



City of North Bay Report to Council

Report No: CORP 2021-54

Date: May 6, 2021

Originator: Karen McIsaac, City Clerk

Business Unit:

Corporate Services

Department:

Clerks Department

Subject: Method of Vote: 2022 Municipal and School Board Elections

Closed Session: yes ☐ no ☒

Recommendation:

That Council refer Report to Council CORP 2021-54 dated May 6, 2021 from Karen McIsaac to the General Government Committee.

Background:

The *Municipal Elections Act, S.O. 1996* (the Act) governs the conduct of all Municipal and School Board Elections held within the Province of Ontario. Pursuant to the Act, municipalities have until May 1st in the year of an election to pass a by-law authorizing the use:

1. of voting and vote-counting equipment.
2. by electors of an alternative voting method that does not require electors to attend at a voting place in order to vote.

The Council of the City of North Bay by way of By-Law No. 2000-82 approved the use of voting and vote-counting equipment and Municipal and School Board Elections have been conducted in this manner since 2000.

The principles of the Act 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; and
- ensuring voters and candidates are treated fairly and consistently within the municipality.

Method of Vote Options for Council's Consideration:

In looking forward to the method of vote for the 2022 Municipal and School Board Election, staff has reviewed the following voting methods which are itemized below for Council's consideration:

Option 1: **In-Person Voting with vote tabulators as the only method of vote.**

This is the most traditional of all voting methods and is the method that the City of North Bay has historically used.

This method requires all electors to attend a polling station, either through advance polls or on Election Day itself. Proxy votes would be permitted, subject to the terms described in the *Municipal Elections Act*.

All registered voters would be sent a voter identification card, giving details of the advance polls and Election Day polling stations. In the 2018 Municipal Election the City conducted seven (7) advance polls. On Election Day there were eleven (11) regular polls and seven (7) special polls.

Pros:

Traditional in-person voting offers registered voters a secure and monitored location to cast their vote. The polling stations would be monitored by election staff, municipal staff and scrutineers who would be able to ensure all votes were cast in a secure environment and that all ballots were accounted for in a controlled process.

Voting in-person is also considered the simplest and most familiar method of voting for many. Registered voters would be required to attend a designated polling station on Election Day to cast their ballot, but otherwise would not require additional instruction or education throughout the process, as many are familiar with this method of voting.

As in-person voting is a familiar voting method for most voters, it remains a desired voting method of many residents. It is a trusted method of voting that has been utilized in various government elections for many years, and therefore makes it the preference of many voters.

The cost of in-person voting is generally known as it is the method of voting used historically by the municipality.

Cons:

The cost of the 2018 Municipal and School Board elections was in the range of \$200,000.00. The highest costs included the lease of the tabulators, salaries of the election workers, ballots and postage to send the voter identification cards.

Ascertaining polling locations is a challenge as there are few municipal facilities that accommodate the space required to hold an election. Pursuant to the Act, School Boards must allow municipalities to use their schools to hold elections without any cost to the municipalities. It has become more and more onerous on the municipality when using schools as polling locations due to the *Safe Schools Act*. The Returning Officer must ensure that all policies and procedures of the school are being followed by election staff and voters.

There is a low degree of accessibility for persons with disabilities particularly those with mobility issues or those that require the use of adaptive or assistive technology. In accordance with legislation, the municipality prepared an Accessibility Plan for the 2018 election and received feedback from citizens post-election that will require some minor changes to the Plan going into the 2022 election. The City rented equipment to assist those with disabilities to mark their ballots, however statistics found that the equipment was underutilized.

Those who are not able to attend a designated polling station to vote in-person on Election Day or during advanced polls will not be able to exercise their right to vote unless they have arranged to do so by way of a proxy.

Option 2: **The use of electronic voting as the only method of vote.**

Internet voting would involve providing each elector with unique credentials to access the secure voting website from a personal computer, tablet or smartphone from any location where there is an internet connecting during the voting period.

The 2018 Municipal and School Board Election saw over 192 out of the 444 Municipalities in Ontario use only electronic voting as their only method of vote. There were some bandwidth issues during the 2018 elections which caused some municipalities to extend their voting period. Unfortunately, this technical issue may have contributed to a negative impact on the public's perception of internet voting despite this being a specific issue relating to bandwidth ultimately having no effect on the integrity of the election or elector's personal information.

Pros:

Many Municipalities have moved to internet voting as it is a fast and efficient voting method. Online voting users have found it simple, convenient and private. Once the ballot has been completed (selections of choice made), the voter has the opportunity to review their selections prior to marking the ballot "complete". Data is then stored in a secure database and not tabulated until voting has closed. Results are generated in real time and provided easily after the close of election. This method does not allow for unintentionally spoiled ballots and provides warning prompts in races that may be under-voted or left blank.

Voting credentials are mailed to the residents who then have the capability of casting their ballot from anywhere in the world, provided there is internet available and that their confirmatory information is correct on the voters' list. Electors who prefer assistance can still be helped during the voting period in established voting centres or other municipal facilities.

The need to hire additional volunteer or paid staff for an internet only election would be limited. This would lower the cost of the election.

Cons:

Although it is reasonable to anticipate that there will be less discomfort as time passes with the evolution of technology, there are voters who express discomfort due to unfamiliarity with technology, or simply prefer the traditional method of casting their paper ballot.

Despite an encrypted database for voting data storage, there are concerns respecting the security of internet voting, including potential for fraudulent activity, viruses and other technical threats associated with the system and transmission of personal information. Additionally, there is the perception that internet voting may violate privacy, including concerns surrounding friends or family members exercising illegitimate and unlawful authority to compel an elector's vote or voting on their behalf with their credentials.

While there is always the potential for process interruptions or breakdowns in any system, including in the paper ballot method, experience shows that impact of a disruption to the electronic voting platform can be relatively more significant.

Using internet voting would still require the municipality to contract with a third-party company for technical services, in addition associated mailing costs of sending elector's their voter credentials. There would also be additional costs for communication, outreach and advertising.

This system could be less accessible for persons that do not have computers or mobile devices at their immediate disposal.

Option 3: **Vote-by-Mail**

The Vote-by-Mail method all registered electors would be sent a voting kit, several weeks in advance of voting day itself. The kit would include a ballot, a security declaration and a return envelope. Votes then return the ballots via Canada Post, or drop them off in person. Ballots must be received by 8 p.m. on voting day.

Pros:

Vote-by-mail provides improved coverage and convenience for all electors with kits mailed to the preferred mailing address of each qualified elector on the voters list. Individuals are able to vote from the comfort of their home with no additional accessibility provisions required to be considered for the election.

Another benefit of vote-by-mail is that there is no need for proxy voting or advance polls. This saves in additional staff time and removes an added layer of complexity.

Cons:

The municipal voters list has traditionally been supplied by MPAC and is rife with errors, particularly with regard to tenants and former residents of property. An exclusively vote by mail system requires that a ballot be issued to everyone listed on the voters list, and does not include any security measures beyond the standard oath of an elector, such as signature matching.

There are some security concerns with vote-by-mail including the possibility of forged ballots or mail fraud, including the opening or tampering of mail or altering ballots. These concerns are very limited in reality, but the public perception of the issues may cause some disquiet among the electors.

Vote-by-mail can be expensive considering the cost of postage, additional staff required and necessary education campaign to use this method. Additionally, extra temporary staff will be required to assist with the opening and counting of ballots. A strong communications effort would be needed to ensure all eligible voters are aware of the new method and how to register to vote if they are not already on the voters list.

The vote-by-mail method requires a more extensive timeframe to mail out the ballots and ensure that they can be returned by voting day. There may be cases where non-resident electors may experience barriers to voting as a result of these timeframes associated with the mailing process or in situations where non-resident voters did not receive a voter kit initially and are unable to pick one up in person prior to the close of voting.

Vote-by-mail is completely reliant on Canada Post, not only to distribute blank ballots but to process completed ballots mailed back to the municipality. Implementing contingency measures are more difficult with this method in the event of a postal service disruption or other unforeseen delay. Voters may also feel pressured to complete their ballots so that they can be mailed as soon as possible to meet the deadline. This may affect the campaign period as there will be little value campaigning in the days immediately before Election Day.

Option 4: **The use of electronic voting through the advance voting period and paper ballots with electronic vote tabulators on Election Day.**

Option 4 would see in-person voting and internet voting combined as described in Options 1 and 2.

Pros:

Using this method has the potential to avoid some of the problems with option 1 or option 2. By combining these two methods, there is an additional expanded coverage for voters not able to vote in-person and for those who may prefer the convenience of alternative voting.

Having the option to vote in-person assists those in the community with problematic internet coverage and those who feel unable to use an online system due to their technological awareness or accessibility needs.

Cons:

This hybrid option would result in higher costs for the 2022 election of approximately \$100,000.00, if not more, than the 2018 election.

There would be a requirement for the City to fully understand the logistics of this hybrid model to ascertain how to ensure the integrity of the voters' list.

Options for the 2022 Municipal and School Board Elections

Depending on the preference of Council, several options are available for conducting the 2022 Municipal and School Board Elections. Council may choose to offer voters a paper ballot system using optical scan vote tabulating devices, an internet voting system, or a hybrid approach using both systems. Regardless of the method selected, Municipal and School Board Elections also place an increased demand on the City's Information Technology Services branch with respect to setting up and/or equipping the voting locations.

When selecting a method of voting, Council will also need to consider the impact of COVID-19 and the impact on the City's finances. Additionally, 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, impacting the method of voting selected for the 2022 Municipal Elections.

Financial/Legal Implications:

Municipal elections are funded from the Election Reserve. Currently, each year \$65,000.00 is allocated to the Election Reserve. Based on the option selected by Council, the contribution to the Election Reserve may need to be increased.

Corporate Strategic Plan:

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|---|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives:

Ensure continuous improvement of governance and administration.

Options Analysis:

Option #1: That Council refer Report to Council CORP 2021-54 to the General Government Committee.

This is the recommended option.

Option #2: That Council not refer Report to Council CORP 2021-54 to the General Government Committee.

This is not the recommended option.

Recommended Option:

That Council refer Report to Council CORP 2021-54 dated May 6, 2021 from Karen McIsaac to the General Government Committee.

Respectfully submitted,

Name: Karen McIsaac

Title: City Clerk

I concur with this report and recommendation.

Name: Margaret Karpenko

Title: Chief Financial Officer

Name: David Euler, P.Eng.

Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Karen McIsaac

Title: City Clerk