

Staff Report



To	Committee of the Whole
Service Area	Corporate Services
Date	Wednesday, February 17, 2021
Subject	Voting systems and alternative voting methods for the 2022 municipal election

Recommendation

1. That a by-law be adopted to support the use of vote tabulators in the 2022 municipal and school board election.
 2. That a by-law be adopted to support the use of vote by mail as an alternative voting method in the 2022 municipal and school board election.
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Executive Summary

Purpose of Report

To provide City Council with an overview of voting system and alternative voting method options in order to make a decision on what should be implemented for the 2022 municipal and school board elections.

Key Findings

Voting systems findings

- Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020, has removed the option for Ontario municipalities to consider a ranked ballot election for 2022.
- As a result, a decision on voting system is no longer legislatively possible.

Voting methods findings

- Staff recommend the continued use of vote tabulators with paper ballots at in-person voting locations.
- Vote by mail is recommended as an additional remote voting channel to support eligible voters to cast a ballot who are unable to come to an in-person voting location. This remote method would be implemented during the election period at the discretion of the City Clerk.

Financial Implications

No costs are anticipated for voting systems.

Rental costs for vote tabulators are estimated at \$90,000.

Costs to offer vote by mail as an alternative voting method are estimated to be \$75,300 to support 10,000 voters.

Projected costs for all remote voting methods are provided in Attachment-7.

All vote counting equipment and alternative voting method costs are funded through the election reserve and no additional funds are required.

Report

Voting Systems

Background

The Municipal Elections Modernization Act, 2016, gave Ontario municipalities the option to use ranked ballots for the first time in 2018.

On September 26, 2016, the City Clerk's Office brought forward a staff report on [municipal election modernization](#) which recommended that Council maintain the first past the post (FPTP) election model for the 2018 municipal election. The report also recommended that the City Clerk be directed to monitor ranked ballot elections in Ontario and report back to City Council after the election and this was done as part of the [2018 Municipal and School Board Election Report](#) submitted on April 1, 2019.

Engagement planning

Community engagement on voting systems was initially planned for fall 2020, however the COVID-19 pandemic required that in-person engagement be cancelled.

A joint engagement on voting systems and methods was planned to begin on November 9, 2020. This would have included an online survey, statistically significant telephone survey and open house event with a panel discussion to provide an opportunity for the community to ask questions, hear from a range of perspectives and to meet transparency requirements under the Municipal Elections Act, 1996 (MEA) regulations.

Legislative changes

On October 20, 2020, Bill 218, Supporting Ontario's Recovery and Municipal Elections Act was introduced to the Legislative Assembly of Ontario. Bill 218 proposed several amendments to the MEA, the most significant being the removal of sections that permit municipalities to offer a ranked ballot election.

The City Clerk's Office monitored the quick progress of the Bill from first reading to its referral to the Standing Committee on Justice Policy on October 27, 2020 and made the decision to pause planned community engagement initiatives on voting systems.

The bill proceeded through the legislature and received Royal Assent on November 20, 2020. As such, no City Council decision on voting systems is possible for the 2022 municipal election.

Voting Methods

Background

Prior to each municipal election, Section 42 (1) of the MEA requires that:

42 (1) The council of a local municipality may pass by-laws,

- (a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- (b) authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote. 1996, c. 32, Sched., s. 42 (1).

A decision on vote-counting equipment and alternative voting methods has previously been required by May 1 in the year before the election. However, Bill 218 also adjusted this date for the 2022 municipal election. The MEA has been amended to require this decision be made by May 1 in the year of the election. Despite the change in legislation, a decision at this time would be beneficial for several reasons. It would mean that public feedback was considered in a timely manner. It would limit perception that any sitting member of Council is making an election decision so close to the opening of nominations on May 1, 2022. Based on the assessment and time required to prepare for the 2022 municipal and school board elections, the City Clerk's Office requires a Council decision in advance of May 2022, the new legislated deadline. A procurement delay into 2022 could result in equipment being unavailable.

The City Clerk, as the Returning Officer for the City of Guelph, has several criteria to consider before making a recommendation on vote-counting equipment and alternative voting methods. The first is whether an option upholds 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.

Other criteria include community engagement feedback, the ability to effectively administer and support an option, as well as what trends we are seeing in municipal, provincial, national and international elections.

Each election, the City Clerk's Office carefully considers iterative improvements to election services. This includes the introduction of vote tabulators in 2010, offering a remote voting method with internet voting during the advanced voting period in 2014, increased community outreach, recruitment innovations and candidate communications in 2018. Recommendations for 2022 are intended to sustain existing services with opportunities to pilot new service improvements. Recommendations for 2022 are also based on a review of approaches employed elsewhere in light of the COVID-19 global pandemic.

In-person voting with vote tabulators

The City began using optical scanners/vote tabulators in 2006 for all voting locations and has continued to use them in 2010, 2014 and 2018. The use of vote-

counting equipment allows for increased consistency in vote counting over a manual counting process and supports the reporting of unofficial election results on Election Night.

The use of vote tabulators upholds all principles of the MEA by:

- Upholding the secrecy and confidentiality of the voting process with no connection between the voter and the ballot cast.
- Ensuring a fair and non-biased count of votes with thorough testing to verify votes are counted consistently and correctly and removing any potential question as to how a person is counting. Manual counting relies on individual decisions to determine voter intent while automated counting processes ensure that determination of voter intent and what can and cannot be counted is more consistent and less prone to human error.
- Offering the use of accessible audio and tactile based voting equipment which is enabled by the tabulator. This allows for independent marking of a ballot which, once printed and cast in the tabulator, is indistinguishable from any other ballot.
- Maintaining the integrity of the election and providing certainty that the results reflect the votes cast.
- Ensuring that voters are treated fairly and consistently with all ballots cast and counted in the same manner.
- Upholding consistent process for what votes can be counted and which are rejected as invalid, for example if a ballot is spoiled or over-voted.

Public engagement conducted from November to December 2020 focused on remote voting options, however, previous pre and post-election surveys have asked about what voting method people are most likely to use. The 2018 post-election surveys conducted online and by telephone found that people are still most likely to vote in-person with 96 per cent of online respondents and 75 per cent of telephone respondents indicating that they would continue to use in-person voting options with paper ballots if offered in future elections. Based on this feedback, we see that in-person voting with paper ballots is still the most preferred option in our community and we should continue to anticipate the highest voter turnout at voting locations, even if remote methods are offered. The use of vote tabulators facilitates the efficient and consistent counting of the high volume of ballots cast in-person and would support the community preference for in-person voting options.

The use of vote tabulators is supported by broader trends in election services offered at the municipal and provincial levels of government. The use of tabulators has grown consistently within municipal elections in Ontario over the past decade. The Association of Municipal Clerks and Treasurers of Ontario (AMCTO) conducted a [2018 post-election survey](#) which found that 58 of the 108 municipalities offering paper ballots used vote tabulators. Elections Ontario initiated a pilot introducing technology, including electronic poll books for a live voters' list and deployed 6,000 vote tabulators across the province during their 2018 general election. This province-wide use of vote tabulators built upon previous learning and success from smaller pilots during by-elections. This move was framed as an important step in modernizing election services in the [2018 General Election – Post-Event Report](#). The sharing of processes, knowledge and lessons learned between the City Clerk's Office and the Provincial Returning Officer enhanced both local and provincial use of this technology.

Concerns have been raised regarding the use of tabulators; however, investigations have consistently found no fault with these machines. One instance involved a delay in results for the Conservative Party leadership race. These delays related to an automated machine that was used to open mailed ballots not the tabulators themselves. Ballots were damaged to the point of being unable to be read by the vote tabulators. This process error required that ballots be re-marked in order to be machine readable and this re-marking caused the reported results delays. If the City offered a vote by mail option, all ballots would be manually opened to prevent this issue. Another circumstance relates to the 2020 United States (US) presidential election, in which case false claims were made that vote tabulators were involved in the vote switching or tampering with results. These accusations have been investigated and proven false by the US federal government agency that oversees election security, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA), which stated that "there is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised." [A joint statement](#) has been issued to address these false claims. Dominion Voting Systems has also made an [official statement](#) available to address all claims. In each case where re-counting of tabulator results took place, results were fully auditable and verified the initial results. All election equipment is stringently tested and requires certification by the US Election Assistance Commission (EAC) and, while there is no certification requirement in Canada or Ontario, the vote tabulators used by the City of Guelph have been certified by EAC standards.

The City Clerk is confident in the ability to administer future municipal and school board elections using vote tabulators. Voters in Guelph are familiar with the technology at both the municipal and provincial levels. Thorough procedures are established to ensure that vote tabulators are scanning and recording vote counts accurately prior to use at a voting location. This process, known as logic and accuracy testing, is conducted with pre-marked ballots for every ward and school board candidate being tested and manually verified by the City Clerk's Office. The procedures for this testing process are available publicly prior to testing and candidates or scrutineers are invited to attend and witness. 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 at voting locations.

It is recommended that a by-law, Attachment-1, be adopted to support the use of vote tabulators in the 2022 municipal and school board election.

Supporting voter access and enfranchisement

The City Clerk's Office will be considering a range of options to support access to election services in 2022. An overview of additional options is provided below for information; however, these options are within the legislative authority of the City Clerk to decide on.

The MEA permits voters to appoint and vote by proxy. This allows a voter to formally document and assign a friend or family member to vote on their behalf. In past elections, voters have used this process to varying degrees. Based on feedback received, we know this is often not very convenient or preferred. It requires the voter to complete a statutory form and have the assigned proxy voter

come to City Hall to have the form commissioned. If voting on Election Day and the proxy voter lives in a different ward than the person they are voting on behalf of, then they will need to go to multiple voting locations. The need for a paper form, multiple visits to City Hall and voting locations are identified as an inconvenience and a barrier for some voters, including people who live or work outside of the City. This option is often considered a last resort. Methods that enable voters to cast their own ballot are preferred.

An increase of in-person voting days during the advanced voting period and additional locations across the City are planned. This will help increase access to advanced voting when lines and wait times are shorter.

A home visit program pilot is also being considered. A home visit option is legislatively required and offered by Elections Ontario and Elections Canada; however, it is not required municipally. This option has not been offered in previous elections due to capacity considerations and limited ability to support. Following other municipal examples, such as the City of Toronto, a pilot may be explored to determine the level of community interest and the amount of support required. This program would require registration and have set criteria for who could request this service. Collection and verification of qualifying criteria would be sensitive, for example if someone has a disability or is unable to read or write, and would have to be carefully planned. This option would not serve eligible voters outside of City of Guelph municipal boundaries and would not support many voters who would otherwise be out of town or prefer not to go to an in-person voting location.

Remote voting options

The City Clerk's Office recommends that Council approve one remote voting method for the 2022 municipal and school board election. Remote voting options include vote by mail, internet voting or 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 be enfranchised and have the opportunity to cast their own ballot if they choose to. Offering in-person voting only does not meet this goal. Eligible voters may not be able to come to a voting location for a variety of reasons, including mobility limitations, if they are out of town for work or personal matters on voting days, if they have health concerns or if they own property in Guelph but live in another municipality. Elections Canada and Elections Ontario recognize that in-person voting options are not sufficient to enfranchise all eligible voters and offer a remote mail in ballot option in addition to home visit programs.

The current climate of the COVID-19 pandemic has highlighted the need for alternative voting options. The City Clerk's Office has been carefully monitoring how provincial and municipal elections have been 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 time of the next regular municipal election in October 2022; however, the City Clerk's Office needs to prepare to offer alternative voting options, including one that does not require in-person contact. 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 with their or others health.

The City Clerk's Office acknowledges that any remote voting method is unsupervised and presents additional considerations around maintaining the integrity and security of the election process. The risk of fraud 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 for following the MEA and related laws. The City 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.

One remote method is recommended as this could be supported administratively with existing staffing and budget resources. Offering more than one remote option would require additional budget considerations and may make other service improvements, like a home visit program pilot, difficult to deliver as well.

Ability to meet principles of the MEA

Only one remote option fully upholds all principles of the MEA.

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

- Upholding the secrecy and confidentiality of the vote with thorough and 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 off the list. Of the remote options, this is most similar to the in-person voting process. 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.
- Increasing access for voters who are unable to come to a voting location, particularly voters living or temporarily outside of the City on work or personal matters. This option would provide limited benefit to voters without a fixed address and for some voters with disabilities that would make picking up or getting to a mailbox difficult. Opportunities to support increased access through service providers, designated drop off locations and an alternative home visit program could be explored to enhance access.
- 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 City 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. This means that the same criteria and process for accepting and rejecting ballots under certain conditions, like an over-voted ballot, would be applied in the same way as ballots cast in-person. Counting mailed ballots would occur after the close of voting locations on Election Night and would be open to viewing by candidates or scrutineers. Audit tracking and any questions

regarding the accuracy of results could be verified by the physical ballots and a recount, if ordered by a judge, could be conducted by manual count.

The use of internet voting upholds some principles of the MEA by:

- Offering a remote option that is fair, consistent and does not bias or provide increased influence for any candidate or voter.
- Providing a range of customization options, including the ability to change font size and adjust contrast, as well as, integration with screen reading software on voters' personal devices to offer the most accessible voting experience for voters with disabilities.
- Generally treating voters and candidates fairly and consistently by using widely available technology for voters and not providing undue advantage to any candidate.

It is unclear or unlikely that internet voting upholds the following MEA principles by:

- Being unable to guarantee that secrecy of the vote is maintained. A report titled "[Online Voting in Ontario's Municipal Elections](#)" co-authored by Dr. Aleksander Essex, Anthony Cardillo and Nicholas Akinyoukan, studied internet voting use in the 2018 municipal elections and found that some voters were re-identifiable based on login credentials that used date of birth. These findings raise questions around both the secrecy of the vote and the integrity of the voting process that requires further study and should be addressed before further implementation of an internet voting method.
- Offering only digital audit and recount capabilities. While there have been no proven instances of an internet voting system being hacked, breached or tampered with, the fact that an audit or recount entirely relies on that system and cannot be verified by another external process is concerning. There is no external way to verify whether results reflect the majority, votes are counted accurately and only valid votes are counted are upheld. Should trust in the system be called into question, it would be very difficult to prove otherwise. As we have seen with the recent US Presidential Election, the ability to transparently investigate, audit and verify results is paramount.

The use of vote by phone upholds some principles of the MEA by:

- Offering a remote option that is fair, consistent and does not bias or provide increased influence for any candidate or voter.
- Generally treating voters and candidates fairly and consistently by using widely available phone technology for voters and not providing undue advantage to any candidate.

It is unclear or unlikely that vote by phone upholds the following principles by:

- Using the internet voting system as the underlying platform to receive ballots and count votes. Any questions raised regarding the ability for an internet voting system to ensure the secrecy and confidentiality of the voting process, ensure the integrity of the election or to provide certainty that the results of the election reflect the votes cast would also apply to a vote by phone method.
- Providing limited ability for the voter to adjust set-up and receive assistance if needed which would compromise the ability to ensure the election is accessible to all voters. Discussion with Accessibility Services staff indicate that a vote by phone option would be difficult to use for voters with a variety

of disabilities. To cast a ballot by phone, the voter would interact with an audio recording not a person to mark the ballot. The recording could not be sped up or slowed down to accommodate voters needs individually and no assistive devices or software could be used by the voter, as is available with internet voting. This method could also present a barrier for voters who speak English as a second language. The City does not translate the ballot or voting instructions into multiple languages; however, voters are able to get assistance from a translator that accompanies the voter at a voting location in-person. As long as the voter upholds their responsibility to mark their own ballot and to not be coerced, a vote by mail or internet voting option would allow this ability to receive similar assistance remotely. Getting assistance to mark an audio ballot over the phone would be much more challenging.

Engagement on remote options

Public engagement on remote voting methods was conducted over four weeks from November 9 to December 4, 2020. All engagement activities were remote following public health guidelines during the COVID-19 pandemic.

Communication for the engagement included social media posts, digital advertising and mobile signs placed around the city.

The engagement included a statistically significant telephone survey conducted by OraclePoll. The telephone survey contacted 600 individuals and balanced representation across all six wards, as well as, age and gender demographics.

The engagement also included an online survey hosted on the City's engagement platform at haveyoursay.guelph.ca/voting-methods. 715 of responses were received and 13 community questions were submitted and answered.

On November 18, 2020 an open house and panel talk was also live streamed to engage our community in a discussion around potential remote voting options. The panelists included:

- Dr. Nicole Goodman
 - Associate Professor of political science at Brock University.
 - Dr. Goodman is an internationally recognized expert on electoral modernization and has led a number of projects studying municipal elections. She has co-authored reports and provided advice to governments electoral modernization to governments across Canada and internationally.
- Dr. Aleksander Essex
 - Associate Professor of electrical and computer engineering at Western University.
 - Dr. Essex co-authored a cybersecurity study of online voting use in the 2018 Ontario municipal election titled the "[Online Voting in Ontario's Municipal Election](#)" and is working with Dr. Goodman towards the development of cybersecurity standards for online voting.
- Sarah Qureshi
 - President and CEO of QSI Security.
 - A thought leader in the information security field, she works with organizations to adopt technological advancements in privacy and security.
 - She has worked with other municipal governments conduct security assessments of online voting systems to mitigate cybersecurity risks.

- Lorelei Root
 - Digital Accessibility Specialist who works in video game development to make games more accessible to people with disabilities.
 - She is a member of the City of Guelph's Accessibility Advisory Committee and a member of the Guelph community who lives with a disability and is passionate about ensuring elections are accessible for all voters.

The open house was watched live by an average of 20 people, however, there were significantly more views after the [video recording](#) was posted to the [voting methods review project page](#) with 972 views on Facebook and on YouTube in the following weeks.

The community was also invited to call, email or send letters to the City Clerk's Office if this was more convenient or accessible. Five (5) emails were received and their feedback was incorporated into the decision-making process along with survey results.

Engagement findings summary

A summary of engagement findings is provided below and is shown in Attachment-4. Averages of both the telephone and online survey are shown to illustrate trends; however, individual survey reports are provided in Attachment-2 and Attachment-3 to show nuances between the statistically significant and voluntary survey responses. Council and the public are encouraged to review both engagement reports in full for further insights. For the purpose of summarizing data, similar responses such as good/very good or neutral/unsure have been totaled.

All remote methods were relatively well understood with 76.58 per cent of people indicating they understood internet voting the most, followed by 73.92 per cent understanding vote by mail. Vote by phone was the least well understood with only 58.9 per cent of people familiar with this option.

When asked what remote voting method they anticipate being most likely to use, internet voting was the first choice by large margin. 65.1 per cent of responses rated internet voting their first choice, 15.65 per cent rated it their second choice and 19.25 per cent their third choice. Vote by phone was the second most likely to be used with 15.64 per cent of respondents listing it as their first choice, 48.47 per cent selecting it as their second choice and 35.89 per cent choosing it as their third choice. Vote by mail was the third choice overall, with 21.05 per cent selecting it as their first choice, 29.24 per cent listing it as their second choice and 49.71 per cent choosing it as their third choice. People were asked to elaborate on why they were most likely and least likely to vote using the options they selected.

People indicated they were most likely to use vote by mail because of:

- Technology issues/uncomfortable with technology
- Trust Canada Post mail service/safest option/most reliable
- Used to/most familiar with/just prefer it
- Less chance of issues/glitches/crashes/most secure
- Practical

People indicated they were least likely to use vote by mail because of:

- Lack of confidence in mail/postal service
- Outdated method/inconvenience of going to the post office/most time consuming to do

- Lost ballots
- Open to fraud
- US election experience

People indicated they were most likely to use internet voting because of:

- Comfortable with technology/most people are
- Everything is technological (online)/do other secure online tasks or transactions
- Just prefer it
- Easiest/convenience – don't have to leave home
- Used to/most familiar

People indicated they were least likely to use internet voting because of:

- No PC/internet/not tech savvy enough/not technical
- Security issues/not secure enough
- Open to fraud
- Too complicated
- Legitimacy concerns

People indicated they were most likely to use vote by phone because of:

- Easiest
- Just prefer it
- Trustworthy
- Practical
- Less chance of fraud

People indicated they were least likely to use vote by phone because of:

- Security issues/not secure enough
- Online a better option
- Open to fraud
- Too complicated
- Legitimacy concerns

If each method was offered, surveys asked whether there were any security concerns with each of the potential remote voting methods. Overall, security concerns were relatively low with less than 30 per cent of respondents indicating they had concerns with any of the methods. People had the highest level of security concern with vote by phone (28.85 per cent), then vote by mail (23.6 per cent) followed by internet voting with the lowest level of concern (22.15 per cent). People who indicated that they did have a security concern could elaborate on what their concerns were in an open ended response. The top security concerns for each option were:

Vote by mail

- Ballots being lost
- Mail fraud
- Voters' lists (outdated / not reaching the right person)
- Do not trust Canada Post
- Takes too long

Internet voting

- Cyberattacks/hackers

- Identity theft/personal data exposed
- Do not trust it
- Fraud (verifying the right person is voting)
- Who would manage/distrust of private companies

Vote by phone

- Fraud (verifying the right person is voting)
- Do not trust it
- Making sure the correct vote is recorded
- Who would manage/distrust or private companies
- Competency of people taking calls

Surveys also asked whether there were any other concerns with each of the potential remote voting methods. Overall, there were low levels of other concerns. People had the highest level of other concerns with vote by mail (20.03 per cent), then vote by phone (18.31 per cent) followed by internet voting with the lowest level of concern (14.72 per cent). Elaborating on what their concerns were, the top other concerns for each option were:

Vote by mail

- Mail delays
- Making sure ballots are received/delivered
- Difficulty completing (read/filling out/mail)
- Outdated

Internet voting

- Difficulties with technology
- Ensuring votes are counted
- Dislike it/won't use it
- Too complicated

Vote by phone

- Ensuring votes are counted
- Difficulties with technology
- Too complicated
- Dislike it/won't use it

Considering the COVID-19 pandemic, people were asked whether they were more likely to vote remotely in the future. Overall, 62.54 per cent of people said that they were more likely to vote remotely in future elections. A significant increase to consider. 21.2 per cent of people said they are not more likely to vote remotely and 16.15 per cent were unsure. There was a greater difference in the telephone survey and online survey responses to this question with 54 per cent of respondents to the statistically significant telephone survey indicating they were more likely to vote remotely compared to 71.3 per cent of people who took the voluntary online survey.

Administrative considerations

Vote by mail has not been implemented by the City before, however, processes could be developed and enhanced based on broad use by other municipalities and higher levels of government. Vote by mail is vendor supported by Datafix, the City's voters list system provider, and could be administered with existing staffing and

budget resources. Due to use at higher levels of government, it is a method familiar to many voters. 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 an audit or recount of ballots in the same manner as they were originally counted, or by alternative methods if ordered by a judge.

Internet voting has been offered with existing staffing and budget resources and is a vendor supported method. Internet voting is frequently used in municipal elections and has been offered by the City of Guelph in 2014. This method has established processes and is familiar to the community based on the 2014 experience. 2014 also offered some lessons learned, particularly around challenges using the MPAC provided voters' list. The number of corrections to the voters' list made administering internet voting more difficult and the City Clerk's Office worked with many voters to correct data errors, such as incorrect birthdate, to allow them to vote. This issue has been addressed with Bill 204, Helping Tenants and Small Businesses Act, 2020 which has confirmed that Elections Ontario will be providing municipal voters' lists as of the 2026 municipal election. This will significantly improve the accuracy of information on the list and would make offering internet voting more secure and easier to administer in the future. However, it would not address data accuracy issues in time for 2022.

Since 2018, important questions have also been raised by the "[Online Voting in Ontario's Municipal Election](#)" report. It highlights a gap in how this method has been offered without independent system and process standards in place. While penetration testing can be conducted on internet voting systems, individual municipalities lack the capacity, financial resources and specialized skill set to thoroughly audit and test the system, all related processes and sub-contracted services. Without higher level standards, questions remain about how secure, reliable and trustworthy internet voting is. Until there are standards that test all aspects of this method, the integrity and reliability of results cannot be verified outside of the internet voting system which is problematic from a legal and administrative perspective.

Vote by phone could be offered with existing staffing and budget resources and is also a vendor supported method. Vote by phone has not been used by the City of Guelph and there are no municipal comparators who manage similar election models that could be consulted with to create procedures that could be used by the City. Discussion with the City's election vendors indicate that, when this method is offered, there is low use by voters in the range of 5% of eligible electors. For voters that do use the vote by phone option, the experience is often frustrating. The voter must listen to instructions on how to mark the ballot, move through up to three contests for Mayor, Councillor and Trustee that can have upwards of 10 – 15 candidates each and then listen to each selection repeated for verification before the ballot can be cast. This experience can be similar to being stuck in an extended phone queue. If a voter is disconnected before accepting all selections at the end, due to a phone connection issue or if they hang up, their ballot has not been cast and there can be confusion and increased support needed from the Elections Team to manage this. Overall, administratively there is concern that this method could result in a poor voting experience.

Election trends

For vote by mail, broader trends see use of this method increasing at all levels of government. This is the remote option consistently used by Elections Ontario and Elections Canada. Prior to the COVID-19 pandemic, this option has been used by smaller municipalities across Ontario and, in some cases, is the only voting option offered. There are some mid-size municipalities in Canada, like the City of St. John's Newfoundland with a population of roughly 108,000, that use vote by mail as their only voting option. Since the COVID-19 pandemic, vote by mail has been increasingly used by election administrators. Recent examples include the US presidential election, as well as, the British Columbia provincial election. While claims of vote tampering were raised during the US presidential election, thorough investigations have found no evidence to prove that any tampering took place. Larger municipalities like the City of Ottawa and City of Toronto used vote by mail for the first time in recent by-elections. This trend may continue into 2022, with other municipalities like Hamilton strongly considering vote by mail as well.

For internet voting, broader trends see continued use by municipalities across Ontario but clear direction from Elections Ontario and Elections Canada that this method will not be pursued in the near future. The "[Online Voting in Ontario's Municipal Election](#)" report offers the most comprehensive analysis of methods used by municipalities in 2018. Of the 391 municipalities where the method could be identified, 131 use an electronic ballot only, 46 used a combination of electronic ballot and paper ballot and 214 used a paper ballot method only.

For vote by phone, broader trends see low adoption in elections at all levels of government. Some smaller and rural municipalities in Ontario have used the method, however, no comparators with a similar or larger number of eligible voters use this method. Based on discussions with other municipalities in southwestern Ontario, this method is not being considered for use by any other municipalities similar to Guelph for 2022.

Recommendation

The City Clerk's Office recommends that vote by mail be approved for use in the 2022 municipal election based on the ability to uphold all principles of the MEA, this method can be most widely accessed by voters, the ability to thoroughly audit and verify recount with a paper ballot, familiarity to voters, and increasing use in elections.

The Alternative Voting Methods By-law, included as Attachment-1, does not specify a timeline for this remote voting method to be used. The City Clerk is seeking broad approval of a remote method and will consider implementation timelines based on the remote method approved by Council and public health recommendations closer to 2022.

Internet voting is not recommended as it may not uphold all principles of the MEA, including the secrecy of the vote and integrity of the election, ongoing voters' list limitations in 2022, a lack of standards that would establish clear requirements for more thorough audit of the internet voting system and all related processes that would ensure integrity of the election process and support greater community trust in an internet voting method and election results. The City Clerk's Office acknowledges that internet voting is the most accessible voting method for some voters with disabilities and is still strongly favoured by the public. However, if a

method is unable to meet the legal principles of the MEA and cannot guarantee the overall integrity and certainty of the results then it cannot be recommended. The City Clerk's Office is committed to working with Accessibility Services staff and the Accessibility Advisory Committee to carefully plan for accessibility considerations.

Vote by phone is also not recommended as it may not uphold all principles of the MEA, usually sees low rates of voter use, potential for a poor voting experience, is unable to offer accessible adjustments or allow voters to get assistance.

Project connections

Engagement and a decision on vote-counting equipment and alternative voting methods is needed in between the first and second phase of the Council Composition and Ward Boundary Review.

To date Council has confirmed the continued use of a ward system for the City of Guelph. Further engagement is planned in early 2021 with a final decision in summer 2021 on the number of councillors, number of wards and number of councillors elected per ward.

Vote-counting and alternative voting method options can be offered with any Council composition or ward boundary system. It is recommended that City Council decide on voting methods independent of Council composition and ward boundaries considerations. Council composition is a foundational governance structure that lasts for decades, well beyond voting methods which may fluctuate each term before the next municipal election.

Financial Implications

For vote tabulators, the City can continue the 2018 contract for the use of vote tabulators at an estimated cost of \$90,000. This may be updated if an increase in voting days and locations requires additional equipment.

For vote by mail, the City estimates a cost of \$75,300 to support 10,000 voters. This includes the cost of vote by mail kits, vendor services to integrate with the voters' list, postage to send and return, as well as, high-speed tabulators to tabulate results on Election night. This may fluctuate if an increase of voters using the remote option is anticipated.

Funds for vote-counting equipment and one remote voting option can be funded through the existing election reserve. This has been confirmed with Finance.

Consultations

A comprehensive community engagement plan, developed with the City's Community Engagement team, was implemented. Consultations were held with internal stakeholders including:

- Karen Newland, Manager Finance Client Services, Finance
- Ryan MacLean, Corporate Analyst, Finance
- Leanne Warren, Accessibility Project Specialist, Facilities and Energy Management
- Accessibility Advisory Committee

External subject matter experts on voting systems and voting methods were also consulted including:

- Cathy Saunders, City Clerk, City of London

- Kevin Bowman, 123Guelph
- Lin Grist, Council of Canadians
- Dr. Nicole Goodman, Associate Professor, Brock University
- Dr. Aleksander Essex, Associate Professor, Western University
- Susan Dickert, Returning Officer, Elections Ontario and Elections Canada

Feedback received from internal stakeholders and external subject matter experts has been integrated in relevant sections throughout this report.

Public engagement was conducted from November 9 to December 4, 2020. A summary report of the statistically significant telephone survey is available as Attachment-2 and a summary report of the online survey is available as Attachment-3. Statistics regarding participation in the community engagement period are provided below.

- 600 statistically significant surveys complete by phone.
- 715 surveys completed online.
- 229 unique visits to the voting methods review project page.
- 65,558 people reached on social media, with 1,691 people engaged and 362 link clicks on Facebook and Twitter.
- 41,331 total impressions on digital media advertisements.
- The virtual Open House video was viewed on Facebook and YouTube 972 times as of December 10.

Decisions will be communicated through the [Voting Methods Review project page](#).

Strategic Plan Alignment

This project aligns with the Strategic Plan priority of working together for our future by ensuring that the voting system and alternative voting methods that will be used in the next municipal election represent the needs of our community and the Corporation of the City of Guelph.

Remote voting methods that offer a paperless voting option, including vote by phone and internet voting, align with the Strategic Plan priority of sustaining our future by providing a 'green' alternative and reducing reliance on printed materials that impact our carbon footprint.

Attachments

Attachment 1 – Alternative voting methods by-law

Attachment 2 - OraclePoll telephone survey report

Attachment 3 - EngagementHQ online survey report

Attachment 4 – Engagement results summary

Attachment 5 – How each voting method works

Attachment 6 – Benefits and drawbacks for voting methods

Attachment 7 – Cost of each voting method

Attachment 8 – Questions and answers

Attachment 9 – Voting systems and methods presentation

Departmental Approval

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