

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Brent Larmer, Municipal Clerk/Manager of Legislative Services and Returning Officer <a href="mailto:blarmer@cobourg.ca">blarmer@cobourg.ca</a>	<b>Meeting Type:</b>  Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>	
<b>Meeting Date:</b>	September 13, 2021		
<b>Report No.:</b>	Corporate Services-045-21		
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**Subject/Title:** 2022 Municipal Election Report and Alternative Voting Method Authorization.

## RECOMMENDATION:

THAT Council approve the use of internet/telephone voting as the alternative voting method for the 2022 Municipal Election being held on Monday, October 24, 2022; and,

FURTHER THAT Council directs the Municipal Clerk to prepare a By-law to be brought forward to authorize alternative voting method for the 2022 Municipal Election; and

FURTHER THAT Council authorize the Mayor and Municipal Clerk to execute an agreement with Intelivote Systems Inc. building upon the successful integrated voting solution experience delivered during the 2006, 2010, 2014 and 2018 Municipal Elections to provide internet and telephone electronic voting Service for the 2022 Town of Cobourg Municipal Election at a total estimated cost of \$39,750 based on 15,000 eligible Electors to be funded from the Election Reserve Fund set aside annually for this purpose.

## 1. STRATEGIC PLAN

Not Applicable

## 2. PUBLIC ENGAGEMENT

Not Applicable

## 3. PURPOSE

The purpose of this report is to provide Municipal Council and the public with an overview of the changes of the *Municipal Elections Act* since 2018, and to receive approval for authorization of Alternative Voting Method to be used in the 2022 Municipal Election and to authorize the selection of an Alternative Voting Method Vendor.

#### 4. ORIGIN AND LEGISLATION

The Town of Cobourg conducts municipal elections in accordance with the *Municipal Elections Act, 1996 (MEA)*. The next regular municipal election will take place on October 24, 2022.

The *Municipal Elections Modernization Act*, passed by the provincial government in 2016, updated legislation pertaining to municipal and school board elections by providing for administrative updates to elements such as campaign finance rules, third party advertising, and compliance and enforcement. The legislation was passed with some public interest specifically related to the fact that it also provided Ontario municipalities the option to use ranked ballot voting for the first time beginning with the 2018 municipal and school board elections.

In November 2020, *Bill 218: Supporting Ontario's Recovery and Municipal Elections Act*, was passed by the provincial government after an expedited reading and review period. This legislation was primarily intended to clarify liability protections relative to the COVID-19 pandemic but also included new amendments to the *Municipal Elections Act*. These changes included moving nomination day to a later date in the election year and completely removing the option for municipalities to use ranked ballot voting.

##### **Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020**

On October 20, 2020, the Government of Ontario introduced proposed changes to the *Municipal Elections Act, 1996 (MEA)*, through Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020. Proposed changes to the MEA effectively undo some of the amendments made to the Act in 2016, and include the following:

##### **Removing the Framework for Ranked Ballot Elections (Ontario Regulation 310/16)**

The 2016 changes to the MEA included a new framework for ranked ballot elections and provided municipalities with the option of selecting ranked ballot voting as their voting model, over the traditional First-Past-the-Post (FPTP) model, where the candidate who receives the most votes, is elected. The City of London was the only Ontario municipality (and the first in Canada) to implement ranked ballot voting in the 2018 Ontario municipal elections.

The Municipal Clerk prepared a report as part of the 2018 Election summary report with respect to ranked ballot voting. The report provided an overview of ranked ballot voting and discussed the City of London's experience implementing ranked ballot voting in the 2018 municipal election. The report also outlined the process for implementing ranked ballot voting, along with estimated costs for public awareness and education.

Due to the changes by Bill 218, and with the passing of the legislation, municipalities will no longer have the option to decide on the format for their elections; all municipalities will conduct elections using the First-Past-the-Post (FPTP) model.

### ***Longer Candidate Nomination Period***

Bill 218 changes Nomination Day to provide for a longer candidate nomination period. The table below shows the changes to the nomination period over the last few election cycles:

	<b>2014</b>	<b>2018</b>	<b>2022</b>
<b>Start of Nominations</b>	January 1 of election year	May 1 of election year	May 1 of election year
<b>Nomination Day (End of Nominations)</b>	Second Friday in September	Fourth Friday in July	Third Friday of August
<b>Approximate Length of Nomination Period</b>	8.5 months	3 months	3.5 Months

### ***Extending Deadlines to Pass By-laws and Establish Related Procedures and Forms***

Section 42(1) of the MEA permits municipalities to pass a by-law authorizing the use of voting and vote-counting equipment, and to pass a by-law authorizing the use of an alternative voting method.

Bill 218 changes the deadlines for passing by-laws under Section 42(1):

	<b>2014</b>	<b>2018</b>	<b>2022</b>
<b>Deadline to Pass By-law</b>	June 1 of election year	May 1 in the year before the election	May 1 of election year
<b>Deadline to Establish Procedures and Forms</b>	June 1 of election year	December 31 in the year before the election	June 1 of election year

The extension of the deadline to pass a By-law for alternative voting will not affect the current timeline for the Town of Cobourg elections planning. As part of this report, Staff is requesting the preparation of the by-law to be passed by Council in 2021.

The amendment extending the deadline to establish procedures and forms related to the voting and vote counting equipment, and any alternative voting methods, is beneficial and allows staff more time to review policies and procedures.

#### **Bill 254: Protecting Ontario Elections Act, Schedule 4 (As of Introduction)**

Multiple additional amendments were made to the *Municipal Elections Act, 1996* in 2021 and some of the more significant amendments are outlined below.

1. Section 14 is amended to provide an exception for filing documents under section 33, 44 or 88 of the MEA bearing only original signatures if the clerk has provided for electronic filing of the document. Sections 33 and 88.6 are amended to allow the clerk to provide for electronic filing under these sections.
2. Section 33 is further amended to provide those endorsements of a nomination that is filed electronically must still be collected as original signatures and that a person who files a nomination that must be endorsed shall retain the copy of the document bearing the original endorsement signatures.
3. Section 88.6 is further amended to provide that a registered third party may withdraw their registration by filing a written withdrawal in the clerk's office during the time for filing a notice of registration, and to provide that if a registered third party files a nomination under section 33, the party's registration is deemed to have been withdrawn at the time the nomination is filed.

### **5. BACKGROUND**

In 2006, 2009, 2013 and 2017 the Town of Cobourg Council passed a by-law to authorize the use of alternative voting methods (telephone and internet voting) at municipal elections; and further authorized execution of an agreement with Intelivote Systems Inc. for provision of an electronic voting system for the 2006 municipal election along with traditional paper ballot voting.

The 2006, 2010, 2014 and the 2018 Municipal Elections held in the Town of Cobourg utilizing alternative voting through the means of internet and telephone electronic voting provided by Intelivote Systems Inc. has resulted in positive results and the services included election personnel and candidate training, exceptional support and site visits as required, set up of Voter Help Line, policies and procedures, clear written and verbal instructions for the implementation of telephone and internet electronic voting.

### **6. ANALYSIS**

#### **2022 Municipal Elections Plans**

Most municipalities are still in the planning stages for 2022, and many Councils have not yet approved a voting method for 2022 Municipal Elections. However, many municipalities who utilized internet and telephone voting in the 2018 Municipal Elections have noted that they anticipate using it again in 2022.

## **Alternative Voting**

Municipalities across Ontario are increasingly using internet voting in their elections, either exclusively, or in combination with another form of voting. 194 municipalities offered internet voting in 2018, an increase from 97 municipalities in 2014. As noted in the background section of this report, the Town has been delivering internet and telephone voting elections since 2006.

### *Advantages of Internet and Telephone Voting:*

The Town of Cobourg over the years has experienced many of the advantages of alternative voting methods during Municipal Elections. Some of those include the following:

- Convenience – electors do not have to visit a physical voting location to cast their ballot and could vote at any time during the voting period (typically 24 hours a day, over multiple days). This may appeal to younger voters, who typically vote less than other age groups.
- Accessibility – allows electors who cannot visit a voting location to vote independently, rather than appointing a proxy voter to vote on their behalf. For example, electors with mobility impairments need not leave home to vote; electors with vision impairments can use screen reading technology.
- Promotes social distancing – with the Covid-19 pandemic, municipalities are researching different forms of remote voting. Internet/telephone voting would provide an option for those members of the community who do not feel comfortable gathering at a voting location in order to cast their ballot.
- Modernization of democratic processes – internet voting is in line with many other aspects of everyday life that are available online such as online shopping and banking.
- Environment – municipalities who implement internet/telephone voting exclusively eliminate the need for printing thousands of paper ballots. Electors and election workers would also not be required to drive voting locations, resulting in less fuel consumption.
- Cost savings – although there are costs associated with internet/telephone voting, municipalities save money by reducing the number of physical voting locations, which in turn would reduce the number of election workers and voting location supplies.

Although there are many advantages to Alternative Voting that the Town of Cobourg has experienced over the years, and which have been reported to Council each year when an Alternative Voting method is recommended, it is important to provide discussion on the other side of the voting method which are the disadvantages and risks, such as:

- Although internet voting provides more convenience and accessibility to electors, it has not been proven to increase voter turnout.
- All electors may not have access to a device to allow them to vote remotely
- There is no opportunity to verify elector identification when a person votes remotely.
- At a voting location, 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.
- There is no opportunity for candidates or their scrutineers to observe the ballot issuing process.
- There is no opportunity for a manual recount process.
- The security of the election is the primary concern related to internet voting.

An additional factor when it comes to alternative voting that should be considered and has been year after year during the running of each municipal election is ways to mitigate security risks in an internet voting election:

- Requiring electors to register if they wish to vote via the internet (i.e. 2-step voting process).
- 2-factor authentication – requiring two pieces of unique information in order to access the voting system (e.g. PIN and date of birth).
- Conducting independent security tests of the vendor's systems.
- Hiring an independent auditor to oversee the process.
- Ensuring that the system meets the industry standards on privacy and security.

Mitigating security risks has been at the forefront of every Municipal election planning and the Town of Cobourg has the infrastructure and the support to make a cyber security threat a very low risk. In addition, the Town's, Alternative Voting Vendor has provided a very secure system with a number of internal procedures and systems in place to protect the integrity of the process.

### **Approval of Vote Method:**

Although the deadline to establish a by-law for voting and vote counting equipment has been extended through the passing of Bill 218, staff recommends that the voting model be finalized well in advance of the next election, in order to be able to start appropriate planning for the 2022 Municipal Election and to allow for the necessary planning and testing associated with voting technology.

### **Staff is recommending the following:**

**Internet and Telephone Voting** – The Municipal Clerk is recommending as approved and implemented for the last four (4) consecutive elections, entering into an agreement with a Voting Vendor that provides internet and telephone voting options as the sole methods of voting for the 2022 Municipal Election. Internet and telephone voting provides improved convenience and accessibility for the electorate. Voters who have a computer, laptop, tablet, and cell phone or land line can vote from anywhere, at a time most convenient for them. The voting period would be continuous from the beginning of the advance voting period to the “close of polls” on Voting Day.

The Municipal Clerk is recommending that Council approve the Mayor and Municipal Clerk to execute an agreement with Intelivote Systems Inc. building upon the successful integrated voting solution experience delivered during the 2006, 2010, 2014 and 2018 Municipal Elections.

It should be noted that there was an additional factor that was considered when drafting this report and recommending a method of voting, and this was the consideration of the impact of COVID-19 on Municipal Elections. It is still unknown how long the safety and emergency measures which have been implemented will be in place. It is possible that there may be another wave of COVID-19 or another pandemic which may limit the ability for the public to gather in groups, which further provided the benefit of internet and telephone voting for the 2022 Municipal Elections. Staff will be considering public health measures, continuously monitoring the situation and looking towards the Federal and Provincial elections that come before 2022 in order to provide a successful election in these unpredictable times.

#### **Additional Consideration – Removal of Telephone Voting:**

In the 2018 Municipal Election there were some inquiries and concerns regarding the difficulty when utilizing the telephone method as part of the alternative voting election. Some of the complaints were a result of not fully listening to the instructions from the virtual operator when casting their ballot. The Clerk’s office heard from electors that used the telephone that electors were only selecting one candidate by mistake and hitting the pound key to submit right away, rather than pressing all selections in that race and pressing pound to submit when all selections are made. This issue was only a concern when casting a ballot that included a vote for more than one candidate.

In the 2018 Municipal Election out of the 6,480 voters who cast their vote, 5,829 (90%) used the Internet to cast their ballots and 651 (10%) used the telephone to cast their ballots. This demonstrates a minimal use of the telephone method to vote, and Council should consider whether to eliminate telephone voting from the 2022 Election Voting Methods.

There are concerns about the age demographics of the population and their ability to vote using an internet-based system. This is particularly true if the option to vote by telephone is removed.

As demonstrated in the table below (Figure “A”), the highest level of telephone voting was among those aged 60 to 99+, but as you can see, in those age categories, internet was still the preferred method of voting for those electors.

Age Breakdown of Who Voted					
Age	ELIG.	VOTED	INTERNET	PHONE	% Part.
18-19	122	32	30	2	26%
20s	1,210	200	194	6	17%
30s	1,648	453	442	11	27%
40s	1,553	523	502	21	34%
50s	2,537	1,058	983	75	42%
60s	3,080	1,783	1,616	167	58%
70s	2,675	1,617	1,401	216	60%
80s	1,439	699	567	132	49%
90s	359	113	93	20	31%
99+	14	2	1	1	14%
UK*	232	0	0	0	0%
<b>Total</b>	<b>14,869</b>	<b>6,480</b>	<b>5,829</b>	<b>651</b>	<b>43.6%</b>

UK\* = Unknown age - not listed on elector's list.

**Figure “A”**

If Council selects to not utilize telephone voting in the 2022 Municipal Election, staff is confident that the Town can provide a significant investment and focus on public education and communication during the 2022 election to demonstrate the ease of voting and come up with a focused and innovative plan to make sure that those 651 voters are still able to effectively cast their vote. Electors in Cobourg have experience with the processes entailed for internet voting and turnout has been relatively consistent with that method, so an internet only voting method would still be a successful method in the 2022 Municipal Election if Council wishes to consider this option.

## 7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

Financial implications are dependent on the method of voting selected, in this case the financial implication is based on an estimation provided by the recommended Alternative Voting Vendor Intelivote based on Eligible Members and is adjusted once the Final List of Members is produced.

Below is a breakdown of previous Total Election costs and Voter Turn-out:

### Town of Cobourg Election Cost Tracking 2003 to 2018:

Year	Voting Method	Total Election Cost	Voter Turn-Out
2003	Traditional Voting/Tabulators	\$81,627.69	36.47%
2006	Traditional/Telephone/Internet	\$87,895.57	44.91%
2010	Alternative –Internet and Telephone	\$52,460.50	47.30%
2014	Alternative –Internet and Telephone	\$53,578.73	52.04%
<b>2018</b>	<b>Alternative –Internet and Telephone</b>	<b>\$37,882.09</b>	<b>43.06%</b>



The estimate for the 2022 Municipal Election, excluding HST, is based on a \$1.35 per elector with an estimated eligible elector list of 15,000 and the cost of creation, production and supplies for producing and mailing the Voter Instruction Letter including the cost of first class Canada Post postage for the mail-out for a combined total amount of \$39,750.00 all to be funded through the Town of Cobourg election reserve account.

Each year during the Town of Cobourg budget process, Council allocates \$10,000 to the Election Reserve Account. In 2020 Council allocated \$15,000 to the budget to provide additional funds to support any COVID-19 adjustments that need to be made in 2022. Currently there is \$27,247.04 in the reserve account with an additional \$15,000 being request in 2022 to put our election budget at \$42,247.04. Staff will evaluate this and if there needs to be any adjustments, and those will be presented at Budget time.

## **8. CONCLUSION**

Voting in municipal elections is one of the most important ways for citizens to engage in municipal governance. Internet/Telephone voting has proven to be convenient for electors and secure for administrators. This form of voting will enable the election process to be an efficient and user-friendly experience for voters, providing greater accessibility, while maintaining the integrity of the election.

Staff feel that due to experience, positive feedback since 2006 to 2018; low costs, considerations of overall efficiency, and the potential impact of COVID-19 staying with society for at least another year, an alternative voting method using Internet and telephone voting should be used in the 2022 election year.

### **Report Approval Details**

Document Title:	<b>2022 Municipal Election Report and Alternative Voting Method Authorization.</b>
Attachments:	-
Final Approval Date:	Sep 2, 2021

This report and all its attachments were approved and signed as outlined below:

**Tracey Vaughan, Chief Administrative Officer – Sep 2, 2021 - 1:13 PM**