is minor. Voting supplies would be used from existing inventory and Election Office staff would be available to administer the program. Additional costs for mileage of election workers will be budgeted through the Election Operating Account.

This option would not apply to Long-term Care Facilities, as we would still be required to provide an election location at these centres as required by the Municipal Elections Act.

#### Alternative Voting Methods Summary

Any of the noted voting methods can be implemented as a stand-alone voting method or used alongside other voting methods. Studies conducted on the effect of alternative voting indicate that remote voting methods do not increase voter turnout to any great extent, rather they tend to transfer the voting method for voters.

The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) completed a post-election survey (of which 263 municipalities responded) after the 2018

municipal election to determine the percentage of municipalities who employed each voting method for advanced and election-day voting (more than one method may have been employed). The results are indicated below:

<b>Method</b>	<b>2014</b>	<b>2018</b>
Paper Ballot	57%	50%
Vote by Internet	29%	50%
Vote by Phone	24%	No data (combined with internet voting)
Mail-in Ballot	22%	18%

Staff recognize that alternative voting methods may be of significant benefit to seasonal residences in the County, as it may encourage non-resident property owners to participate in the election, where they otherwise may not vote.

A scan of neighbouring municipalities indicates that the City of Brantford, the County of Brant and Haldimand County have passed by-laws to proceed with alternative voting methods as noted below.

- City of Brantford has been offering a combination of traditional in-person and internet voting since 2014 and will continue with this approach in 2022. They offer internet voting during advanced vote only.
- County of Brant will be offering a combination of traditional in-person and internet voting for both advanced vote and Election Day.
- Haldimand County will be offering a combination of traditional in-person and internet voting in 2022. They will offer the internet voting for advanced vote only and subject to the ability to procure and implement the process to meet the regulated timelines.

It should be noted that increasing the number of ways that votes will be cast would increase the complexity of the vote counting/compiling process, the resources required and the cost of the election.

2022 Municipal Election Recommendation

Staff are recommending continuing to offer Traditional In-Person Voting for the 2022 election as the primary manner for conducting the election. The Clerk’s Office has developed all the required policies and procedures required for this method and has data and practices from previous elections to ensure successful implementation. Clerk’s staff also has experience in managing public attendance through the COVID restrictions based on the 2021 Ward 2 By-election process and learnings from the Health Units COVID vaccine clinics.

Staff would not recommend using internet voting in the 2022 election but would be open to exploring the possibility of Special Mail-in Ballot provisions or the Home-Voting

Service as alternative voting methods and a further report related to these two alternatives could be brought forward in Q1 for Council consideration, should Council wish for staff to explore further.

The Special Mail-In Ballot provisions would be subject to the vendor being able to provide the ballots in a timely manner and an increase in the election budget.

### **Financial Services Comments:**

As outlined in the report, staff are not recommending the use of the hand counted traditional paper ballot process nor the telephone voting option as primary voting methods and therefore have not been evaluated from a financial perspective.

Council should note that the incremental costs associated with each of the alternatives outlined below would result in an increased transfer to the Election Reserve to support the higher costs of the initiatives. The current Election Reserve contribution was established based on historical spending based on the traditional approach.

**Internet Voting:** Staff are not recommending the implementation of an internet voting process for the 2022 election as a primary method, however, for Council's consideration, the incremental costs associated with this method are estimated to be approximately \$56,900 as outlined in the body of the report if deployed for advanced voting. This includes the internet voting system lease (including support) from the current provider (under contract until December 31, 2022), as well as additional internal IT support costs to administer a potential internet voting centre to provide access for voters without sufficient internet access. Please note that this is based on contract pricing from the current vendor which requires the internet voting system to be deployed in concert with the traditional tabulator system. The estimated additional reserve contribution would be \$14,200 per year over 4 years to support this alternative. As mentioned, further analysis would be required if Council wishes to explore an internal approach to hosting a voting application.

**Mail-in Ballots (As a Primary Method):** Staff are not recommending implementing this option for a full Municipal Election, however, based on the costs incurred for the Ward 2 By-Election to prepare and process approximately 6,300 voting packages (per CAO 21-79), the incremental cost of rolling this out on a larger scale as a primary voting method is estimated at approximately \$198,100, however, more comprehensive analysis would be required if Council wishes to proceed with this alternative on a large scale. This option would require an estimated additional reserve contribution of \$49,500 per year over 4 years to support the cost increase.

**Mail-in Ballots (Special Request-Only):** The incremental costs associated with this alternative method to support the traditional voting process for individuals unable to vote in-person are estimated at \$18,700 based on 10% of eligible electors (approximate 46,400 eligible electors at \$4/elector) requiring alternative access (used high estimate to be conservative). This financial estimate excludes the requirements for additional

staffing, which would be further explored should Council wish to staff to pursue this option, and would be provided in the Q1 update report. The estimated additional reserve contribution would be \$4,700 per year over 4 years to support this alternative using these assumptions (excluding the staffing), however actual requirement may be much lower.

**Home Voting Service (Special Request-Only):** As outlined in the report commentary, the expected utilization of this option is expected to be minimal and consists of a small mileage amount paid to election workers to administer the vote. Current election staff complement would be utilized to provide this service. Estimated incremental costs would be minimal (approximately \$1,000) and could be accommodated within the traditional elections budget.

Additional advertising costs may be required to increase awareness related to these non-traditional voting alternatives and is estimated at approximately \$2,000 based on overall 2018 advertising costs, but would be dependent on the option and scope approved by Council.

#### **Interdepartmental Implications:**

#### **Consultation(s):**

Staff consulted with municipal colleagues, AMCTO Zone 3 Election colleagues, and Clerks and Elections staff from Brant County, the City of Brantford and Haldimand County.

#### **Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priorities "Focus on Service" and "Build Solid Foundations".

#### **Explanation:**

Using common sense approaches and creating outstanding customer experiences while finding savings, efficiencies and continuous improvement.

#### **Conclusion:**

Voting in municipal elections is one of the most important ways for citizens to engage in municipal governance. This report provides an overview of the voting methods considered for the 2022 Municipal Election to allow electors to cast their ballot in an efficient and accessible manner.

To meet the requirements of the MEA, staff recommends passing a by-law for voting and vote counting equipment (a draft by-law is included as Appendix 1 to this report),

and repealing By-law 2017-44, the by-law enacted for the 2018 municipal election. The draft by-law provides clarifying language that also authorizes the use of accessible voting equipment at voting locations.

**Attachment(s):**

Attachment 1: By-Law: Voting and Vote Tabulating

Attachment 2: By-Law 2017-44

Submitted By:  
Al Meneses  
Chief Administrative Officer  
For more information, call:  
519-426-5860 ext. 1225

Prepared and Reviewed By:  
Teresa Olsen  
County Clerk  
For more information, call:  
519-426-5860 ext. 1228