



Date: November 22, 2021
To: Mayor and Council
Author: Paula Parker, Town Clerk
RE: Alternative Voting Method – 2022 Election
Report No.: LS-2021-07

RECOMMENDED ACTION

1. That Vote by Mail with electronic vote tabulators **BE APPROVED** as the voting method for the 2022 municipal election; and,
2. That **By-law 96-2021** being a By-law to authorize vote by mail and the use of optical scanning vote tabulators for municipal elections in the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

BACKGROUND

The Municipal Elections Act (MEA) states that municipal elections are to be held every four years with the next voting day being Monday, October 24, 2022. The recent amendments to the MEA indicate that a municipality wishing to use vote counting equipment, or authorizing the use of an alternative voting method must ensure that the requisite by-law is passed/in effect by May 1 in the year of the election.

In the past, Council has authorized the following voting methods:

- 2000 – traditional polling stations – voter turnout 46%
- 2003 – vote by mail – voter turnout 50%
- 2006 – vote by mail – voter turnout 52%
- 2010 – vote by mail – voter turnout 55%
- 2014 – electronic voting (internet and telephone) – voter turnout 48%
- 2018 – vote by mail – voter turnout – 46.79%

The overall turnout for municipal elections in Kingsville is above the provincial average.

DISCUSSION

It is the Clerk's duty under the MEA, to ensure that procedures and forms established by the Clerk for an election are consistent with the principles of the MEA. The principles are generally recognized as follows:

- The election should be fair and non-biased
- The integrity of the process should be maintained throughout the election
- Voters and candidates should be treated fairly and consistently within a municipality
- The election should be accessible to the voters
- The secrecy and confidentiality of the individual votes is paramount
- There is certainty that the results of the election reflect the votes cast
- The proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as reasonably possible

Remote voting options include vote by mail, internet voting/vote by phone. A remote voting option is necessary for several reasons outlined below.

In line with the principles of the MEA, all eligible voters should have the opportunity to cast their own ballot if they choose to do so. It is the opinion of the Town Clerk that offering in-person voting does not entirely achieve this goal. Eligible voters may not be able to come to a voting location for a variety of reasons, including but not limited to, mobility limitations; out of town for work or personal matters on voting days; health concerns; or if they own property in Kingsville but live in another municipality. Elections Canada and Elections Ontario recognize that in-person voting options are not entirely sufficient to empower all eligible voters to cast their own vote and offer other options to address these accessibility concerns.

Optical Scan Tabulators

Tabulators are used with the vote by mail and traditional poll voting methods to count ballots electronically versus manual counting. Procedures are established to ensure that vote tabulators are scanning and recording vote counts accurately prior to use. This process, known as logic and accuracy testing, is conducted with pre-marked ballots for every office and school board position. The procedures for this testing process are available publicly prior to testing. Additional procedures are in place to ensure that the machines or results cannot be tampered with, including preventing the machine from being connected or transmitting results and ensuring that an election official is always present and monitoring the machines.

Tabulators also offer accessible voting technologies which will provide the independent casting of ballots by individuals with accessibility needs and those who cannot mark a paper ballot with a ballot marking pen. The system consists of the following components:

- i. An Accessible AutoMark System and a set of headphones that a Voter uses to interact with the system;
- ii. An on board printer for printing the audio session ballot once the Voter has made his or her selections; and
- iii. Other input interfaces as necessary to accommodate a Voter's individual needs, including:
 - a) Sip and Puff Input Interface; and,
 - b) Paddle Button Input Interface.

Vote by Mail (with Tabulators)

In a vote-by-mail election, eligible electors on the Voters' List are mailed a voting package which includes a return envelope, declaration form, ballot and ballot secrecy envelope. The elector marks their ballot and places it in the ballot secrecy folder, signs the voter declaration and returns both documents by mail, or in person, in the return envelope to the Municipality by a specified date. Ballots which have been mailed in or dropped off are counted either manually or using optical scan vote tabulators after the polls close on Voting Day.

Confidence in the election results are paramount for any election and vote by mail offers the ability to consistently audit and recount in the same manner as ballots cast in-person. This method would allow a recount of ballots in the same manner as they were originally counted or by alternative methods if ordered by a judge.

In Kingsville, voting by mail has established processes and is familiar to the community as it was the election method in the 2003, 2006, 2010 and 2018 elections.

The use of the vote by mail election method upholds all principles of the MEA by:

- upholding the secrecy and confidentiality of the vote through established processes for receiving ballots in secrecy folders and separating any link to the voter once a voter declaration is verified and the voter is struck from the voters list.
- any remote voting option is unmonitored, however the voter declaration that must be signed, requires that the voter acknowledge legal responsibility for marking their own ballot and for not being coerced.
- offering a remote option that is fair, consistent and does not bias or provide increased influence for any candidate or voter.

- maintaining the integrity of the voting process by offering voters the option to cast a remote ballot through an established and trusted mail system. Impacts of potential mail delays or strikes could be planned for and addressed through the use of drop off points and it is within the authority of the Clerk to delay official election results should a large scale delay of mailed ballots occur.
- providing certainty that the results reflect the votes cast and that valid votes are counted and invalid votes are rejected consistent with in-person voting processes. By offering a paper ballot, vote counting would take place using the same type of pre-tested vote tabulator as at in-person voting locations.
- audit tracking and any questions regarding the accuracy of results could be verified by the physical ballots. A recount, if ordered by a judge to be different than the original method, could be conducted by manual count.

If this option is chosen as the method of voting for Kingsville, Administration would utilize drive-through drop-off locations in Cottam, Ruthven and Kingsville, in addition to the mail in option. This would provide an additional convenience and assurance for electors who may choose to drop off their ballot at any of these locations rather than use the mail and therefore increase ballot returns.

The vote by mail method is a good alternative voting method for the 2022 Municipal Election and is familiar to Kingsville residents. Additionally, accessible equipment, such as the Sip and Puff Input Interface, and Paddle Button Input Interface, for use with the electronic vote tabulators would be available for electors should it be needed.

Other Options

Internet /Telephone Voting

Internet

Qualified electors will be mailed a voter's kit, containing instructions and a secured password. Electors are directed to a website where they are instructed to provide their unique password as well as their date of birth. After the password and date of birth have been entered, and they match municipal records, a ballot containing a list of qualified candidates for the contested offices is displayed. The electors select his/her choices for the various offices and once complete, forwards their choices to the service provider for counting. A new feature offered by some providers is end to end encryption and the ability to (for a limited amount of time – 10 minutes after voting) check your vote for accuracy.

Internet voting provides the opportunity for voters to vote from wherever they wish, using an authentication security system from almost any device. More and more municipalities are considering the use of internet voting, and in 2018, 178 of 417 municipalities used this method.

With any alternative voting method, there is an associated level of risk. With internet voting, some of those risks include security, voter authentication, and reduced oversight of the casting of a ballot by election administrators and scrutineers. Also of concern for some, is internet connectivity throughout the community and the ability to conduct a recount. As per the MEA, a recount must be completed in the same manner in which the election was originally held, unless a different method is ordered by a judge. Internet voting would prove difficult for a recount, as there is no paper ballot record of the votes cast. Despite these concerns, there has not been a single example of voter fraud or a security breach in any Ontario municipality that has used internet voting. It should also be noted that as internet voting has evolved over time, so have the security measures that have been put in place, as well as best practices and lessons learned from municipalities that have used this voting method. In 2014, Kingsville used internet and telephone as its voting method of choice, although there were no security concerns, there was a minor hiccup with the system used, which delayed results by at least 2 hours.

Although this method is considered a vote anywhere method and provides increased accessibility for those that wish to cast their vote from home, there are also those that may not have access to internet or to an electronic device. For this reason, if this method is chosen, there would be voting stations set up in a public location to allow those without this access to cast their vote. In these locations, voter assistance is sometimes required and an election official will assist voters while marking their vote. This assistance requires an election official to lean over the voter to view the computer screen and sometimes by handling the computer mouse. This assistance would put both the voter and the election official at risk. Considering this, this method is only ideal if the COVID-19 pandemic restrictions are lifted by the next regular municipal election.

At this time, while COVID-19 is still a threat and increased sanitization is required, IT has additional concerns with the sanitization of computer equipment between voters which could potentially be detrimental to the equipment or shorten the life span of the equipment.

Telephone

Qualified electors will be mailed a voter's kit containing instructions, and a secured password. Electors are provided a dedicated telephone number where upon dialing, they are instructed to provide their unique password as well as their date of birth. After the password and date of birth have been entered, and they match municipal records, a ballot containing a list of qualified candidates for the contested offices is read. The elector selects his/her choices for the various offices by the prompts given, and once complete, verifies their choices and their votes are forwarded to the service provider for counting.

As mentioned, Kingsville conducted its 2014 election by internet and telephone voting. Administration believes that this was a successful voting method based on voter turnout however, does not recommend this method as its first choice of voting method for the

2022 election due to the minor interruption experienced in 2014 and the additional safety considerations regarding COVID-19.

Traditional Poll (with Tabulators)

Qualified electors arrive at the polls and authenticate their identity. If authentication is successful, the voter will be presented with a ballot containing a list of qualified candidates for the contested offices. The voter proceeds to a private booth and marks his/her choices and the completed ballot is placed in a special secrecy envelope and inserted into the Ballot Box via an electronic counting device. The tabulator scans the ballot, interprets the digital image of the ballot, stores and tallies the results and prints a cumulative total of all votes cast after the polls have been closed.

This method also provides accessible voting technologies such as the Sip and Puff Input Interface, and Paddle Button Input Interface, for use with the electronic vote tabulators should it be needed.

The current climate of the COVID-19 pandemic has additionally highlighted the need for alternative voting options. The Clerk's Office believes that a remote voting option can be offered safely in accordance with public health requirements during the pandemic. Election administrators have significantly increased the use of remote methods to provide voters with the choice of how they are most comfortable casting their ballot. COVID-19 pandemic restrictions will ideally be lifted by the next regular municipal election in October 2022; however, the Clerk's Office needs to prepare to offer alternative voting options, preferably one that does not require in-person contact in case COVID-19 is still a threat. Voters who need to consider the health of themselves, as well as those they live and work with, should not need to weigh their democratic right to vote against the health of themselves or others.

The risk of fraud is present in differing 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 for following the MEA and related laws. The Town Clerk takes the role of mitigating election risk seriously and is committed to ensuring that processes are in place to mitigate risk and prevent fraudulent activity.

FINANCIAL CONSIDERATIONS

Council approves the transfer of funds each year to a reserve for election expenses. There is currently \$75,000 available for the 2022 municipal election. Additional funds may be required to conduct an election during COVID-19 to implement new ideas for contactless voting, etc. and to provide other necessary safety measures.

2018 election costs totaled \$71,596. The 2022 election, using the recommended Vote by Mail method is estimated to cost between \$90,000 - \$100,000. This will result in an impact of approximately \$25,000 to the 2022 Operating Budget.

Internet voting for the Town of Kingsville is estimated at a cost of \$50,000 - \$60,000. Using internet voting as the only voting method for the 2022 election is not anticipated to have an impact on the 2022 Operating Budget.

Traditional poll with electronic vote tabulators is estimated between \$100,000 - \$125,000. Using traditional poll with electronic vote tabulators will have an impact of approximately \$25,000 - \$50,000 on the 2022 Operating Budget.

Traditional poll is not recommended as the sole voting method for the 2022 election. If this method is considered, an additional vote anywhere method is also recommended. If traditional poll is chosen, internet voting should also be considered. This would have an impact of \$75,000 - \$110,000 on the 2022 Operating Budget.

CONSULTATIONS

Regional Clerks from Tecumseh, Chatham-Kent, Lakeshore, Amherstburg, Essex, LaSalle and Leamington have had initial conversations with regard to the 2022 election. Once each Clerk's respective Council determines its voting method, the working group will meet again and receive presentations from companies who offer election services.

CONCLUSION

The Clerk's Office recommends that vote by mail with electronic vote tabulators be approved for use in the 2022 municipal election based on its ability to uphold all principles of the MEA; its familiarity in the community; its ability to be widely accessed by voters; its ability to be thoroughly audited and verify recount with a paper ballot, and its increasing use in elections. Vote by mail also allows election staff to provide assistance to voters from a safe distance if/when required which is imperative during the ongoing threat of COVID-19.



Paula Parker
Town Clerk

Reviewed By:



Susan Hirota
Director of Legal and Clerk Services

LINK TO STRATEGIC PLAN

Strive to make the Town of Kingsville a more accessible community.

Link to Council 2021-2022 Priorities

- ☒ COVID-19 and the health and safety of the community
- ☒ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement