



Meeting Date: September 8, 2021

Submitted by: James Hutson, Municipal Clerk

Report No: CLK-13-2021

Subject: 2022 Municipal and School Board Election Voting Method and Vendor Agreement

Recommendation:

THAT Report CLK-13-2021 re: 2022 Municipal and School Board Election Voting Method and Vendor Agreement be received;

AND THAT Council endorse an alternative method of voting (telephone and internet) for the 2022 Municipal and School Board Elections;

AND THAT the Mayor and Clerk be authorized to execute the necessary by-law that approves an alternative method of voting (telephone and internet) for the 2022 Municipal and School Board Election;

AND FURTHER THAT the Mayor and Clerk be authorized execute an agreement for eVoting Services with Intelivote Systems Inc. for the 2022 Municipal & School Board Election.

Purpose:

The purpose of this report is to seek Council endorsement of the proposed method of voting to be utilized in the forthcoming 2022 Municipal and School Board Elections as well as to set out and seek authorization to approve the agreement for e-voting services.

Background:

The *Municipal Elections Act, 1996*, (the Act) gives authority to the Municipal Clerk, as Returning Officer, to establish procedures and forms for voting within the municipality. The Act further gives authority to the Municipal Clerk to provide for any matter or procedure that is not provided for in the Act.

Section 42 (1) of the Act states that before each municipal election:

The council of a local municipality may pass by-laws,

- a) authorizing electors to use an alternative voting method, such as voting by internet or by telephone, that does not require electors to attend at a voting place in order to vote.

In previous municipal elections, a decision on the above was required prior to May 1st of an election year; however, in accordance with Bill 218 changes, the deadline for a date on this decision has been moved to June 1st of an election year. A decision on the method of voting in advance of this date is timely to allow for effective public notice and voter education, well in advance of the Nomination Period for 2022 Municipal and School Board Election.

This report will outline the collaborative approach being undertaken by the lower-tier municipalities within Middlesex County with respect to the administration of the 2022 Municipal and School Board Elections as it relates to vendor selection, well as seek approval for the voting method, being internet and telephone, which is proposed for the administration of the 2022 Municipal and School Board Election.

Analysis:

In accordance with authority conveyed to the Clerk via the *Municipal Elections Act, 1996* there are a number of principles which the Clerk must endeavour to uphold when considering the methods to conduct an election, these include:

- 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;
- ensuring voters and candidates are treated fairly and consistently within the municipality.

In addition to the above, it is imperative to give consideration to the needs of the electorate and the community within the current climate of the COVID-19 pandemic which has underscored the potential need for alternative voting options. The COVID-19 pandemic has impacted the way in which the municipality operates and delivers services. As we look forward to the 2022 Municipal and School Board Election, staff have given consideration to voting methods which encourage safety for those casting their ballots.

Throughout 2021, local area municipal clerks have met regularly to discuss planning for the upcoming 2022 Municipal and School Board Election. As with previous elections held in 2014 and 2018, a collaborative approach to this planning process has been undertaken. Accordingly, the agreement for services appended as attachment takes advantage of competitive pricing, shared resourcing, and collaborative expertise of the Middlesex County area Clerks. Additionally, the municipalities have each worked with

this vendor for the previous two election cycles, allowing for familiarity with the product and confidence in the services provided by the vendor. By approaching the election with collaborative resources applied, it helps bring a consistent approach across the County and as such staff are recommending that the internet and telephone method of voting be utilized to conduct the 2022 Municipal and School Board Elections.

Internet Voting Overview (How it works)

All eligible electors will receive a voter information package, which includes an individual, unique Personal Identification Number (PIN) as well as instructions for how to vote online or by telephone. Electors may choose to vote from home using the online or telephone options or they may also attend a Voter Assistance Location (VAL) where election staff will support electors seeking to utilize a voting kiosk to cast their ballot. The VAL model is intended to bridge a gap between the paper ballot and digital voting process. Eligible electors who attend a VAL. will find it is similar to a paper-ballot polling location; however, the paper ballot and tabulator are replaced with kiosks to permit voters to use a device and internet access to cast their ballot. More information on the VAL will be forthcoming closer to the election period.

Safety and Security

Internet and telephone voting systems provide a range of information with respect to when, how and where ballots were cast in order to assist in investigating any reported instances of voter fraud. For example, the internet voting system could identify if all ballots were cast from the same IP address, if they were cast within a few minutes of each other and what time of day voting occurred.

With respect to stealing addressed voting packages/kits from the mail, Section 356(1) of the Criminal Code of Canada, R.S.C., 1985, c. C-46 ("the Code") states that it is an offence to steal anything sent by post after it is deposited at a post office and before it is delivered, or after it is delivered but before it is in the possession of the addressee. A person found guilty of an offence under this section of the Code may face a term of imprisonment for up to 10 years.

Telephone Voting

Telephone voting was used as a secondary method of voting during the 2018 Municipal Election and allows for an alternative means through which electors may cast their ballot. Offering telephone voting as an alternative method of voting helps ensure a wide range of voting possibilities exist to suit the various electors in the community. Further, it presents electors with a choice to utilize the method they are most comfortable with to cast their ballot.

Voter Education and Outreach

The Municipal Clerk will be exploring a number of ways to undertake voter education and outreach ahead of the 2022 Municipal and School Board Elections. Voter Information Kiosks will be established at key strategic locations throughout the municipality during the lead-up to the voting period. Individuals will be able to determine their eligibility to vote, receive information on the voting process and ask questions at these locations. In addition, a number of promotional materials will be prepared to educate the community on the process. Working collaboratively with the communications team, the website and social media will be used to leverage these materials.

Impact of Bill 218 and Bill 254

In 2020 and 2021, there have been changes made to the Municipal Elections Act via Bill 218 and 254. In November of 2020, Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 received Royal Assent and brought about several changes to municipal elections. These changes include removing the option to hold ranked ballot elections, shifting Nomination Day from the fourth Friday in July to the third Friday in August, allowing by-laws authorizing the use of vote-counting equipment and alternative voting methods to be adopted on or before May 1st in an election year and finally shifting the date to establish procedures and forms for the use of any voting and vote-counting equipment or alternative voting method to June 1 in an election year. The by-laws proposed in Schedule "A" and "B" of this report will meet this requirement and timeline, provided they are adopted by Council.

Subsequently, Bill 254, Protecting Ontario Elections Act, 2021 received Royal Assent in April of 2021. This legislative update primarily dealt with changes impacting third party advertisers, including granting authorization for Municipal Clerks to put conditions in place to allow candidates and third party advertisers to submit their nomination and registration forms electronically. Endorsements of a nomination that is filed electronically must still be collected as original signatures and a person who files a nomination that must be endorsed retains the copy of the document bearing the original endorsement signatures. It is not anticipated that Middlesex Centre will introduce such an option for electronic filing at this time.

Conclusion

The Municipality of Middlesex Centre has used Internet Voting for the previous two elections with a significant investment in public education and communication during those election periods. Voters now have experience with the process for internet voting, and we hope to enhance and promote resources to support the voting experience. Furthermore, by implementing a voting method which is consistent with counterparts across the County, we can leverage existing relationships and partnerships while benefitting from competitive pricing and a shared relationship with the vendor providing services. Accordingly, should Council approve this report, the voting period would be established as being October 17-23, 2022 and October 24, 2022 Voting Day. A

consistent voting period and method of voting in local municipalities may help reduce confusion for residents across the County while allowing for shared promotional opportunities. Based on the successful previous conduct of municipal elections, and the collaborative approach undertaken, staff are recommending that the method of voting being telephone and internet be approved for the 2022 Municipal and School Board Election.

Financial Implications:

The financial costs for the agreement between the Municipality of Middlesex Centre and Intelivote Systems Inc. are set-out in Section 7 of the agreement attached as Appendix A. In 2018, these costs amounted to \$32,700.00

The overall administration of the 2022 Municipal and School Board Election will be covered through the Election Reserve Fund and costs are tentatively estimated as being \$47,100.00.

Strategic Plan:

This matter aligns with following strategic priorities:

- Engaged Community

The 2022 Municipal and School Board Elections are a fundamental component of the governance model for municipalities in Ontario and accordingly offer the opportunity for the public to actively participate in the formation of membership to Municipal Council.

Attachments:

- A1 Middlesex County Intelivote Overview of 2022 Election Services
- A2 By-law xx-2021 Being a by-law to authorize the use of telephone and internet voting as an alternative voting method for the 2022 Municipal and School Board Election
- A2 By-law xx-2021 Being a by-law to authorize the execution of an agreement between the Municipality of Middlesex Centre and Intelivote Systems Inc.