

Staff Report



To	Committee of the Whole
Service Area	Corporate Services
Date	Monday, November 1, 2021
Subject	Remote Accessible Vote by Mail as a Voting Method for the 2022 Municipal Election

Recommendation

1. That the City continue with the current approved alternative voting methods of vote by mail (VBM) and a home vote service pilot for the 2022 municipal election.
 2. That no more than two (2) alternative voting methods be approved for the 2022 municipal election.
 3. That Remote Accessible Vote by Mail (RAVBM) not be approved as an alternative voting method for the 2022 municipal election.
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Executive Summary

Purpose of Report

To report back to Council following a review of the Remote Accessible Vote by Mail (RAVBM) voting method as directed by Council [on June 28, 2021](#).

Key Findings

- RAVBM, described by the Accessibility Advisory Committee (AAC) motion as “mail in voting with an electronic ballot marking option”, does not support a fully independent and barrier free voting experience.
- RAVBM has not been offered in any Canadian election to date.
- Offering RAVBM as a fourth voting method presents significant staffing, budget, security and timing challenges.
- Council, staff and the community need to be able to trust the underlying system for any form of digital voting process.
- Staff do not recommend RAVBM given its close similarity to internet voting and given Council’s clear direction to not pursue internet voting as an alternative voting method.

Financial Implications

Vendor costs for the RAVBM voting method is estimated to be \$17,000. Additional costs include security testing, estimated to range between \$22,000 and \$52,000 and an additional contract position, estimated at \$105,000 for compensation and benefits. Total costs of implementation are estimated to be \$144,000.

These costs are in addition to anticipated costs for in-person voting, vote by mail (VBM) and the home vote service pilot currently estimated between \$458,500 to \$483,500.

The Election Reserve does not have sufficient funds to cover the estimated cost of \$144,000 for RAVBM. Council would need to increase the 2022 budget for RAVBM if it is approved.

Report

Background

Prior to each municipal election, Section 42 (1) of the Municipal Elections Act (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).

The information report on the [Vote from Home Service Pilot for the 2022 Municipal Election](#) was pulled and discussed by Council on June 28, 2021. During that meeting, Council passed a resolution "that the matter of mail-in voting, with use of a marked electronic ballot, be referred to the City Clerk's Office for review, recommendations and report back to City Council by Q4 2021."

The following report responds to Council's direction and will provide an overview of the RAVBM alternative voting method. This would be a separate and fourth voting method being considered for the 2022 municipal and school board elections, in addition to in-person voting with vote tabulators, traditional VBM and a vote from home service.

The deadline for Council to approve alternative voting methods for the 2022 municipal election is May 1, 2022. 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 changed this at the end of last year. This date change was not supported by municipal election administrators as it significantly reduces timelines for procurement and planning. Staff intended to have a final decision and direction from Council by early 2021. A final Council decision on voting methods is needed no later than November 2021.

Supporting voter access and enfranchisement

The City Clerk's Offices recognizes the importance of providing an accessible municipal election and is committed to working with the City's accessibility staff, the AAC and the public to ensure this.

In planning a municipal election, requirements under the MEA and the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) are followed. The MEA requires the following:

- Electors and candidates with disabilities

12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c. 33, Sched. 21, s. 8 (8).

Plan regarding barriers

12.1 (2) The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election. 2016, c. 15, s. 11.

Report

12.1 (3) Within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public. 2016, c. 15, s. 11.

Accessibility

45. (2) In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities. 2009, c. 33, Sched. 21, s. 8 (23).

Unless Council approves additional alternative voting methods and vote counting equipment, the MEA requires only that the in-person voting method be accessible. Legislation does not require that alternative voting methods or remote voting methods be offered. However, each election the City seeks to offer a range of voting methods that will make voting accessible to eligible voters. Individually, each voting method may not support every voters' accessibility needs. By offering a range of voting methods, the goal is to provide voters with the ability to choose which method is best for them to cast a ballot. Staff ensure that municipal election services meet and exceed legislative requirements and are informed by best practices at the federal, provincial and municipal levels of government. For the 2022 municipal election, the following accessibility considerations are planned for each method of voting currently approved:

In-person voting locations

Accessibility considerations for 2022 will continue from what was offered in 2018. Location audits will be completed in advance of voting and locations will offer:

- An accessible route that is clear of barriers, has good signage and connects from a municipal sidewalk.
- Entrances and exits that meet accessible design standards. If an automatic door operator is not available, a person will be assigned to monitor and open the door when needed.
- Accessible parking.
- Access from Guelph Transit routes or mobility services.
- Interior voting areas that are well lit, have seating available and provide enough space for individuals using mobility devices, such as a wheelchair or scooter, to navigate the space.
- Accessible voting booths set-up at a lower height to enable voters who use a mobility device to mark a ballot independently.

- Magnification screens will be available on request at all voting locations.
- Accessible ballot marking devices that provide an audio ballot that can be marked independently using a hand-held touch pad, paddles or sip-and puff attachments. These devices will be available at all advanced voting locations and at one (1) designated location in each ward on Voting Day. Locations with these devices will be indicated on voter notification cards and on the City's election website.

Voters and candidates can be accompanied by a support person, family member or friend. An oath or secrecy and confidentiality will be sworn if they assist the voter in casting a ballot. Election Officials will also be available if a voter requests assistance and will have taken the oath prior to working.

Support animals can accompany any voter, candidate or Election Official at a voting location.

Accessibility training will be mandatory for all Election Officials prior to working at a voting location.

A complete list of accessibility planning considerations can be found in the [City of Guelph 2018 Municipal Election Accessibility Plan](#) and the [2018 Election Report on Accessibility](#). A similar plan will be provided to the public ahead of October 2022 and a post-election report will be available afterwards.

Vote by mail (VBM)

VBM will be offered as a remote voting option. A VBM kit can be requested by contacting the City Clerk's Office or by completing an online form on the municipal election website. A VBM kit will be mailed to the voter including the ballot, declaration card, secrecy envelope and a return envelope with postage pre-paid. Once completed, the ballot can be returned by mail or could be dropped off at City Hall. A more detailed overview of the VBM process can be found in [staff report 2021-30 on Voting Systems and Alternative Voting Methods for the 2022 Municipal Election](#).

This voting method may support voters who are unable to vote in-person for a variety of reasons. This could include supporting voters living with severe allergies, immunosuppression or limited mobility. Staff acknowledge that voters living with certain visual related disabilities may not be able to vote independently using this method. Depending on individual circumstances, assistance from a trusted friend or family member, as is permitted by the MEA, may be needed to mark the ballot, sign the voter declaration, assemble and mail the VBM kit.

Home vote service pilot

The home vote service will be available to eligible voters who are unable to vote using other voting methods due to illness, injury or disability. This method can be requested by contacting the City Clerk's Office. Once registered, an Election Official would be scheduled to bring a ballot direct to the voters' home.

Staff acknowledge that voters who are blind or have certain visual related disabilities may not be able to vote independently using this method as this also involves a paper ballot. Depending on individual circumstances, assistance from a trusted friend or family member, as is permitted by the MEA, may assist in marking the ballot. Alternatively, the voter may request assistance from the Election Official, who is a paid Official of the City and has sworn an oath of confidentiality. Officials will be required to wear any personal protective equipment (PPE) as directed by Wellington Dufferin Guelph Public Health (WDGPH). Once the ballot is marked, the Election Official would put the ballot in a secure ballot box for counting on election night. More information on this service can be found in the [Vote from Home Service Pilot for the 2022 municipal election information report](#).

The City Clerk's Office may offer a braille ballot sleeve on request as part of this service. An example of this process can be found on the [Elections New Brunswick's website](#). However, based on AAC feedback, City Clerk's Office staff acknowledge that not all voters living with visual disabilities read braille so this may not enable all voters to mark a ballot independently without assistance.

An audio ballot could not be provided as part of this service. In the interest of safety and limiting intrusion on a voters' home, it would not be possible to set up the tabulator, accessible ballot marking devices and printer. The audio ballot is best accessed at an in-person voting location during advanced voting or on Voting Day.

About the RAVBM voting method

Staff met with two (2) vendors to research how the RAVBM system works from a public and administrative perspective. These vendors are Democracy Live and Dominion Voting Systems. To staff's knowledge, these are the only two (2) vendors currently offering the RAVBM voting method as described in the AAC resolution.

The RAVBM method was originally created to support the United States [Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\)](#). This legislation is part of a [federal voting assistance program in the United States](#) to enable voting for uniformed and overseas voters on active military deployment, embassy deployment and their families. It was designed as a method to increase the speed of return of overseas ballots previously sent and received by mail. It reduces the amount of time needed to receive and mark a ballot to ensure that it is returned in time to be counted. RAVBM is generally available to a limited number of individuals and that number can be estimated in advance of an election. For example, the number of voters on active military deployment and number of accompanying family members.

RAVBM can be offered in two (2) ways:

Option A – Voters' login to an online system, mark the ballot electronically, print a VBM kit and mail it to the election office to be counted on election night. This option is the method described in the AAC motion, included as Attachment-1, as "mail in voting with an electronic ballot marking option." It also reflects the approach described by Council's motion "that the matter of mail-in voting, with use of a marked electronic ballot, be referred to the City

Clerk's Office for review, recommendations and report back to City Council by Q4 2021."

Option B – Voters' login to an online system, mark the ballot electronically, submit the ballot with a signed declaration electronically. Election administrators are notified that a VBM kit has been submitted by the system, print the kit, including the ballot, and count the ballot on election night. This method was not reflected in the AAC motion or Council's motion. It reflects full digital receipt, marking and delivery of a ballot. The only significant difference from the internet voting method is that it allows a digital ballot to be printed which can be counted on election night or used for audit purposes.

RAVBM has been used mostly in American elections to date, including the 2020 United States (US) presidential election. Option B, described above, was offered as an accessible voting solution by a number of counties in the state of California, including Orange County, Marin County, Madera County and Kings County. To date, no election in Canada at the federal, provincial or municipal levels of government has implemented this method.

An overview of both options is provided below.

How RAVBM works

When offered as an accessible voting method, RAVBM is usually only available to eligible voters who are unable to vote using any other voting methods due to disability. Voters who meet this criteria can request to use this method by contacting the Election Office. If implemented by the City, it would likely be offered during the advanced voting period only. In the interest of privacy and limiting the collection of personal information, voters would not be asked to verify their eligibility. Similar to the home vote service, they would just need to confirm that they meet the criteria and are unable to vote using any other method. Option A, as described above, is typically offered in situations where Election Officials have an initial estimate of how many voters will use this method.

Once a voter is registered to use the RAVBM service, Election Officials send a PIN or other security credentials to the voter by email. Security credentials are limited to an administrator generated PIN and information that can be confirmed from the voters' list. This process varies between vendors. It can be an automated process that links access credentials to the voters' list in one case or a manual process for staff to generate a PIN, email it to the voter and add the registered voter to a spreadsheet that is emailed to the vendor to enable access to the voting system. If implemented, this process would need to be updated. An administrator generated PIN rather than a randomized system generated credential and emailing voter data both present security and privacy risks.

Once a voter has their credentials, they can login to the RAVBM system to access their ballot. The online system allows voters to use any personal assistive software or hardware to mark the digital ballot. A voter receives instructions on how to mark the ballot and prompts to notify them if a contest is over-voted, under-voted or blank. This would be a very similar interface offered by the City in 2014 when internet voting was offered.

Once a ballot is marked the process differs based on whether Option A or Option B, as noted above, is being offered.

In the case of Option A, the voter prints the VBM kit which includes the ballot, signed declaration, secrecy envelope and mailing envelope. Both vendors noted that this option was not designed and is not offered as an accessible voting method. Option A enables voters to mark the ballot independently, however, many voters living with disabilities, including visual or mobility limitations, are unable to independently print, assemble the kit and mail it. This option was specifically designed to meet UOCAVA requirements for uniformed and overseas voters. Barriers to independent voting still exist as assistance from a friend or family member may be needed.

In the case of Option B, the voter submits their ballot online and receipt is confirmed by the system. Election Officials who have administrative access to the system receive a notification that a VBM kit has been submitted. This option is recommended by vendors as the more accessible option which allows voters to independently mark and cast their ballot.

For Option A, the voter is struck off the voters list manually when the kit is received by Election Officials similar to the traditional VBM process. The declaration must be signed and, if all information is correct, the secrecy envelope is opened and the ballot is counted by a tabulator on election night with all other VBM ballots.

For Option B, the voter is struck off the voters' list automatically or manually when the digital voter package is received, depending on the system. Election Officials print the voter package, including the ballot and declaration. The declaration must be signed and, if all information is correct, the ballot can be counted by a tabulator on election night with all other VBM ballots.

Principles of the MEA

The City Clerk must conduct an election in a manner that reflects the principles of the MEA and its Regulations. These principles are recognized as being that:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the voting process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast;
- voters and candidates shall be treated fairly and consistently; and
- the proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected as far as reasonably possible.

The use of RAVBM would support some principles of the MEA by:

- Offering a remote option that is fair, consistent and does not bias, advantage or disadvantage any candidate or voter.
- Supporting accessibility thorough independent marking of a ballot by enabling the voter to change font size, adjust contrast or use any assistive technology on personal devices.

It is unclear or unlikely that RAVBM would uphold the following principles by:

- Limited secrecy, confidentiality and accessible functionality in the case of Option A as a voter may need assistance to print, assemble and mail their voter package.
- Being untested to ensure it meets legislative requirements, maintains integrity of the voting process, provides certainty of results or verifies appropriate votes are counted under the Canadian electoral process and the MEA.

Engagement feedback

Engagement on alternative voting methods began in November 2020, with an online survey, phone survey and virtual open house panel discussion. The RAVBM voting method was not in scope for this public engagement as staff were not aware of it at the time as it is not used in Canadian jurisdictions. It is not a method currently advertised on the Ontario municipal election market by vendors or used by any comparators.

Engagement with Accessibility Services staff on alternative voting methods began on November 5, 2020 and City Clerk's Office staff attended the December 22, 2020 meeting of the AAC to seek feedback prior to the voting methods by-law coming forward on February 17, 2021. At this meeting, City Clerk's Office staff heard that the internet voting method would provide the most accessible voting experience. Of the methods considered, internet voting supports accessibility as it provides a digital ballot and allows voters living with various disabilities to mark a ballot independently using their own devices with any assistive software or hardware. The VBM voting method was flagged as less accessible based on the fact that a voter living with a visual disability, for example, may require assistance from a friend or family member to mark a ballot. Getting to a mailbox to send a traditional VBM ballot was also highlighted as less accessible for voters living with disabilities that impact mobility. This feedback was included in report number 2021-30 on [Voting Systems and Alternative Voting Methods for the 2022 Municipal Election](#) which Council considered on February 17, 2021.

City Clerk's Office staff also attended a subsequent meeting of the AAC on April 20, 2021 to seek feedback prior to the vote from home pilot report and by-law coming forward. At this meeting, the AAC passed a resolution with recommendations related to the RAVBM voting method. The motion has been provided as Attachment-1 for reference. During the meeting, City Clerk's Office staff heard that the traditional VBM mail method and the proposed vote from home service would continue to present barriers for voters living with certain disabilities. Particularly in the case where voters would need to rely on the assistance of a friend, family member or Election Official to mark a paper ballot. The RAVBM voting method was presented as an additional alternative voting method which may allow voters to use their personal devices and their prescribed assistive technology to independently mark a digital ballot.

Following Council direction on June 28 to investigate RAVBM, City Clerk's Office staff engaged with two (2) vendors that support the delivery of RAVBM. The vendors were Democracy Live, which offers a solution called OmniBallot Online, and Dominion Voting Systems, which offers a solution called Imagecast Remote. The process and costing information provided throughout this report is based on

information gathered from these vendors. Staff are not aware of other commonly used RAVBM solutions available on the market.

Regarding the recent 2021 Federal Election, City Clerk's Office staff engaged with Susan Dickert, the Returning Officer for Guelph. The Federal Election offered similar voting methods currently approved by Council for 2022, including in-person voting, VBM and a home vote service. At the time of writing, no specific accessibility concerns were raised to the Returning Office regarding the voting methods offered. Roughly 5,000 mail in ballots and special ballots at the returning office were cast. Planning for COVID-19 related precautions and safety were established for each voting method and can be learned from based on the Federal experience.

City Clerk's Office staff are also engaging with representatives from the Canadian National Institute for the Blind (CNIB) to review current voting methods and consider any gaps or process adjustments that would support accessibility for voters who are blind or partially sighted. The CNIB advocates at the federal level so it is well positioned to provide feedback based on the current planned voting methods which are similar to what is offered by Elections Canada. However, they do not have a position on digital ballots as this is not something offered at the federal level.

Engagement with the Accessibility Services staff and the AAC was sought following the recent Federal Election on September 20, 2021. The feedback from the AAC via Accessibility Services staff is as follows:

"For some people, their disability can impact their ability to mark a paper ballot independently or in a way that is considered secret. Further, some people may also have compromised immune systems or other disability that public settings may put their health at risk. For this population, during the Federal election 2021 there were only two (2) inequitable choices available; the person can use the mail-in voting method and encounter barriers or encounter barriers through in-person voting at a polling station.

This is what the AAC heard:

- Further Staff training of accessible options, as well as ensuring that all polling location are accessible is needed. For example:
 - Accessibility features for voters who are blind or have low-vision, for example:
 - Accessibility features were not offered on the spot/upon arrival, and thus were not used. Partner had to assist voter to cast vote. Quote: "I didn't use any of the accessible options, as they weren't offered to me. I think the polling station staff should tell voters what accessible options are available to them. It was obvious that I have a visual disability, as I was being guided by a family member, and he had to show me where to reach for my ID and ballot (polling station staff should have provided verbal cues to guide her participation in process)."
 - Another member shared the following: "I was unable to vote independently, and also faced many other barriers including lack of wheelchair access and staff not knowing how (or even if they were allowed) to offer accessibility even though I had contacted

elections Canada ahead of going to see whether accessible options were offered... At the end of the day, I had to have a stranger help me mark my ballot". This member created a video of their experience, that will be shared with Staff.

- Long lines and busy facilities created barriers for people with physical disabilities and seniors, due to the need to stand, lack of nearby accessible parking, and poorly laid out accessible routes that lead to longer distances to walk than the non-accessible route.
 - In another location, there was a poorly designed accessible pedestrian route – with the shortest route causing pedestrians to travel across grass.
- Through discussion with polling staff, it was shared that procedural information was delivered to polling staff right up until the polling stations opened on election day. This seemed to contribute to a lack of consistency with which staff received information; and
- There were concerns for people with suppressed immune systems, related to COVID-19. "There was also a lack of any type of masking or social distancing enforcement".

Election trends and RAVBM considerations

RAVBM has been used largely in US elections. No Canadian election to date has offered this method at any level of government. This includes either Option A or Option B outlined above. The following administrative impacts should be considered.

RAVBM has not been tested or confirmed to comply with Canadian election processes or legislation including the MEA. It is important to note that the US electoral system, including information available on a voters' list to verify identity, is very different than what the City has on our voters' list provided by the Municipal Property Assessment Corporation (MPAC). During vendor meetings, this was highlighted with examples of using a voter signature, social security number or drivers' license number. The City would not have any of these unique identifiers on our voters' list to verify during the login process. The only information available to the City is voter name, address, date of birth and school support. State level testing and certification of election technology is well established in the US but has not been developed in Canada to date. This relates to two important points raised in the [Voting Systems and Alternative Voting Methods for the 2022 Municipal Election](#) staff report. Staff are concerned regarding the quality of voters' list data to verify voter identity when giving access to a digital ballot and feel that independent security standards are needed to lower risk when implementing voting technology. Both initial points were raised in relation to internet voting, however, they apply to any method that provides access to a digital ballot. Both of these areas may be addressed for future elections but not for 2022. Voter data quality will likely increase once the voters' list is provided by Elections Ontario for the 2026 municipal election. Likewise, [voting technology standards](#) are being championed by Dr. Aleksander Essex and Dr. Nicole Goodman but are not established yet. Staff cannot recommend implementing RAVBM in the absence of improved voters' list data quality and independent standards. Both of which are foundational to a secure and trustworthy digital voting process. In addition, Council was clear at their February

17, 2021 meeting about these also being important considerations in relation to internet voting and the use of remote/digital ballots.

Detailed security testing would be required to ensure that RAVBM upholds the principles of the MEA and sufficiently protects the privacy of voter information. During the 2020 US presidential election, questions were raised about security around this method. A study conducted by researchers at MIT and the University of Michigan titled "[Security Analysis of the Democracy Live Online Voting System](#)" flagged significant concerns around system security and the privacy of voter data. Security testing is estimated to cost between \$22,000 for a penetration test to \$52,000 for penetration testing plus a full Treat Risk Assessment (TRA) which would provide a more detailed assessment of technical and human processes. This testing is not currently budgeted for and would impact the election reserve. Costs could not be shared with other municipalities as was done when offering internet voting in 2014. Timing to conduct this testing is also of concern. Should Council approve this method at this time, there would not be enough time to procure and conduct testing before the May 1, 2021 deadline for a decision on alternative voting methods. If testing identifies security concerns that cannot be addressed by the vendor after the May 1 deadline, the City would still be bound by by-law to offer this method.

Approval of RAVBM would mean offering four (4) voting methods, three (3) of which are new to Guelph and will be offered for the first time in 2022. The most voting methods ever offered by the City during an election event is two (2) when in-person and internet voting were offered in 2014. Careful planning, testing and procedure development is necessary to ensure the integrity of the voting process and reliability of results. Staff recommended VBM and home vote service methods based on the ability to learn and develop procedures from other municipal experiences. If the RAVBM method were approved for the 2022 municipal election, the City of Guelph would be the first government to implement this technology in Canada. To date, the City has taken a wait and see approach to ensure that any technology used has been tested by our comparators. We have leveraged this for lessons learned, to establish procedures and testing that ensure the integrity of the election. None of these options would be available if we moved forward with this method.

The amount of staff time needed to investigate, test and plan for implementation of RAVBM is not something that could be managed by existing staff. Adding a fourth voting method would require significant staff time to develop and test prior to voting. Regardless of how many voters use this method, every method requires the same amount of time to procure, test, configure, develop procedures, and conduct logic and accuracy testing. The requirements associated with the considerations listed above for each voting method is the same whether 10 voters or 10,000 voters use the voting method.

The ability to offer a fourth voting method is also challenging in the context of additional election planning that will be unique to the 2022 municipal election. Given the ongoing COVID-19 pandemic, staff will work closely with WDGPH to plan for multiple scenarios so that appropriate precautions are in place for all candidates, voters and Election Officials. Planning for a range of scenarios will be necessary to ensure we're prepared as the situation evolves. Staff will also need to invest additional time to plan for multiple ward boundary scenarios following an appeal of Council's recent ward boundary decision. If the appeal is not heard or

decided on by the Ontario Land Tribunal (OLT) by December 31, 2021 then the current ward boundaries would be in place for the 2022 municipal election. Work to identify voting locations and prepare GIS mapping must continue and plan for [current ward boundaries](#) and [new approved ward boundaries](#).

Staff recommend offering no more than two (2) alternative voting methods. Any additional work not currently scoped by staff would impact other pro-active election work, such as developing diversity and inclusion planning, day-to-day City Clerk's Office operational work, such as Council and Committee support or Freedom of Information (FOI) requests, or corporate strategic initiatives like SharePoint/Microsoft 365 implementation. An additional un-budgeted contract FTE would be required immediately to begin this work if approved by Council.

Procurement timelines will be challenging to meet this close to 2022. It may seem early in planning; however, staff were intentional in coming to Council in February 2021 for approval of alternative voting methods. Staff have already completed all election procurement as of August 2021. The City's [Purchasing Bylaw](#) may require the development of two (2) new requests for proposal (RFP). Depending on the cost threshold, the first would be to procure the RAVBM system and second would be to test it. Based on recent procurement timelines, a minimum of five (5) months would be needed to draft post and award the new RFPs which would take us to April 2022. Security testing could take an additional one (1) to two (2) months which would mean testing into June or July 2022. It is too late to be initiating these new procurement processes with nominations opening May 2, 2022 and significant amount of other planning needed in that time.

Overall, there is significant administrative concern with offering either Option A or Option B of RAVBM. Traditional VBM and home vote service were recommended by staff to ensure we are providing a range of options for voters to cast their ballot in line with election accessibility standards consistent with Elections Ontario and Elections Canada.

Staff recommend continuing with the approved alternative voting methods of VBM and the home vote service pilot for the 2022 municipal election.

Summary of concerns with RAVBM

- Usability and accessibility limitations for Option A – A mail-based return was designed to support overseas voters and is not considered an accessible option advertised by vendors. Voters would likely still require assistance to print, assemble and mail the VBM kit.
- A number of security concerns are raised including:
 - The need for thorough testing as this system has not be implemented before and the ballot would still be accessed and marked online.
 - A lack of standards for testing online voting systems in Canada.
 - The quality of voters' list data limits the ability to effectively verify identity of the voter and provide a secure login to receive the ballot.
 - Timing challenges of testing after Council approval that could require a method be offered even if security issues are identified.
- Limited staff capacity to support a fourth voting method, especially one that has been untested. An additional contract FTE would be needed urgently if approved.

- Procurement related to voting methods and election equipment is complete. There is not enough time to initiate new procurement processes for a RAVBM system and security testing without compromising other pro-active election work or ongoing operational or strategic work with the City Clerk's Office.
- Lack of budget to cover the additional staffing, vendor and security testing costs that would be required to offer RAVBM successfully.

Staff recognize the need to offer an accessible municipal election and enable voters to cast their ballot as independently as possible. However, there are significant concerns with offering either Option A or Option B of RAVBM.

Staff are ultimately concerned that Option A, the method that the AAC and Council asked to be investigated, will not provide the functionality that is desired. Either Option requires that Council be comfortable with the electronic delivery of a ballot and Option B requires that Council is comfortable with the electronic receipt, marking and delivery of a ballot online.

Based on the above concerns, RAVBM is not recommended as a voting method for 2022.

RAVBM and internet voting

An underlying question that should be addressed is how similar or different is RAVBM from internet voting. Both voting methods use the same type of system provided by vendors but vary based on what features are turned on or off along a spectrum.

Option A of RAVBM uses an online portal to provide access to a digital ballot that can be marked using a personal device. However, digital delivery of the ballot is not allowed. The voter must print, assemble the VBM kit at home and mail or drop it off at the election office.

Option B of RAVBM uses the same online portal to provide access to a digital ballot. Allows the voter to mark it using a personal device and allows the ballot to be delivered online to the election office. Election Officials then print a paper ballot for counting.

Internet voting uses the same system but has all features turned on. It allows the digital receipt and marking of a ballot, as well as the digital delivery and counting of the ballot.

Council, staff and the community need to be able to trust the underlying system for any form of digital voting process.

Recommendation

City Clerk's Office Staff recommend that the City continue with the current approved alternative voting methods of VBM and a home vote service pilot for the 2022 municipal election.

Staff approached the direction received by Council at the June 2021 meeting with a solution-based mindset and in an attempt to address concerns expressed by all stakeholders. Despite this and when evaluating the RAVBM option as an alternative voting method, staff found that the method may not meet all of the principles of the MEA. In addition, pursuing the RAVBM method presents logistical, operational and administrative challenges as outlined throughout this report.

Should Council wish to pursue the RAVBM method, despite staff's evaluation of the alternative voting options and despite staff's recommendations, staff are prepared to support Council through a discussion at Committee of the Whole and/or Council in order to attempt to find an operationally feasible pathway that is aligned with Council's risk tolerance associated with selecting alternative voting methods.

Financial Implications

Vendor costs for the RAVBM voting method are estimated to be \$17,000, in addition to anticipated costs for in-person voting, VBM and the home vote service pilot.

Additional costs for security testing is estimated to range between \$22,000 for a penetration test to \$52,000 for penetration testing plus a full TRA which would more broadly assess technical and human processes.

An additional contract position would be needed to support a legislative review, procurement, testing and procedure development if the new method is approved. This staffing cost is estimated at \$105,000 for compensation and benefits based on similar Coordinator positions.

Total costs of implementation are estimated to be \$144,000.

These costs are in addition to the cost of current voting methods already approved for 2022. In-person voting is estimated to cost between \$375,000 to \$400,000. This includes the cost of supplies, equipment and location rentals and election workers. VBM is estimated to cost \$75,500 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. The cost of this method is challenging to anticipate and will fluctuate based on the number of voters who use this option. The home vote service pilot is anticipated to cost \$8,000 for staffing and supplies. The total cost of currently approved voting methods is estimated to be between \$458,500 to \$483,500.

The Election Reserve does not have sufficient funds to cover the estimated cost of \$144,000 for RAVBM. Council would need to increase the 2022 budget for RAVBM if it is approved.

Consultations

Accessibility Services

Accessibility Advisory Committee

Information Technology

Finance

Federal Returning Officer, Guelph

Strategic Plan Alignment

This report aligns with the Strategic Plan priority of Working Together for our Future. It reviews voting methods with the goal of improving accessible front-line customer service while maintaining the integrity of the voting process.

Attachments

Attachment-1 Motion by AAC elections sub-committee

Departmental Approval

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