

# Council Memo



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To	<b>City Council</b>
Service Area	Corporate Services
Date	Monday, November 22, 2021
Subject	<b>Remote Accessible Vote by Mail</b>

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This memo was prepared in response to questions raised at the November 1, 2021 Committee of the Whole meeting regarding the Remote Accessible Vote by Mail (RAVBM) voting method.

The City Clerk's Office continues to support [staff report 2021-301](#) recommendations:

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.

Staff understand the need to provide an accessible municipal election, however, we cannot recommend any new voting technology this late in election planning. Staff would support a Council motion, in addition to Council's support of the above noted staff recommendations, to investigate RAVBM as part of voting methods considerations for the 2026 municipal election. Such a motion could be:

That staff be directed to research and investigate further accessible voting service enhancements, including the Remote Accessible Vote by Mail (RAVBM) method, in advance of the 2026 municipal and school board election and report back to Council in the 2022 to 2026 term of Council.

Questions were raised about whether there is enough time to procure, conduct security testing, logic and accuracy testing, and certify the use of RAVBM. It is not recommended as these processes would be rushed and the following risks would apply:

- Procurement and testing timelines will be beyond May 1, 2022. It will not be possible to repeal a voting methods by-law after the May 1 deadline. Staff would be required to deliver an election with whatever solution could be procured and deliver the use of the solution regardless of testing concerns that may arise.
- Council may delegate their authority to the Clerk to determine whether a method can be provided securely. However, the Municipal Elections Act (MEA) is clear in [section 42.\(1\)\(b\)](#) that decisions on alternative voting

methods are to be made by Council. Staff are not aware of other instances where the Clerk has removed the use of a voting method after approval by Council. This could result in a court challenge. As a result, staff are not supportive of adding reference to a motion that a voting method be implemented at the "satisfaction" of the City Clerk.

- There is not enough time to conduct a thorough legislative review of the MEA to ensure that RAVBM upholds legislative requirements and principles. During the delegations at the November 1, 2021 Committee of the Whole, questions were raised relating to where the RAVBM method has been used. Staff advised that it has been used, at the local voting level, in some counties in California. This type of compliance is built into the [California Election Code](#) as foundational before state-level certification can be provided.
- Staff would need to develop security and integrity testing standards based on United States state-level testing processes. It is unknown whether the City can meet these requirements given the resources that centralized state-level testing can provide and if there are vendors that specialize in this testing.
- Conducting testing to staff satisfaction would be challenging this close to October 2022 and proceeding without ensuring legislative compliance is not recommended.

Questions were raised about whether removing one of the approved alternative voting methods would make offering RAVBM easier to resource. Staff feel that even the removal of both VBM and the Vote from Home Service pilot methods would still not provide enough time or staff capacity to deliver the RAVBM method effectively.

- VBM is the most resource intensive voting method to plan and implement after in-person voting at an estimated cost of \$75,500 to support 10,000 voters. The Vote from Home Service pilot is estimated to require a maximum budget of \$8,000.
- Both VBM and the Home Vote Service will require far less staff capacity and time to test and develop procedures based on lessons learned from other municipalities as they are well established.

Questions were raised around the ability to re-prioritize existing City Clerk's Office work plans to accommodate adding RAVBM. Staff feel that adding RAVBM without an additional full-time contract staff resource is not possible.

- The majority of City Clerk's Office capacity is directed by legislatively required operational work. This includes managing Committee and Council meetings, Freedom of Information requests and planning appeals, as well as vital statistics work associated with registering deaths through the Ontario Office of the Registrar General. All of this work continues in an election year and cannot be paused, delayed or stopped.
- Strategic work is limited in an election year and any further reduction would not provide enough capacity to offer RAVBM as a fourth (4) voting method.
- Each election cycle, \$30,000 is allocated in the Election budget for over-time when one (1) or two (2) voting methods are offered. Adding more over-time would stretch staff capacity and budget beyond what it is manageable.
- Work plans for 2022 and the election work plan must also factor in increased work in new areas related to communicating ward boundary changes and pandemic preparedness. Pandemic preparedness will require the development of multiple plans with the guidance of Wellington Dufferin

Guelph Public Health. As we have learned throughout the COVID-19 pandemic, having the capacity to plan and respond to ongoing developments will be essential to delivering a safe voting experience and cannot be compromised. On the matter of the City's new ward boundaries and at the time of writing, the City is still waiting on the results of the ward boundary appeal to the Ontario Land Tribunal. Normally, staff would have been able to plan communications relating to new ward boundaries at this very moment in our pre-election work. This has not been the case given the unknown results of the appeal. As a result, ward boundary change communications will need to be planned and executed later in the pre-election cycle which further taxes resources.

- Staff have planned an efficient 2022 election workplan. If Council wishes to not heed staff's recommendations and decides to instead move forward with offering four (4) voting methods in 2022, a full-time contract position would need to be hired as soon as possible to support the increased workload. There are concerns with the ability to hire an individual with the expertise required and associated with such a new voting method as RAVBM with limited use cases in the Ontario municipal context. Further, Council's current motion from Committee of the Whole would not cover the full cost of the required additional contract position and Council would need to identify a funding source for the entirety of the cost of adding this voting method.

Questions about offering RAVBM Option A as part of a pilot were raised. Staff feel that offering this method as a pilot would not address risks or resource impacts.

- Staff have used the term pilot to indicate where numbers of users would be limited to allow for staffing levels to be planned, for procedures to be tested and for service to be scaled in future elections. This approach was taken with the Vote from Home Service pilot which is anticipated to have a limited uptake of approximately 60 appointments.
- Staff feel a pilot approach would not be possible with RAVBM. If approved, this method could not be limited to a certain number of voters and therefore there would be no ability to test, learn and scale service. In short, the offering of RAVBM cannot be considered a true pilot.

Questions about engagement on this method were raised. Staff must highlight that broad public engagement has not been conducted on this method. There has not been enough time to properly plan, communicate and conduct broad engagement on this voting method in advance of a Council decision.

- Voting methods engagement was planned over four (4) months from July to November 2020 and conducted over four (4) weeks from November 9 to December 4, 2020.
- The Accessibility Advisory Committee (AAC) passed their motion on April 6, 2021 and Council directed staff to investigate the possibility of implementing the RAVBM method on June 28, 2021.
- The City Clerk's Office has had targeted conversations with the Accessibility Services staff, the AAC, the Canadian National Institute for the Blind and the local Returning Officer for Elections Canada and Elections Ontario.
- The rigorous engagement noted above and to which Guelph residents and electors are accustomed to could not be replicated for the RAVBM method in time to deliver for 2022. Engagement should take place before a decision is

made. For this reason, staff do support further research and investigation of accessible voting service enhancements, including RAVBM, in the lead up and planning for the 2026 municipal and school board elections.

Staff want to provide a good voting experience for all voting methods. This is particularly important when it is the first time that a method is offered. Further to the commentary on page 14 of [staff report 2021-301](#), staff are supportive of working with Council and the community to find an operationally feasible path forward to consider accessible voting enhancements for municipal election services. Staff are confident that this can be achieved, but not if RAVBM is rushed with lack of time, resources and capacity for 2022. Staff recommend that RAVBM be considered for 2026.

**This memo was approved by:**

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