



**Subject: Voting Systems and Alternative Voting Methods - 2022
Municipal Election**

To: Council

From: Development and Legislative Services Department

Report Number: 2022-58

Meeting Date: March 8, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-58 be received;

That Council approve the use of vote tabulators and the use of vote by mail on demand as an alternative voting method in the 2022 municipal election; and

That a by-law be brought forward for Council approval.

Purpose:

To provide Council with information regarding alternative voting methods and recommend a method to be established for the 2022 municipal election.

Background:

The City of Port Colborne uses paper ballots at voting locations throughout the City for municipal elections and vote tabulators have been used regularly to count ballots for a number of elections. This method of vote counting is efficient in that it is quick and accurate, ensuring that the reporting of unofficial election results can be provided on election night.

The *Municipal Elections Act (MEA)* sets out the responsibility for conducting municipal elections to the City Clerk but requires Council approval of several key items. Section 42 of the *MEA* states that Council may pass by-laws authorizing the use of vote-counting equipment as well as the use of alternative voting methods. The *MEA* requires this decision be made by May 1 of the election year.

Discussion:

When considering the use of vote-counting equipment and alternative methods of voting, the City Clerk considered whether the options uphold the principles of the *MEA* and its regulations. These principles, while not established as part of legislation, are generally recognized based on case law as:

- a) the secrecy and confidentiality of the voting process is paramount;
- b) the election shall be fair and non-biased;
- c) the election shall be accessible to the voters;
- d) the integrity of the voting process shall be maintained throughout the election;
- e) there is to be certainty that the results of the election reflect the votes cast;
- f) voters and candidates shall be treated fairly and consistently; and
- g) the proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

In addition to these principles, the City evaluates the ability to effectively administer election options such as financial implications, public expectations, and election trends. The 2022 review of voting methods included considerations of potential impacts of the COVID-19 pandemic on administering the election.

Municipal Elections in Port Colborne have run smoothly in the past using vote tabulator machines. The City purchased tabulator machines which have been used for many elections and, at almost 20 years old, have now reached end of life. Several years ago, Staff made budget provisions to lease tabulators in the future, beginning with the 2022 election. Leasing tabulator machines is recommended as ever evolving technology can mean that machines become obsolete before a return on investment is seen.

Staff are recommending an additional form of voting in the 2022 municipal election which will provide benefits in accessibility as well as address the COVID-19 pandemic. This additional form of voting is called vote by mail on demand and allows a voter to request a ballot by mail as necessary. This hybrid voting method provides the continued option to vote in person, which is the traditional process conducted in Port Colborne, but also provides an option to those voters who, for any number of reasons, cannot attend a voting location. This method of voting offers convenience to voters who cannot attend a voting location, accessibility to those more comfortable voting from home, and safety for those who are concerned about attending a voting location during the COVID-19 pandemic. Elections Canada and Elections Ontario both offer mail-in ballots and have reported success in providing the option.

If passed by Council the City Clerk, in accordance with the *MEA*, would develop procedures regarding the process for requesting, delivering, and submitting these ballots. All ballots would need to be submitted by the end of the voting period on October 24. Staff recognize that any remote voting method is unsupervised and presents additional considerations associated with maintaining the integrity and security of the election process. This risk is present to different degrees with all voting methods,

including in-person voting. Maintaining security and preventing fraudulent voting requires carefully developed and audited processes as well as voter responsibility which is addressed in the *MEA* and will form part of the Clerk's procedures.

Council should expect the process to be similar to the below example:

A kit consisting of instructions, voter declaration card, ballot, secrecy folder and pre-paid return envelope would be mailed to voters that request a mail ballot prior to the cut-off date. When received, the voter would mark their ballot and seal it inside the secrecy envelope provided in the kit. They would also sign the voter declaration card and mail it along with the secrecy envelope back to City Hall using the provided return envelope. Delivery directly to City Hall would also be accepted. The voter declaration card would act as an affidavit or solemn oath and must be signed in order for the ballot to be counted.

When election officials receive the returned envelope, they will open the vote by mail package and separate the voter declaration card from the ballot, which is kept secret and sealed in the secrecy envelope. Election officials will review and scan the voter declaration card to strike the voter off the voters' list. The secrecy envelope containing the ballot will be placed in a secure ballot box until Election Day.

Internet voting as an alternative voting method has not been recommended but is a topic that is frequently discussed. Internet voting is costly to implement and staff have not found value in implementing this method. Internet voting is an efficient and secure form of voting. This voting method generally increases advance voting and accessibility to voting, however it does not usually increase total voter turnout. The barrier to implementing this voting method in Port Colborne is the increased financial costs and staff resources. The cost of implementation would be between \$20,000-\$50,000 plus additional staff and IT resources. New procedures and training would be required as well as rigorous security testing. Staff have found value in implementing internet voting only when it was used as the only method of voting.

Internal Consultations:

As the key access point for residents, Customer Service staff will work with Clerk's Division staff to assist in facilitating the vote by mail on demand process.

Financial Implications:

There are no financial implications if the recommended method is approved. Vote by mail on demand is expected to have a cost of approximately \$5 plus staff time per ballot cast via this method. With an estimate of 200 people requesting this service, a total cost

of \$1,000 will be absorbed through the current election budget. The new rental fee for vote counting equipment has previously been included in the election reserve budgeting process.

Public Engagement:

Following the 2018 municipal election, staff reached out to the public, election staff, and candidates to participate in a survey regarding their voting experience. While almost all participants stated that they were satisfied with the accessibility of the election and voting locations, many did indicate that they would be interested in the City exploring new voting options. Respondents were most interested in internet voting and mail-in ballots.

If approved, the City Clerk would work with Communications staff to advertise the new voting option to the public. In addition, all eligible voters receive a voter notification card that outlines voting options and provides necessary information.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

Staff recommend that a hybrid voting method be offered in the 2022 municipal election in order to provide traditional voting options with increased accessibility and convenience.

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.