

Staff Report 2022-0033

Meeting Date: February 15, 2022

Subject: Proposed 2022 Municipal and School Board Election Voting Method

Submitted By: Laura Hall, Director, Corporate Services / Town Clerk
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RECOMMENDATION

That the 2022 Municipal and School Board election be conducted using an in-person paper ballot process, outlined within Staff Report 2022-0033;

That a By-law be brought forward to authorize the use of voting and vote-counting equipment such as voting machines, voting recorders and optical scanning vote tabulators for the 2022 Municipal and School Board election; and

That a draw of the remaining funds from the Election Reserve in the amount of \$453,308.43 to fund the 2022 Municipal and School Board election process operating budget be approved.

REPORT HIGHLIGHTS

- The next Municipal Council and School Board election will take place on October 24, 2022 and the *Municipal Elections Act, 1996, as amended* (MEA), requires the method of election to be authorized through a By-law by May 1, 2022.
- A Voting Options Survey was made available to assess the preferences of the public with internet voting and an in-person paper ballot election being the most popular options in that order.
- Based on the experience of municipalities in the 2018 election where internet voting had technical difficulties, there are concerns with the reliability of this method, questions have further been raised regarding whether it meets key democratic principles and internet connectivity varies across the Town.
- In-person paper ballot voting, the traditional method used by the Town, is very secure as it carefully verifies the identity and eligibility of voters and creates an anonymous physical back up in the form of ballots if there is any question about the election results or a recount is necessary.
- An in-person election can be conducted safely during the COVID-19 pandemic as several municipalities successfully held By-elections in 2020 and recently in 2021 the Federal election was completed.
- Should the in-person method be adopted for the Town's election, a vote anywhere system will be used to assuage any issues related to the ward boundary changes.
- It is recommended that the in-person paper ballot method be implemented for the 2022 Municipal and School Board election.

- Staff are seeking to utilize all the funds available for the use of the 2022 election in the amount of \$453,308.43 with any unused amount following the election transferred back to the reserve.

DISCUSSION

Background

The next Municipal Council and School Board election will take place on Monday, October 24, 2022. The Mayor and Councillors for the Town of Caledon will be elected for the 2022-2026 term, including those providing representation on Peel Regional Council. In addition, the Town is responsible for carrying out the election of Trustees for the Dufferin-Peel Catholic District and Peel District School Boards. The purpose of this report is to provide Members of Council with information on election planning to date and seek approval for the type of election to be held.

Legislative Requirement

Staff have begun planning for the 2022 election, primarily governed by the *Municipal Elections Act, 1996, as amended*. The MEA sets out a timeline of tasks to be completed throughout the planning process including several requiring Council approval. By May 1, 2022, the method of the election must be selected. Pursuant to Section 42 of the MEA, a By-law must be passed by this date to authorize the use of voting and vote-counting equipment such as voting machines, recorders and tabulators and/or to use alternative methods including voting by mail, telephone or internet. This is a key decision as it determines the type of election that will be held and guides the planning process.

Method of Election

To assist in determining the appropriate method for the election, staff conducted a Voting Options Survey to consider the preferences of the public. Further, an in-depth review was completed to assess the feasibility of the two most popular options identified, internet voting and an in-person paper ballot election. The full survey results are attached as Schedule A to this Staff Report. Further, attached as Schedule B is a summary of the pros and cons of the two preferred options.

Voting Options Survey

Between November and December 2021 staff made a survey available to members of the public to assess preferred voting options. The survey was open for over 30 days with 183 respondents providing feedback. Almost all of those who responded identified as being eligible to vote in the next Municipal and School Board election with 84% having previously voted in the 2018 election. The two most preferred methods of voting in order were by

internet and in-person paper ballot (the traditional method in Caledon) followed by mail-in ballots and telephone voting as the least popular option.

Respondents had the opportunity to explain their voting preferences. Internet voting had many supportive comments focused on the fact that it may be a convenient, fast and modern option that permits voting from home during the pandemic. However, concerns were raised over the security and integrity of internet voting and it was expressed that not everyone may have access to the internet, specifically in rural areas. In contrast, in-person voting was seen as being a proven and secure method with less chance of fraud or misrepresentation by verifying that the eligible voter is the person casting their ballot. Respondents expressed concerns with mail in ballots being lost or not being delivered in time.

Finally, respondents were able to identify if they experienced certain difficulties in the 2018 election. While comments noted satisfaction with how the 2018 election was carried out, the most common difficulty, identified by 17% of respondents, was that advanced voting days/times were not convenient. However, significant support for advanced voting days, including increasing the number, was expressed and internet voting remained a favoured option.

Challenges with Internet Voting

Despite internet voting being a popular option in the survey, staff feel that there are several challenges to this method. Based on the experiences of other municipalities in the 2018 Municipal and School Board election, staff have concerns about the reliability of internet voting. In the 2018 election, approximately 51 municipalities using online voting experienced technical difficulties on voting day causing systems to slow or go down entirely. In response, affected municipalities extended their voting hours or even declared an emergency under the MEA to extend voting for an extra day. This type of event can cause uncertainty about the results of an election as voters could be discouraged from voting.

Concerns have further been raised as to whether online voting currently meets key democratic principles established by case law. An analysis of online voting in the 2018 election¹, authored by Associate Professor Aleksander Essex of Western University, reveals potential issues. For example, as online voting is unsupervised, it cannot be fully verified that votes are actually cast by the eligible voter themselves independently and without influence. Though this may take a casual form, such as a parent voting on behalf of their child living in another city, it does create ambiguity around whether all votes are properly cast by an eligible voter in secret. The author further raises the question of whether the position of a scrutineer in an online election is democratically meaningful as

¹ [Online Voting in Ontario's Municipal Elections A Conflict of Legal Principles and Technology](#)

their ability to fulfil their role is substantially limited in a remote setting. Finally, the article identifies cybersecurity risks and in the event of a recount or uncertainty being raised about election results, staff may have no external way to validate online votes cast as can be done with physical paper ballots.

For an election to be fair, voters should have equal access to casting a ballot to avoid creating a disparity. Internet connectivity in Caledon, particularly in rural areas, is an ongoing challenge. Internet coverage and speed vary across the Town with residents in more populated areas such as Bolton, Alton, Southfields, Palgrave, Belfountain, Caledon East and Caledon Village generally having better connectivity. Voting using a cell phone or tablet may be an alternative but could still require some residents to travel for a proper signal, reducing the convenience of this option. As the Province announced an ambitious plan to connect every region in Ontario to high-speed internet by the end of 2025, online voting may be a more realistic option for the next election in 2026. Based on the above factors, staff do not believe that the Town is currently in a position to guarantee a successful election by internet voting.

In-Person Paper Ballot Voting

The Voting Options Survey found the second most popular method to be an in-person election which is the traditional approach used by the Town. For the 2022 Municipal Council and School Board election, it is recommended that staff be authorized to implement an in-person paper ballot process. Locations accessible for those with disabilities, such as community centres and schools, are used as voting locations where residents attend in-person. Physical paper ballots are distributed upon election staff confirming a voter's identity and eligibility (often by photo I.D.) at which time they are removed from an electronic voter's list. An individual votes independently behind a privacy screen and ballot marking devices with various accessibility features are available. Using a tabulator machine, physical ballots are immediately counted after being marked and the voter then places it into a sealed ballot box.

This type of election is very secure as it carefully verifies the eligibility of all voters and provides a reliable and anonymous physical back up in the form of paper ballots in the event of a recount or any technical difficulties with vote counting equipment. Scrutineers on behalf of candidates are also easily able to attend voting locations to oversee the process in accordance with applicable rules. Finally, staff have significant experience with successfully planning and managing such an election.

Pandemic Management

It should be anticipated that the COVID-19 pandemic will be ongoing at the time of the election in October 2022. This was the case for municipal By-elections held in Ottawa, Cambridge and Windsor during 2020 as well as the recent Federal election held in

September 2021. In each case, in-person voting was successfully carried out. Special measures were implemented to ensure a safe process such as:

- enhanced cleaning and sanitization;
- sanitization of pens and secrecy sleeves between uses;
- requiring electors to wear masks in voting locations;
- distributing masks as necessary to those requiring one;
- installing signage and floor markers to ensure physical distancing; and
- including hand sanitizing stations at all voting places.

Further, voting by proxy permits a person to appoint someone to vote on their behalf pursuant to the MEA and with the approval of the Clerk.

Vote Anywhere Model

Should the approach of an in-person election be adopted, staff will implement a vote anywhere model. This permits electors to cast their ballot at any voting location throughout the Town in contrast to past elections where voting could only be completed at a specific location in the correct ward. Following the Town's Ward Boundary review completed in 2021, a vote anywhere model will ensure a flexible and easy experience for residents even if there is uncertainty about the ward in which they reside. Due to the changes voters will be navigating, staff believe a traditional in-person style of election is appropriate following the Ward Boundary Review. Further, the in-person method ensures that election staff are present and available at voting locations if residents require any assistance or clarification as a result of the changes to wards. A vote anywhere model will introduce an important improvement while continuing to offer a familiar style of election for residents despite the changes made by the Ward Boundary Review.

Increased Advanced Voting

Consistent with the preference identified through the Voting Options Survey, staff intend to increase the opportunity for advanced voting should an in-person election be used. In the 2018 election, four advanced days at four locations were provided creating 16 opportunities for electors. In preliminary discussions to date, staff have considered increasing this to five days with 11 locations resulting in 34 opportunities to vote in an advanced day. This would assist in managing the volume of voters on election day.

Supply Chain Challenges

In election planning meetings with other local municipalities, staff have become aware of potential global supply chain concerns resulting from the pandemic which could potentially create a shortage of tabulator devices. If a shortage were to occur, this would mean that procuring tabulators may be a challenge requiring staff to reconsider voting locations or

methods of vote counting. However, many companies providing election equipment are North America wide serving elections in both Canada and the United States and staff do anticipate being able to secure tabulators. Should an in-person election method be adopted, staff will immediately begin to finalize procurement and report back to Council if obstacles arise.

Next Steps

As noted above, to authorize the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators, a By-law must be passed prior to May 1, 2022. Therefore, should the recommendation for an in-person paper ballot election process be adopted, staff will bring forward the By-law attached as Schedule C to the next meeting of Council. Introducing a vote anywhere model and increasing advanced days will be a significant improvement for voters but cause election planning to be more complex. Staff believe it is best to focus on successfully delivering one style of election being an in-person election. Beyond 2022, staff will continue to explore and monitor the use of internet voting based on the interest expressed by the public.

FINANCIAL IMPLICATIONS

The Town uses a reserve fund to accumulate financial resources for election expenses. Each year through the term of a Council, funds are allocated to this reserve to support the next Municipal and School Board election. Currently, the total amount of election funding available is \$453,308.43. For the purposes of the 2022 election, staff are seeking to transfer these funds to the 2022 operating budget in Corporate Services. The 2022 budget currently includes \$100,000.00 of election budget; therefore Staff are recommending the 2022 budget be amended by an additional draw from the Election Reserve of \$353,308.43. Following the election in 2022, any unused amount will be transferred back to the reserve fund to be used for future elections.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Voting Options Survey Results

Schedule B: Summary of Pros and Cons for Voting Options

Schedule C: Proposed Voting Methods By-law