

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number CLK2017-001

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**Date:** January 24, 2017

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:**

**Subject:** 2018 Municipal Election – Voting Method

**Author/Title:** Judy Currins, City Clerk

**Signature:**



**Recommendation(s):**

**RESOLVED THAT** Report CLK2017-001, **2018 Municipal Election – Voting Method**, be received;

**THAT** the alternative voting method of telephone/internet for the 2018 municipal election and subsequent elections, be approved;

**THAT** a by-law be presented to authorize the telephone/internet voting method for the 2018 municipal election and subsequent elections.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**



## **Background:**

The Municipal Elections Act (MEA) states that municipal elections be held every four years with the next voting day being Monday, October 22, 2018. In 2016, the Municipal Elections Act was amended as noted in a previous report and Section 42(1) sets out that council may pass a by-law authorizing an alternative voting method as long as a by-law is passed before May 1 in the year prior to the election. This is a new timeline established with the amendments to the MEA. Once the method is determined, the procedures are developed by the City Clerk/Returning Officer. This exercise must be completed by December, 2017.

This report is being presented in advance of the May 1st, 2017 deadline to allow Council to consider direction to the City Clerk.

## **Rationale:**

The City Clerk/Returning Officer must ensure that elections are established which adhere to the following principles:

- 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 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.

The top two concerns of this Returning Officer for any election are the security and integrity of the election process for the municipality and the elector. To do this, the legislative requirements must be met as well as meeting the elector needs. Procedures with checks and balances have always been put in place and carried out with care and integrity.

The City utilizes Municipal Voterview (MVV), a software program that:

- assists with elector, candidate and worker management;
- assists with data cleansing by identifying duplicates and problems with elector information; and
- generates election reports and provides an electronic format of change information so it can easily be provided to MPAC at the end of the election.

The recommendation is to change the voting method for this municipality to internet/telephone. Council must realize by choosing this method, they and all candidates must accept the results as they are posted as the recount basically is pushing the same button for results with no paper to review. The trade-off is that the results should be posted in a more timely manner. If this recommendation is supported, a communications program would be required to assist with elector confidence in the process. This method is being used more throughout the

Province and vendors have confirmed that should Council choose ranked balloting that their product will support this, but note, that the writer has not tested this at the present time. There are conflicting feelings about the safety of internet/telephone voting and that there is a greater risk of fraud with this method. There are many articles that can be viewed on the internet including three varying opinions in Municipal World Editions for June 2016, July 2016 and January 2017. If any member of Council does not have these and would like to view them, they are available in the City Clerk's Office.

It should be noted that due to the timing of meetings, this report has not been vetted by the Accessibility Advisory Committee as their meeting is January 19th. The draft report will be provided to the Committee for their comments and should they have concerns or other comments, they will be communicated to Council prior to the January 24<sup>th</sup> meeting where this report will be considered.

A review of the voting method alternatives will now be presented.

### **Traditional – Voting Locations, Paper Ballot and Electronic Tabulators**

This method would see advanced voting locations established as well as a minimum of one voting location within each ward on voting day. The use of vote tabulation equipment would be highly recommended due to the volume of votes to count per ward. This method has not been analyzed for suitable accommodation nor budget. It is a more labour intensive method using many more resources than the mail-in ballot method. It would be very doubtful if the election office could be accommodated in City Hall if this method were chosen. More and more municipalities are moving to an alternative method of voting.

#### **Advantages**

- Same method used for federal and provincial elections – although alternatives are now being introduced at the provincial level
- Perceived to be more secret
- Voting location(s) in each ward
- Supervised voting location
- Physical audit trail – paper ballot
- Longest campaign period for candidates

#### **Disadvantages**

- Need proxy voting – has always been contentious – particularly within areas of large non-resident populations
- Need to provide voter cards – added expense – these are not required with a mail-in or internet/telephone
- Requires attendance at a voting location either advance or election day which may not be convenient for non-residents
- More voting locations – possible rental agreements, more administration
- Potentially the election office leaving City Hall

- More advertising when changing voting methods from mail-in to standard
- Requires more election officials. Many municipalities using this method in the past are finding it harder each election to find enough workers. There is more time required for training, accommodation, etc.
- With DROs and Voting Clerks working a long day and then counting ballots (other than when tabulators are used) the potential for errors increases especially with the volume of ballots that are counted
- Volume of election staff required, illness of election staff on election day, transportation needs of voters (elderly, disabled, etc.) requires more effort to vote by the voter
- Results announced later
- Separate advanced voting required at select locations

### **Mail-In Ballot and Electronic Tabulation**

This method has been used by this municipality for the past five elections that has produced a consistent voter turnout between 43 and 48%. Each elector on the voters' list is mailed a ballot, secrecy envelope, return envelope and declaration form. It is a convenient method for both resident and non-resident electors as the voter can either mail back the completed kit or drop it off at any of the municipal service centres during a three week time frame. Also available has been an accessible voting station consisting of various voting alternatives for persons with disabilities to use to mark their ballot. The location of this unit was at City Hall and was available for a three week time frame. With continual improvements to the voting kit, there were very few elector errors with respect to the process resulting in rejected votes, in the last election.

One of the amendments to the MEA may impact on using the mail-in ballot, however, this would need to be reviewed by legal counsel once procedures are developed. It involves the timing of the vote counting. The section reads:

42(6) When a by-law authorizing the use of voting or vote-counting equipment or an alternative voting method is in effect, the votes shall not be counted until after the close of voting on voting day. 2016, c.15, s.31(6).

If it is determined that the ballots cannot be run through the tabulators prior to 8:00 p.m., the results will a minimum of 6-8 hours after 8:00 p.m.. However, it has been pointed out that running the ballots through tabulators prior to 8:00 p.m. in a central location is no different than a ballot inserted into a tabulator at voting locations with the results not being counted until after 8:00 p.m. or internet voting with results after 8:00 p.m. As noted above, this is a legal question that must be addressed should this method of voting be approved.

### Advantages

- Better access for non-residents and residents who may not be able to attend a voting station
- Vote in your home and mail in your ballot or drop your ballot at a municipal service centre over a three week time frame which makes it accessible and convenient for all. This method provides the longest time frame to vote.
- Eliminates the need for proxy voting which is very administratively time-consuming and open for controversy and abuse
- No need for a separate advanced vote since the voting opportunities are ongoing once the ballot is received
- Method has been used in past 5 city elections and voters, including non-residents, may expect this method
- Health or transportation needs of the elector are no longer a factor
- Less labour intensive on voting day, less workers required, however more upfront work required in processing voter changes
- Physical audit trail - paper ballot.

### Disadvantages

- Perceived mistrust of voters as to secrecy of this method
- Only two places to receive a voting kit on voting day
- Campaign period for candidates is shortened after Nomination Day as the majority of ballots are returned two weeks prior to election day
- Voters' List inaccuracy when no voting location attendance is required as it relies on mailing addresses
- Reliance on Canada Post for timely delivery, including their labour issues, holidays, etc. 2018 is a contract year for Canada Post
- Voter verification questioned
- Results announced later
- Unsupervised voting location
- No control of over-voting or spoiling a ballot

### Internet and/or Telephone Voting

With this method, it can be either internet voting or telephone voting or a combination of internet/telephone voting. All electors shown on the voters' list are mailed a voter information package which contains instruction on how to access and complete their ballot, either by telephone or internet. This can be a one or two step process. In a one step process, the entire voter kit is mailed to the elector containing their PIN number and the elector follows the process and votes using the PIN number. In a two step method, the first mailing to the elector would contain the process to register to vote and the second mailing would contain the PIN. The two step process is much more cumbersome, time

consuming, labour intensive and costly, however, it provides the most security for the election process. If this method is chosen for 2018, the one step approach would be used.

There would be no opportunity for any voter to vote other than either the internet or telephone. There are no paper ballots in any form and no standard voting station set up on election day. The cost per elector for internet/telephone voting can range from \$1.00-\$1.50/elector, for the software and setup. A full costing has not been developed. This type of voting method is still relatively new and not entirely trusted, however, it is becoming more popular at the municipal level with each election. The last election saw fewer issues and more municipalities were using this method. A third party auditor is engaged in the process to audit and test to ensure its integrity.

Another issue for this municipality would be reliable internet service for the entire municipality. Internet access is not available in all homes so it would be imperative for telephone to also be used as a voting method. Preliminary discussions have taken place with the Library CEO as a partnership with the city library locations would be required. He is in agreement with the concept and should Council decide to use internet/telephone, then a formal request would be submitted to the Library Board for consideration. Should the Library Board turn down the request, then other alternatives would need to be developed.

#### Advantages

- Uses technology for whole process and addresses accessibility issues
- Access to vote can be from anywhere in the world
- No paper ballots
- Voter convenience
- Extends the voting period and provides the longest voting time period
- Reduced number of staff required
- Eliminates the need for proxy voting which is very administratively time-consuming and open for controversy and abuse
- No vote interpretation issues
- Prompt results on election day assuming no volume issues at the close of polls
- Flexibility for elector, two choices
- No spoiled ballots, positive ballot confirmation
- Ensures persons with disabilities are not disenfranchised from voting and have the same convenience as all other electors
- Separate advanced vote not required.

#### Disadvantages

- Cost – there are added costs but there would be some savings realized in staffing to assist to decrease this impact
- Need to develop new procedures and protocols

- Need to increase end user awareness and increase communications to the elector resulting in added costs
- Voters' List Inaccuracies when no voting location attendance is required
- Reliance on Canada Post for timely delivery, including their labour issues, holidays, etc. 2018 is a contract year for Canada Post.
- Trust of a new system particularly dealing with security issues, concerns and process vulnerability
- Access to reliable internet service questionable but telephone service is available
- Voter verification and potential fraud
- Unsupervised voting location
- Trust of the public for the system
- Challenge using telephone when there is a high number of candidates

### Combination of Methods

The analysis above relates to using each method independently as the only method to conduct the election. It is very difficult and more expensive to do combination of methods as the election official is basically setting up independent elections for each method. There is a greater threat for elector fraud with multiple methods to vote. All combinations provide the elector more areas to challenge election results.

Some municipalities have conducted elections using internet for the advanced vote and traditional election for election day. Basically this creates double the work and the need for additional staff for the small percentage of electors who vote using the internet as registration is required and additional information provided. This has not proven to reduce line-ups on election day at traditional voting locations.

Internet and mail-in voting would not be a viable combination as you would be supplying the elector with access to two ballots, one electronic and one paper. Doubling the methods of voting, only increases the opportunity for fraudulent activity such as hacking, voting twice, use of another's PIN or voter kit. While safeguards could be established to identify double voting, the municipality may be seen to be providing and encouraging the opportunity to double vote. To ensure the integrity of the election, the Returning Officer would be in a position to prosecute offenders which could lead to increased legal fees to run the election. If illegal actions were not prosecuted, it would encourage more fraud and challenges at the next election. Electors could be confused if provided with two ballots. It is double the expense as well. To the City Clerk's knowledge, this has not been attempted in any municipality and it is not recommended for this municipality. Due to the timelines – legislated and mailing, it is not possible to combine a mail-in ballot with an internet advanced vote.

The only real voting method combination would be the sole use of internet/telephone which has been used in several municipalities and what is being recommended in this Report.

If Council determines they wish to have a mail-in vote this must be the primary election format and the emphasis will be on that system. It is most difficult and more costly to run two types of elections.

A summary of the three methods – advantages and disadvantages has been attached as Appendix A to this Report as easy reference.

### **Other Alternatives Considered:**

The voting method alternatives have been considered in the Rationale section.

Once the decision on the voting method is determined, Council also has the opportunity to make the decision with respect to using electronic vote tabulation equipment. If, other than internet/telephone is chosen, with the volume of ballots for this municipality, electronic vote tabulation is highly recommended. As in previous elections, there would be extensive testing, a demonstration for all candidates and complete audit of results. During the last election, there was a 100% accuracy testing prior to the election and 100% accuracy rating with the audit after the election and 100% accuracy in results with the recount.

Should Council choose the Mail-In Voting with electronic vote tabulation, the following resolution would be required:

**RESOLVED THAT** the alternative voting method of a mail-in ballot for the 2018 municipal election be approved;

**THAT** a by-law be presented to authorize the mail-in ballot alternative voting method for the 2018 municipal election and subsequent elections;

**THAT** the use of optical scanning vote tabulators at the 2018 municipal election and subsequent elections, be approved; and

**THAT** a by-law be presented to Authorize the Use of Optical Scanning Vote Tabulators for the 2018 municipal election and subsequent elections.

The recommendation has been presented to set the method for the next and subsequent elections which would include by-elections. This means there would not be a report to the next Council about the method unless there were issues of concern from the Returning Officer about the method. If Council wishes this decision to be made on an election by election basis, then “and subsequent elections”, should be removed from the resolution.



## **Financial Considerations:**

The City currently budgets \$70,000.00 per year for the four year term for election purposes. Once Council determines the method it wishes to proceed with, the City Clerk will do a detailed budget and should there be additional required funds due to the method chosen, these would be including in the 2018 budget request for elections.

## **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The selection of a voting method has the potential to support many of the goals or enablers within the adopted Strategic Plan. Internet/telephone voting:

- improves accessibility for those with disabilities or location challenges on election day (Goal 2.2.1);
- reduces paper and therefore supports the Integrated Waste Management Strategy (Goal 3.1.2);
- shows fiscal responsible service delivery (Enabler E1.1);
- provides excellent customer service (Enabler E3.1); and
- best use of technology to deliver services(Enabler E4.1).

## **Review of Accessibility Implications of Any Development or Policy:**

Of all election voting methods, internet/telephone voting provides the best and most efficient way for persons with disabilities to participate in the election process.

## **Servicing Comments:**

N/A

## **Consultations:**

As noted – the Accessibility Advisory Committee will be consulted prior to Council considering this Report and comments will be provided to Council.  
Other municipality's experiences  
Vendor information collected  
Library CEO

## **Attachments:**



Summary to Report  
2017-001.docx

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**Department File:**

Summary

Method	Traditional – Voting Locations, Paper Ballot and Electronic Tabulators	Mail-In and Electronic Tabulators	Internet and Telephone
Advantages	<p>Same method used for federal and provincial elections – although alternatives are now being introduced at the provincial level</p> <p>Perceived to be more secret</p> <p>Voting location(s) in each ward</p> <p>Supervised voting location</p> <p>Physical audit trail – paper ballot</p> <p>Longest campaign period for candidates</p>	<p>Better access for non-residents and residents who may not be able to attend a voting location</p> <p>Vote in your home and mail in your ballot or drop your ballot at a municipal service centre over a three week time frame which makes it accessible and convenient for all. This method provides the longest time frame to vote.</p> <p>Eliminates the need for proxy voting which is very administratively time-consuming and open for controversy and abuse</p> <p>No need for a separate advanced vote since the opportunities are ongoing once the ballot is received</p> <p>Method has been used in past 5 city elections and voters, including non-residents, may expect this method</p> <p>Health or transportation needs of the elector are no longer a factor</p> <p>Less labour intensive on voting day, less workers required, however more upfront work required in processing voter changes</p>	<p>Uses technology for whole process and addresses accessibility issues</p> <p>Access to vote can be from anywhere in the world</p> <p>No paper ballots</p> <p>Voter convenience</p> <p>Extends the voting period and provides the longest voting time period</p> <p>Reduced number of staff required</p> <p>Eliminates the need for proxy voting which is very administratively time-consuming and open for controversy and abuse</p> <p>No vote interpretation issues</p> <p>Prompt results on election day assuming no volume issues at the close of polls</p> <p>Flexibility for elector, two choices</p> <p>No spoiled ballots, positive ballot confirmation</p>

		Physical audit trail – paper ballot	Ensures persons with disabilities are not disenfranchised from voting and have the same convenience as all other electors  Separate advanced vote not required
<b>Method</b>	<b>Traditional – Voting Locations, Paper Ballot and Electronic Tabulators</b>	<b>Mail-In and Electronic Tabulators</b>	<b>Internet and Telephone</b>
Disadvantages	<p>Need proxy voting – has always been contentious – particularly within areas of large non-resident populations</p> <p>Need to provide voter cards – added expense – these are not required with a mail-in or internet/telephone</p> <p>Requires attendance at a voting location either advance or election day which may not be convenient for non-residents</p> <p>More voting locations – possible rental agreements, more administration</p> <p>Potentially the election office leaving City Hall</p> <p>More advertising when changing voting methods from mail-in to standard</p>	<p>Perceived mistrust of voters as to secrecy of this method</p> <p>Only two places to receive a voting kit on voting day (but have had three weeks to get one)</p> <p>Campaign period for candidates is shortened after Nomination Day as the majority of ballots are returned two weeks prior to election day</p> <p>Voters' List inaccuracy when no voting location attendance is required as it relies on mailing addresses</p> <p>Reliance on Canada Post for timely delivery, including their labour issues, holidays, etc. 2018 is a contract year for Canada Post</p> <p>Voter verification questioned</p> <p>Results announced later</p> <p>Unsupervised voting location</p>	<p>Cost – there are added costs but there would be some savings realized in staffing to assist to decrease this impact</p> <p>Need to develop new procedures and protocols</p> <p>Need to increase end user awareness and increase communications to the elector resulting in added costs</p> <p>Voters' List Inaccuracies when no voting location attendance is required</p> <p>Reliance on Canada Post for timely delivery, including their labour issues, holidays, etc. 2018 is a contract year for Canada Post.</p> <p>Trust of a new system particularly dealing with security issues, concerns and process vulnerability</p> <p>Access to reliable internet service questionable</p>

	<p>Requires more election officials. Many municipalities using this method in the past are finding it harder each election to find enough workers. There is more time required for training, accommodation, etc.</p> <p>With DROs and Voting Clerks working a long day and then counting ballots (other than when tabulators are used) the potential for errors increases especially with the volume of ballots that are counted</p> <p>Volume of election staff required,, illness of election staff on election day, transportation needs of voters (elderly, disabled, etc.) requires more effort to vote by the voter</p> <p>Results announced later</p> <p>Separate advanced voting required at select locations</p>	<p>No control of over-voting or spoiling a ballot</p>	<p>but telephone service is available</p> <p>Voter verification and potential fraud</p> <p>Unsupervised voting location</p> <p>Trust of the public for the system</p> <p>Challenge using telephone when there is a high number of candidates</p>
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