

**Date:** September 30, 2020 File: A-2110

**To:** Corporate Services Committee

**From:** Mary Medeiros, City Clerk  
Tracy Adams, Commissioner, Corporate Services Department

**Re:** Additional Information related to Report CORP-20-20 – Voting Options for the 2022 Municipal and School Board Elections

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## **1. Purpose**

On September 14, 2020, the Corporate Services Committee considered Report CORP-20-20 and “deferred it to the October 5, 2020 Corporate Services Committee meeting with comments provided to staff”.

The purpose of this memo is to provide additional information with respect to voting options as set out in Report CORP-20-20, dated September 9, 2020, concerning the voting method for 2022 Municipal and School Board Elections.

Report CORP-20-20 is to be considered in conjunction with this memo.

## **2. Internet and Telephone Voting**

In an internet and telephone voting system, all electors are mailed a voter information package that includes an individual, secret Personal Identification Number (PIN) and voting instructions. Electors may vote from home online or by phone, or may choose to attend a Voter Assistance Centre (V.A.C.). At the V.A.C., voters who already have their voter information package can proceed to a voting kiosk to cast their ballot. For voters who do not have a voter information package (i.e. left it at home, did not receive one or is not on the list) would first proceed to a Revision Officer to receive a package with PIN.

The V.A.C. bridges the gap between paper ballot and fully digital processes. The V.A.C. will provide a similar voting experience to paper balloting procedures; however, a paper ballot and tabulator are replaced with kiosks to allow voters to use a device and internet access to cast their ballot. The elector would attend a V.A.C., present their voter information and be ‘struck off’ the Voter’s list. Instead of a paper ballot, the elector would be provided access to an electronic system similar to the at-home internet voting process to allow them to mark and cast their electronic ballot. Trained election officials would be available in the V.A.C. to provide assistance to all voters as requested.

Voters can choose to vote from home or a V.A.C. In addition, staff will attend all long-term care facilities and retirement homes with the necessary technology to enable those voters who may not have access to the internet or a telephone and may not have the ability to attend a V.A.C. Regardless of the method used, once a voter has voted, the system will prevent them from being able to vote again.

No one will be excluded from voting because they do not have access to the internet. If a person wishes to vote from home or another location and they do not have access to the internet, they can vote by phone (cell phone or landline) using the same PIN. The system provides instructions on how to vote. These instructions will also be included in the packages sent to voters. After hearing the instructions, they will be provided with the names of the candidates and then prompted to select the candidate they wish to vote for by pressing the appropriate number.

As part of the R.F.P. process, it will be identified that the service provider will guarantee that the online/telephone voting system will ensure that:

- the votes are verifiable;
- the vote was actually counted;
- a voter can only vote once; and,
- the system is secure from tampering.

### **3. Vote-By-Mail**

As noted in Report CORP-20-20, vote-by-mail is generally used in rural municipalities where electors would otherwise be required to travel some distance to vote at a polling station. This system requires significant printing and mailing costs, as each qualified elector is mailed a voting kit including instructions, a voter declaration form, a ballot, a secrecy folder and a postage-paid return envelope. Once ballots are returned to the municipality's designated return point, ballots must either be counted manually or using an optical scan vote tabulator.

To ensure all eligible electors receive a kit, a series of deadlines must be established, and voting kits may be sent in batches. In the first batch, voting kits would be mailed by the service provider to all eligible electors on the Voter's List. Following this mail out, a second period would be established wherein electors making revisions to the list would receive a mailed voting kit sent by the municipality. Due to the time it takes to mail a kit out to an elector and allow time for the completed ballot to be returned, this process can only take place up until approximately two weeks before Voting Day. For electors making revisions to the list less than approximately 14 days before Voting Day, voting kits would be provided when they make their revision. It is important to note that these revisions would require electors to come to City Hall in person in order to receive the voting kit.

To complete their ballot, voters must mark the ballot, place it in the secrecy envelope and seal that envelope. They will then sign the declaration form and place it and their sealed secrecy envelope inside the return envelope to be returned to the municipality. These envelopes may be returned via Canada Post or dropped off at a secure location as designated in the election procedures established by the City Clerk. In order to allow adequate time for mailed ballots to be processed by Canada Post and delivered to the municipality, voters are provided an appropriate deadline by which they must place the return envelope in the mail in order to ensure it is delivered to the municipality by Voting Day. After this deadline, voters would be required to go to the designated drop off location in person.

To protect the integrity and security of the vote, designated drop off locations would need to be appropriately staffed and secured but still allow scrutineers to view processes. As such, a limited number of drop off locations could be provided, requiring some voters to drive well outside of their respective voting subdivisions to access a return centre if they are unable to meet the timelines required due to Canada Post processing.

Specific procedures may vary, but generally, as return envelopes are received after a certain date, the municipality will open the return envelopes to ensure that there is both a declaration form and secrecy envelope. Voters will be marked off the Voter's List based on the declaration form, and the secrecy envelope will be placed in a secure ballot box until Voting Day. This process, like any other on Voting Day, must be subject to scrutineer viewing.

On Voting Day, the secrecy envelopes will be opened and counted at a designated vote processing centre, generally through an optical scan tabulator, and the results processed in a similar manner to other paper ballot systems. This could take considerably longer than systems used by the City in the past, as fewer tabulators would be used to process all of the ballots, resulting in later results reporting.

Vote-by-mail systems may leave opportunity for a number of votes to not be counted should a voter not follow the instructions completely or accurately. Ballots that are not accompanied by a signed voter declaration form, ballots that are loose inside the return envelope, secrecy envelopes that identify the voter or ballots that are received after 8:00 p.m. on Voting Day are rejected cannot be counted. When a voter attends a voting place and the tabulator rejects the ballot, the voter is present and may have the opportunity to correct their ballot. In a vote-by-mail system, the voter is not present so if the tabulator cannot read the ballot, that vote is not cast. While information and messaging would be distributed, vote-by-mail systems may leave significant room for voter error resulting in an unintentional loss of their vote.

As noted, all eligible electors in the municipality are provided with a voting kit regardless if the elector intends to use it or not. In 2018, the total number of electors eligible to vote in the City was 109,208, however voter turnout was 26,298. A vote-by-mail system prints significantly more ballots and incurs substantively larger postage costs than other systems.

Given the size and urbanized nature of most of the City of Oshawa, voting by mail is not a recommended option due to the potential inconvenience for voters, the results are not immediate and some votes may not be counted if the ballots are inadvertently spoiled or received after the established deadline. While the other options presented already include some printing and the use of an optical scan tabulators, vote by mail kits would require an entirely different system of processes which will require additional resources for security, staffing as well as additional postage and printing costs. Staff have not investigated costs associated with this method of voting.

#### **4. Election Fraud**

Election fraud is a consideration no matter what voting method is used. Even using traditional paper ballots with a manual counting system as set out in the Municipal Elections Act, 1996, S.O. 1996, c. 32 (the "Act"), an elector could knowingly commit fraud.

In accordance with Section 89 of the Act, a person is guilty of an offence if he or she:

- (a) votes without being entitled to do so;
- (b) votes more times than this Act allows;
- (c) votes in a voting place in which he or she is not entitled to vote;
- (d) induces or procures a person to vote when that person is not entitled to do so;
- (e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- (f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- (g) before or during an election, publishes a false statement of a candidate's withdrawal;
- (h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- (i) without authority, supplies a ballot to anyone;
- (j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- (k) takes a ballot away from the voting place;
- (l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- (m) attempts to do something described in clauses (a) to (l).

Section 90 of the Act states:

- (1) If, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice.

Parts (2) through (6) of this Section go on to identify a number of corrupt practices including bribery, miscounting of votes, false ballots and neglect of duty the clerk or other election official.

Section 94 of the Act states:

- 94. A person who contravenes any provision of this Act or a regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

Further, Section 94.1 states:

- (1) An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:
  1. For any offence, a fine of not more than \$25,000.
  2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
  3. For an offence under section 90, imprisonment for a term of not more than six months.
  4. For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months.
- (2) A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act.

With respect to stealing addressed voting packages/kits from the mail, Section 356(1) of the Criminal Code of Canada, R.S.C., 1985, c. C-46 (“the Code”) states that it is an offence to steal anything sent by post after it is deposited at a post office and before it is delivered, or after it is delivered but before it is in the possession of the addressee. A person found guilty of an offence under this section of the Code may face a term of imprisonment for up to 10 years.

Internet and telephone voting systems provide a greater range of information with respect to when, how and where ballots were cast in order to assist in investigating any reported instances of voter fraud. If a voter were to steal all of the PINs from all those living in the same household and, using their knowledge of the associated birthdates, commits voter fraud by casting ballots for everyone, the system could identify if all ballots were cast from the same IP address, if they were cast within a few minutes of each other and what time of day it occurred. It is important to note that despite being able to provide this type of information, these systems are not able to provide the actual PIN(s) used or how the ballots were filled out, ensuring the secrecy of vote is upheld.

Depending on the provider, systems can be configured to flag suspicious voting activity, such as more than a certain number of votes cast from one IP address, or votes cast from other countries to allow further investigation.

As with all methods of election, the onus is on the electors themselves to prevent voter fraud. Regardless of the method of election selected, the City can focus a portion of election messaging on the importance of ballot secrecy and protecting your vote.

## **5. Public Consultation and Budget**

Should Council choose a voting option that requires additional funds to be allocated to the Election Reserve, the additional contribution required will need to increase in 2021 and 2022 through the operating budget. Currently, the only option that does not require an increase to the Election Reserve is Internet and Telephone voting. Any other option will require additional contributions to the Election Reserve. If a voting option is not selected until after the 2021

Budget has been established, the entirety of any additional resources will need to be funded from the 2022 Budget alone.

It takes approximately eight weeks to obtain fulsome public consultation due to the required communications, consultation and data review. Should Council wish staff to undertake public consultation, it is recommended that it take place in the New Year as the by-law to decide on the method of election must be passed before May 1, 2021, which allows sufficient time to conduct the public consultation and report back to Council.

Soliciting feedback by specifically reaching out to candidates who participated in the 2018 Election provides those particular individuals with an unfair advantage over all other residents who may be considering running in the 2022 Municipal and School Board Elections. In addition, the contact information for those individuals was collected by the City for the purposes of conducting the 2018 Municipal and School Board Election and any other use of that information would not be permitted under the Municipal Freedom of Information and Protection of Privacy Act.

## **6. Next Steps**

At its September 14, 2020, Corporate Services Committee meeting, the following motions were moved and the vote lost:

“That, in accordance with Report CORP-20-20 concerning the voting methods for the 2022 Municipal and School Board Elections, Option 3.A being a hybrid using internet and telephone voting for Advance Voting only and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day at a cost of approximately \$1,300,000 inclusive of H.S.T. be selected.”

“That Report CORP-20-20 be referred back to staff for consultation with all candidates that ran for office in 2018 and to facilitate the holding of a public meeting.”

“That, in accordance with Report CORP-20-20 concerning the voting methods for the 2022 Municipal and School Board Elections, Option 2 being Internet and Telephone Voting only at a cost of approximately \$800,000 inclusive of H.S.T. be selected.”

“That the Corporate Services Committee refer Report CORP-20-20 concerning the voting methods for the 2022 Municipal and School Board Elections to Council without recommendation.”

Should Committee wish to reconsider any of these motions, the following are the steps required:

1. Motion to reconsider the motion or option put forward – will need to carry on a 2/3 vote of members present and voting.
2. The motion will now be in front of the Committee for debate and voting.

The following options remain available for the Committee’s consideration which do not require a reconsideration motion:

Option 1: Optical Scan Vote Tabulator Devices and Accessible Voting Equipment (cost approximately \$900,000 inclusive of HST depending on number of Voting locations established throughout the City)

Should the Committee wish to recommend this option to City Council, the following recommendation should be moved:

- “1. That Council endorse the use optical scan vote tabulators and accessible voting equipment as the preferred method of voting for the 2022 Municipal Elections as set out in Report CORP-20-20, dated September 9, 2020; and,
2. That Council pass a by-law, as outlined in Attachment 2, authorizing the use of optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections.”

Option 3.B: Hybrid Using Internet and Telephone Voting and Paper Ballots with Optical Scan Vote Tabulators for Advance Voting and Voting Day (cost approximately \$1,500,000 inclusive of HST)

Should the Committee wish to recommend this option to City Council, the following recommendation should be moved:

- “1. That Council endorse the use of a hybrid system using internet and telephone voting and optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections as set out in Report CORP-20-20, dated September 9, 2020.
- 2 That Council pass a by-law, as outlined in Attachment 5, authorizing the use of internet and telephone voting and paper ballots and optical scan vote tabulators for the 2022 Municipal Elections.”

To: Corporate Services Committee

From: Tracy Adams, Commissioner,  
Corporate Services Department

Report Number: CORP-20-20

Date of Report: September 9, 2020

Date of Meeting: September 14, 2020

Subject: Voting Method for 2022 Municipal and School Board Elections

File: A-2120

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## **1.0 Purpose**

The purpose of this report is to respond to the following direction (CORP-19-34) from the March 25, 2019 Corporate Services Committee meeting:

“Whereas a number of Ontario Municipalities offered on-line and telephone voting in the 2018 Municipal Election; and,

Whereas the City of Oshawa has experienced low voter turnout in the past elections;

Therefore the City of Oshawa investigate the benefits and costs to implement a hybrid system that allows for regular in person and proxy voting, as well as on-line and telephone voting in the 2022 Municipal Elections and report to Council in the third quarter of 2020.”

Attachment 1 is the Municipal Comparison Chart – 2018 Municipal Elections indicating 2018 voting methods, associated costs, voter turnout and 2022 voting method.

Attachment 2 is a draft proposed By-law to use optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections.

Attachment 3 is a draft proposed By-law to use internet and telephone voting as a method of election for the 2022 Municipal Elections.

Attachment 4 is a draft proposed By-law to use a hybrid system using internet and telephone voting for Advance Voting Days only, and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day for the 2022 Municipal Elections.



Attachment 5 is a draft proposed By-law to use a hybrid system using internet and telephone voting and the use of optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections.

## **2.0 Recommendation**

That the Corporate Services Committee recommend to City Council:

That based on Report CORP-20-20, dated September 9, 2020, the Corporate Services Committee select an appropriate option from Section 5.4 as the preferred method of voting for the 2022 Municipal and School Board Elections.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

- Association of Municipalities of Ontario (A.M.O.)
- Ontario Municipalities (Durham Region and others)
- Finance Services
- Information Technology Services
- Legal Services

## **5.0 Analysis**

### **5.1 Municipal Elections Act, 1996**

Section 42(1) of the *Municipal Elections Act, 1996* (“the Act”) provides that the Council of a local municipality may pass by-laws to:

- (a) authorize the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scan vote tabulators; and,
- (b) authorize 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.

In accordance with Section 42(2) of the Act, a by-law passed under subsection 42(1) must be passed on or before May 1 in the year before the year of the election; therefore, the By-law to decide on the method of Election must be passed before May 1, 2021 as the 2022 Municipal and School Board Elections (“2022 Municipal Elections”) will take place on Monday, October 24, 2022.

Section 42 further states that the Clerk shall establish procedures and forms for the use of any voting and vote-counting equipment authorized by by-law, and the procedures and forms must be established by December 31 in the year prior to the year of the election. Therefore, the City must have its procedures and forms finalized by December 31, 2021.

In establishing these procedures and forms, the Clerk must ensure they are consistent with the following principles of the Act:

- The election should be fair and non-biased.
- The integrity of the process should be maintained throughout the election.
- Voters and candidates should be treated fairly and consistently within a municipality.
- The election should be accessible to all voters.
- The secrecy and confidentiality of the individual votes is paramount.
- There is certainty that the results of the election reflect the votes cast.
- A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

### **5.1.1 Proxy Voting**

Section 44 of the Act provides that a qualified voter who is not able to attend the voting location on Voting Day or an advance voting location to cast their ballot may appoint another qualified elector to act as a voting proxy to cast a ballot on their behalf.

The appointment must be made on the prescribed form made available by the City Clerk. Proxy forms are made available after the close of nominations and expire at the close of the polls on Voting Day. The form and an original piece of identification for themselves and the person appointing them must be presented to the City Clerk, or their designate who will then ask the elector to make and sign a statutory declaration in order for the form to be valid. A person cannot be appointed as a voting proxy for more than one other person unless they are a spouse, sibling, parent, child, or grandparent or grandchild of the person appointing them.

Once completed, the voting proxy may be used at any advance voting location or on Voting Day and is required to present the certified form and take an oath prior to be provided with the ballot for the elector who appointed them to act on their behalf. On Voting Day the proxy must be exercised at the poll of the person for whom the proxy is voting.

The person who is acting as a voting proxy is also entitled to vote in their own right at any advance voting location or on Voting Day at their designated voting location.

The City Clerk's Office maintains a list and a copy of all certified voting proxies.

## **5.2 Methods of Voting**

The main methods of voting used by Ontario municipalities are:

- Paper ballot: manual counting or optical scan vote tabulators
- Vote-by-mail
- Internet and telephone voting

### **5.2.1 Paper Ballots with Manual Counting**

The default election method contemplated under the Act is paper ballots with manual counting by election officials. Most municipalities have abandoned manual counting due to the time and effort involved in counting votes. The City of Oshawa prints 25 different ballot types as each of the five wards have a different selection for Regional Councillor, City Councillor as well as the selection for school support (English Public School Support, English Catholic School Support, French Public School Support and No School Support). Manually counting each ballot type is a labour-intensive and time-consuming process, one that is subject to human error and interpretation of a vote given. Additionally, it would take hours to get the final tally results. In 2018, the City used paper ballots and optical scan vote tabulators.

### **5.2.2 Optical Scan Vote Tabulators**

Since 1997, the City of Oshawa has used optical scan vote tabulators for all regular Municipal and School Board Elections. Optical scan vote tabulators are located at each polling station. The vote tabulator uses an optical scan which interprets the votes on the ballot by selecting the darkest mark within a given set of choices as the correct choice or vote. The ballot is immediately tabulated at the polling station allowing voters to be notified if there is an error on the ballot such as an over-vote, blank ballot or an ambiguous mark. This provides voters with the opportunity to cancel their ballot and receive a new ballot ensuring each elector's vote to be counted. The vote tabulating equipment also keeps a running total of votes cast. This total is maintained on the memory card stored in the vote tabulating unit at each voting location. The results at each voting location are then combined and tabulated to produce the final results for the election for each office.

In addition, optical scan vote tabulators include accessibility features to assist voters with disabilities to vote independently and in private. A voter who wishes to vote utilizing this equipment uses headphones to hear the ballot presentation and a handheld controller device to control the voting session and select votes. Other assistive devices available are foot paddles and sip and puff devices for voters who are unable to use their hands to press the selection buttons. The ballot marker device produces a human and machine readable marked paper ballot from a blank sheet of paper, completely indistinguishable from a paper ballot marked by hand.

### **5.2.3 Vote-by-Mail**

This method of election is typically used by rural municipalities where electors would otherwise be required to travel some distance to vote at a polling station. In a vote-by-mail method, every elector on the Voters' List is mailed a voting package which includes a return envelope, declaration form, ballot and ballot secrecy envelope. The elector marks their ballot and places it in the ballot secrecy folder, signs the voter declaration and returns both documents by mail, or in person, in the return envelope to the Municipality's Election Centre by the specified date. After the specified date, typically 10 days before Voting Day, mail-in ballots are dropped off at the Municipality's Election Centre or other designated location as identified in the Clerk's Procedures. Ballots which have been mailed in or dropped off are counted either manually or using optical scan vote tabulators after the polls close on Voting Day.

#### **5.2.4 Internet and Telephone Voting**

Internet voting is often available as part of a voting online platform that also includes a telephone voting option. This means that voters could mark their ballots using a computer, tablet or mobile device, or by selecting options over the phone. As such, internet and telephone voting are often offered together as one voting method.

During an election where internet and telephone voting is used a voter notice is mailed that includes a Personal Identification Number (PIN) and instructions to access either the website or telephone number in order to cast their vote. During the voting period, an elector can register to use the online voting system that has an authentication process by using the PIN provided to them to make their selections regarding their preferred candidates to cast their vote. If utilizing telephone voting, the elector would call the provided telephone number and would be prompted using verbal instructions through an authentication process including the PIN provided and navigate through the ballot to cast their vote.

Internet and telephone voting provides for a convenient and secure method of voting and allows electors to cast their ballot online anywhere with internet access using a number of devices including computers, laptops, tablets, smartphones, etc. Voters can vote from anywhere including their home, work, in transit and at any time of day. Similarly, telephone voting allows electors to use a landline or cell phone to cast their vote by phone from anywhere.

Internet and telephone voting is a more accessible method of voting given that electors with accessibility challenges do not have to travel to specific locations to vote, they may be able to vote more independently without reliance on assistance and can avail themselves of screen reading technology. In addition, internet voting can offer a faster voting experience for an elector than traditional in-person voting, as most voters can complete their ballot in under three minutes. Internet and telephone voting reduces the need for a person to appoint a proxy (a person to cast a ballot on their behalf), as an elector has the opportunity to vote from anywhere.

Internet and telephone voting alternatives reduce the number of spoiled ballots, as the system does not allow for over votes or ballots to be spoiled unintentionally. This system also reduces the chance of voters being issued an incorrect ballot in error, avoids tabulator complications and allows for voters who wish to decline their vote to do so.

Internet and telephone voting may also provide for a more environmentally friendly option for voting as electors do not need to travel to a voting location, reducing greenhouse gas emissions, as well as a reduction in paper resources such as printed ballots.

Some voters may not have full confidence in an internet and telephone voting system and may be concerned with the security of the internet including voter fraud, security breaches or other challenges or issues to controvert an election.

Section 49(2) of the Act provides that no person shall:

- a) interfere or attempt to interfere with an elector who is marking their ballot;
- b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or who has voted;
- c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.

The City Clerk is responsible to ensure that security and internal processes are put in place regardless of the method of election chosen to ensure that the integrity of the election process is upheld and the secrecy of the vote is maintained.

Technical issues such as a power failure or system access issue are considerations that should be taken into account when contemplating internet and telephone voting. In 2018, a number of municipalities using the same Internet Voting Provider experienced issues on Voting Day. The issues were caused by a limit placed on incoming online traffic by the Internet Voting Provider's third party server that was approximately 1/10<sup>th</sup> of the Internet Voting Provider's system designated bandwidth. As a result, voting was not available for 90 minutes on Voting Day causing these municipalities to extend voting for up to an additional 24 hours to accommodate and provide the opportunity for electors to cast their vote while maintaining the integrity of the process. Although these municipalities experienced technical issues, there was no evidence of voter fraud, security breaches or other issues that could give cause for a controverted election.

If internet and telephone voting is selected as a voting method, staff will undertake a fulsome Request for Proposal pursuant to the City's Purchasing By-law 45-2016, as amended, to ensure adequate firewalls, encryption protocols and user authentication systems are in place. Testing and auditing will be performed throughout the various stages of implementation to ensure the security of the system is maintained. Additionally, staff will ensure there is a back-up plan in place in the event of a system failure.

It is important to note that any election model has an inherent risk. Therefore, regardless of the voting method selected, adequate back-up systems would still need to be provided to ensure disaster plans are in place should technology fail during the voting periods, whether that technology is an optical scan vote tabulator or an internet connection.

### **5.3 Municipal Comparisons**

#### **5.3.1 2018 Municipal Elections**

In 2018, 194 municipalities in Ontario used internet and telephone voting. This number is anticipated to increase for the 2022 Municipal Elections. Locally, Ajax and Pickering both used internet and telephone voting in recent elections and the City of Markham has used internet voting since 2003. While some municipalities have conducted elections solely using internet voting, others have adopted a hybrid approach including internet and telephone voting in addition to paper ballots and optical scan vote tabulators.

Attachment 1 shows a chart highlighting the breakdown of voting methods and costs for a number of comparator municipalities during the 2018 Municipal Elections.

In 2018, the City of Oshawa conducted the Municipal and School Board Elections using the traditional paper ballot system and optical scan vote tabulators, consistent with the City's processes during previous elections. Also in 2018, the City introduced a new Ward system that required a robust communication plan; therefore, it was determined at that time not to proceed with the use internet and telephone voting in order to avoid further unnecessary complications for voters.

### **5.3.2 Technical Issues in 2018**

Of the 194 municipalities that used internet voting in 2018, 51 of the 67 municipalities utilizing the same Internet Voting Provider reported technical issues on Voting Day. These issues resulted in delays of up to 90 minutes for voters, causing some municipalities to extend their voting hours to accommodate this delay. Following the election, the affected vendor stated that the issues were related to a specific bandwidth issue, which has since been rectified. The vendor also confirmed that it did not affect the security or accuracy of the elections in those municipalities. It is also important to note that these technological issues occurred on Voting Day, and 17 of the 51 municipalities used internet and telephone voting for the advance voting period only and did not experience these issues. The remaining 127 municipalities who utilized internet voting with a different Internet Voting Provider did not report technical difficulties.

### **5.3.3 Voter Turnout Impact**

The Association of Municipalities of Ontario indicated that the average voter turnout across Ontario municipalities in 2014 was 43.12% (based on 389 municipalities) and 38.30% (based on 388 municipalities) in 2018, indicating that the trends show voter turnout decreasing generally across Ontario.

In 2014, 97 Ontario municipalities used some form of internet voting as a voting method, either in conjunction with paper ballots and optical scan vote tabulators or on its own with telephone voting. In 2018, 194 municipalities reported offering internet and telephone voting.

Academic studies and municipal statistics do not definitively indicate that internet voting has a significant impact on voter turnout; however, internet voting has been a successful customer service initiative that can lessen wait times and congestion at voting stations and has made voting more convenient and accessible. Internet voting provides a method of voting that may encourage participation from voters who may have previously faced barriers to voting such as mobility and time constraints.

### **5.3.4 2022 Municipal Elections Plans**

Most municipalities are still in the planning stages for 2022, and many Councils have not yet approved a voting method for 2022 Municipal Elections. However, many municipalities who utilized internet and telephone voting in the 2018 Municipal Elections have noted that they anticipate using it again in 2022.

The City of Barrie approved the options for internet and telephone voting in October 2019 with a budget in the range of \$400,000 to \$500,000. The City of Greater Sudbury also approved a hybrid approach of internet and telephone voting and paper ballots after using only internet voting in 2018, expanding its budget to \$1,200,000. The City of Markham is also proposing to continue a hybrid approach to internet voting in 2022 as has been done in previous elections and is anticipating a budget in excess of \$1.2 million.

Currently, the Municipality of Clarington has approved internet voting and the Town of Ajax will be recommending internet voting for the 2022 Municipal and School Board Elections.

### **5.4 Options for the 2022 Municipal and School Board Elections**

Depending on the preference of Council, several options are available for conducting the 2022 Municipal and School Board Elections. Council may choose to offer voters a paper ballot system using optical scan vote tabulating devices, an internet and telephone voting system, or a hybrid approach using both systems.

Regardless of the method selected, Municipal and School Board Elections also place an increased demand on the City's Information Technology Services branch with respect to setting up and/or equipping the voting locations.

When selecting a method of voting, Council will also need to consider the impact of COVID-19 and the impact on the City's finances. Additionally, it is still unknown how long the safety and emergency measures which have been implemented will be in place. It is possible that there may be another wave of COVID-19 or another pandemic which may limit the ability for the public to gather in groups, impacting the method of voting selected for the 2022 Municipal Elections.

#### **5.4.1 Option 1: Optical Scan Vote Tabulator Devices and Accessible Voting Equipment**

This option requires the acquisition of paper ballots, rental of tabulator and accessible equipment, hiring hundreds of election staff, and the use of a large number of Voting Places, including rental fees for both Advance Voting periods and Voting Day.

For the 2018 Municipal Elections, six Advance Voting Days were established with ten voting locations available over those six days. Additionally three days of special voting opportunities were established at eight multi-residential buildings during the Advance Voting period. On Voting Day, there were 33 Voting Places available across the City's five wards, 12 special voting locations for residents of retirement homes and long-term care facilities and one voting location at Lakeridge Health Oshawa for Oshawa residents. The City hired over 450 election workers to work at one or more of the Advance Voting Days in

addition to Voting day. Additionally, 31 City staff were paid to work in a different capacity after hours at the Elections Return Centre on Voting Day. The cost to administer the 2018 Municipal Election was \$640,000. It is expected that due to inflation and population growth, the cost to administer the 2022 Municipal Elections will be approximately \$900,000.

Should Oshawa City Council wish to adopt this option, the following recommendation should be moved:

- “1. That Council endorse the use optical scan vote tabulators and accessible voting equipment as the preferred method of voting for the 2022 Municipal Elections as set out in Report CORP-20-20, dated September 9, 2020; and,
2. That Council pass a by-law, as outlined in Attachment 2, authorizing the use of optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections.”

#### **5.4.2 Option 2: Internet and Telephone Voting Only**

Internet and telephone voting provides the opportunity for voters to vote from wherever they wish, using an authentication security system from almost any device. For voters needing assistance or who do not have access to technology, Advance Voting and Voting Day locations would also be made available to allow voters to go in person to cast their votes using electronic equipment at Voter Assistance Centres (VAC). A fewer number of Voting Places would be required, voting equipment and staff trained to assist voters to use the electronic voting process would be staffed at each location. This system would also use a vote anywhere system, where voters would not be required to go to a specific voting place to receive the correct ballot; they can choose any of the VAC's that would be made available throughout the city.

Of the municipalities that have facilitated internet voting in previous elections, many have noted the need for an increase in their budget for communications, especially during the first election(s) that implement internet and telephone voting options.

Staff recommend Option 2 as the method of election for the 2022 Municipal Elections for several reasons: it provides for a more accessible election method; it is the most cost effective method; and, it has less impact on the environment as less people will have to travel to vote and there is a significant reduction in the use of paper. The estimated cost to administer the 2022 Municipal Elections using this method of voting will be approximately \$800,000.

Should Oshawa City Council wish to adopt this option, the following recommendation should be moved:

- “1. That Council endorse internet and telephone voting for the 2022 Municipal Elections as set out in Report CORP-20-20, dated September 9, 2020; and,
2. That Council pass a by-law, as outlined in Attachment 3, authorizing the use of internet and telephone voting technologies for the 2022 Municipal Elections.”



#### **5.4.3 Option 3: Hybrid System using Optical Scan Vote Tabulators, Accessible Voting Equipment and Internet and Telephone**

This option is a hybrid system that requires the use of optical scan vote tabulators and accessible voting equipment as used in the 2018 Municipal Elections for Advance Voting and Voting Day, as well as an internet and telephone voting platform, each described above, for Advance Voting Days. This hybrid approach would provide opportunity for the community to transition into electronic voting with traditional forms of voting for those users not comfortable with the technology. As there is no way to determine how many voters would use each method, City Clerk Services would need to prepare for full use of both systems, in effect running two elections at the same time, thus nearly doubling the costs associated with running an election.

The City of Markham has adopted a hybrid approach since first using internet voting in 2003, using a phased-in approach. It should be noted that telephone voting was not offered by the City of Markham; the voting methods were either paper ballot with optical scan vote tabulator or internet voting. During the first four hybrid elections in Markham (2003, 2006, 2010 and 2014), internet voting was available only during the Advance Voting period. This meant that voters could cast their ballot remotely anytime during the advance voting period. The City of Markham also had several voting locations established during the Advance Voting period for voters to cast their paper ballot. On Voting Day, however, internet voting was not an available option and the voter needed to attend a voting place to cast their paper ballot. For the 2018 Municipal Elections, the City of Markham changed their approach to use internet voting for both Advance Voting and Voting Day and the use of paper ballot with optical vote scan tabulators for Advance Voting Day only and are anticipating this hybrid method for the 2022 Municipal Elections.

The cost to administer the City of Oshawa 2022 Municipal Elections using a hybrid method of voting is estimated to be approximately \$1,300,000 to \$1,500,000 depending on which option is selected as outlined below.

Should Oshawa City Council wish to adopt a hybrid system using both internet and telephone voting and paper ballots using optical scan vote tabulators, Council should move one of the following Options:

#### **Option 3.A – Hybrid Using Internet and Telephone Voting For Advance Voting Only and Paper Ballots with Optical Scan Vote Tabulators for Advance Voting and Voting Day**

- “1. That Council endorse the use of a hybrid system using internet and telephone voting for Advance Voting Days only, and paper ballots and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day as set out in Report CORP-20-20, dated September 9, 2020.
- 2 That Council pass a by-law, as outlined in Attachment 4, authorizing the use of internet and telephone voting for Advance Voting only, and paper ballots and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day for the 2022 Municipal Elections.”

**Option 3.B – Hybrid Using Internet and Telephone Voting and Paper Ballots with Optical Scan Vote Tabulators for Advance Voting and Voting Day**

- “1. That Council endorse the use of a hybrid system using internet and telephone voting and optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections as set out in Report CORP-20-20, dated September 9, 2020.
- 2 That Council pass a by-law, as outlined in Attachment 5, authorizing the use of internet and telephone voting and paper ballots and optical scan vote tabulators for the 2022 Municipal Elections.”

**6.0 Financial Implications**

Financial implications are dependent on the method of voting selected, and given their variable nature, estimations are based on previous election costs and costs identified by other municipalities from the 2018 Municipal Elections.

Anticipated Costs by Method:

- Option 1 - Optical Scan Vote Tabulators and Accessible Voting Equipment – approximately \$900,000 inclusive of HST depending on number of Voting locations established throughout the City.
- Option 2 - Internet and Telephone Only - approximately \$800,000 inclusive HST.
- Option 3.A - Hybrid using internet and telephone voting for Advance Voting only and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day – approximately \$1,300,000 inclusive of HST.
- Option 3.B - Hybrid using internet and telephone voting and optical scan vote tabulators and accessible voting equipment for Advance Voting Days and Voting Day - approximately \$1,500,000 inclusive of HST.

When selecting a method of voting, Council will need to ensure that the Election Reserve has the appropriate funding. Currently, it is anticipated the Election Reserve account will have approximately \$840,000 for the 2022 Municipal Elections.

If a Hybrid method is the preferred option for the 2022 Municipal Elections, then contributions to the Election Reserve, through the operating budget, will need to increase in 2021 and 2022 to fund the additional funds required.

## **7.0 Relationship to the Oshawa Strategic Plan**

This report supports the strategic goals of Accountable Leadership and Environmental Responsibility.



Mary Medeiros, City Clerk,  
City Clerk Services



Tracy Adams, Commissioner,  
Corporate Services Department

Attachments

### Municipal Comparison Chart – 2018 Municipal Elections

Municipality	2018 Voting Method	2018 Costs	2018 Voter Turnout (%)	2022 Voting Method
Town of Ajax	Internet/telephone	\$250,000	32.91	Internet/telephone (proposed)
City of Barrie	Optical Scan Vote Tabulators	N/A	30.01	Internet Voting (approved)
Township of Brock	Vote by mail	N/A	46.67	N/A
Municipality of Clarington	Optical scan vote tabulators Vote by mail	\$360,000	28.57	Internet/telephone (approved method)
City of Guelph	Optical scan vote tabulators	\$500,000	36.02	Optical scan vote tabulators  One remote method (internet, telephone, by mail) (proposed)
City of Hamilton	Optical scan vote tabulators	\$2 million	38.12	N/A
City of Kingston	Hybrid – Optical scan vote tabulators and internet voting during advance voting period and on Voting Day	N/A	41.63	N/A
City of Kitchener	Optical scan vote tabulators	N/A	27.54	N/A

<b>Municipality</b>	<b>2018 Voting Method</b>	<b>2018 Costs</b>	<b>2018 Voter Turnout (%)</b>	<b>2022 Voting Method</b>
City of Markham	Hybrid – Optical Scan Vote Tabulators and Internet Voting during Advance Voting period, internet only on Voting Day	\$1.2 million	38.26	Hybrid – Optical scan vote tabulators and internet voting for both Advance Voting Day and Voting Day
Town of Newmarket	Internet/telephone	\$448,000	34.65	N/A
City of Oshawa	Optical scan vote tabulators	\$640,000	24.26	TBD
City of Peterborough	Hybrid - Optical scan vote tabulators and internet during advance voting period and on Voting Day	\$515,000	48.31	Hybrid – Optical scan vote tabulators and internet during advance voting period and on Voting day  (proposed)
City of Pickering	Internet/telephone	N/A	29.17	Hybrid  (proposed)
City of St. Catharines	Optical scan vote tabulators	\$457,000	33.64	unknown
Township of Scugog	Optical scan vote tabulators  Vote by mail	100,000	45.72	TBD but considering Internet Voting
City of Greater Sudbury	Internet	\$496,927	44.99	Hybrid – Optical Scan Vote Tabulators and Internet during Advance Voting period and on Voting day  (approved)

<b>Municipality</b>	<b>2018 Voting Method</b>	<b>2018 Costs</b>	<b>2018 Voter Turnout (%)</b>	<b>2022 Voting Method</b>
City of Vaughan	Optical scan vote tabulators	\$1,030,130	27.02	N/A
Town of Whitby	Optical scan vote tabulators  special vote by mail	\$327,000	26.32	Optical scan vote tabulator  special vote by mail  (approved method)



**By-law XX-2020  
of The Corporation of the City of Oshawa**

being a by-law to authorize the use of optical scan vote tabulators and accessible voting equipment which include accessible voting technologies for the 2022 Municipal Elections.

Whereas Section 42(1)(a) of the Municipal Elections Act, 1996, SO 1996, c 32 provides that the Council of a Municipality may, by by-law, authorize the use of voting and vote-counting equipment for the purpose of counting votes at municipal elections; and,

Whereas the Council of the Corporation of the City of Oshawa deems it desirable to utilize such equipment during the 2022 Municipal Elections which will take place on Monday, October 24, 2022.

It is enacted as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. That the use optical scan vote tabulators and accessible voting equipment for the purpose of counting votes is hereby authorized in accordance with Section 42(1)(a) of the Municipal Elections Act, 1996 for Advance Voting Days and Voting Day in the 2022 Municipal Elections; and,
2. That By-law 15-2017 be repealed.
3. That this by-law shall come into force and take effect on the date it is passed.

By-law passed this     day of     , 2020.

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Mayor

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City Clerk



**By-law XX-2020  
of The Corporation of the City of Oshawa**

being a by-law to authorize the use of internet and telephone voting for the 2022 Municipal Elections.

Whereas Section 42(1)(b) of the Municipal Elections Act, 1996, SO 1996, c 32 provides that the Council of a Municipality may, by by-law, authorize the use of alternative voting methods that do not require electors to attend a voting place in order to vote; and,

Whereas the Council of the Corporation of the City of Oshawa deems it desirable to utilize such methods during the 2022 Municipal Elections which will take place on Monday, October 24, 2022.

It is enacted as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. That the use of internet and telephone voting in the 2022 Municipal Elections is hereby authorized in accordance with Section 42(1)(b) of the Municipal Elections Act, 1996; and,
2. That By-law 15-2017 be repealed.
3. That this by-law shall come into force and take effect on the date it is passed.

By-law passed this     day of     , 2020.

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Mayor

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City Clerk





**By-law XX-2020  
of The Corporation of the City of Oshawa**

being a by-law to authorize the use of a hybrid system using internet and telephone voting for Advance Voting Days only, and optical scan vote tabulators and accessible voting equipment for Advance Voting and Voting Day for the 2022 Municipal Elections.

Whereas Sections 42(1)(a) and (b) of the Municipal Elections Act, 1996, SO 1996, c 32 provides that the Council of a Municipality may, by by-law, authorize the use of vote-counting equipment such as optical scan vote tabulators and the use of alternative voting methods that do not require electors to attend a voting place in order to vote; and,

Whereas the Council of the Corporation of the City of Oshawa deems it desirable to utilize such methods and alternatives during the 2022 Municipal Elections which will take place on Monday, October 24, 2022.

It is enacted as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. That the use of internet and telephone voting is hereby authorized in accordance with Sections 42(1)(a) and (b) of the Municipal Elections Act, 1996 for Advance Voting Days in the 2022 Municipal Elections; and,
2. That the use of optical scan vote tabulators and accessible voting equipment for the purpose of counting votes, is hereby authorized in accordance with Section 42(1)(a) of the Municipal Elections Act, 1996 for Advance Voting Days and Voting Day in the 2022 Municipal Election; and,
3. That By-law 15-2017 be repealed.
4. That this by-law shall come into force and take effect on the date it is passed.

By-law passed this     day of     , 2020.

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Mayor

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City Clerk



**By-law XX-2020  
of The Corporation of the City of Oshawa**

being a by-law to authorize the use of a hybrid system using internet and telephone voting and the use of optical scan vote tabulators and accessible voting equipment for the 2022 Municipal Elections.

Whereas Sections 42(1)(a) and (b) of the Municipal Elections Act, 1996, SO 1996, c 32 ("Municipal Elections Act, 1996") provides that the Council of a Municipality may, by by-law, authorize the use of vote-counting equipment such as optical scan vote tabulators and the use of alternative voting methods that do not require electors to attend a voting place in order to vote; and,

Whereas the Council of the Corporation of the City of Oshawa deems it desirable to utilize such methods and alternatives during the 2022 Municipal Elections which will take place on Monday, October 24, 2022.

It is enacted as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. That the use of a hybrid system using internet and telephone voting and the use of optical scan vote tabulators and accessible voting equipment for the purpose of counting votes is hereby authorized in accordance with Sections 42(1)(a) and (b) of the Municipal Elections Act, 1996 for Advance Voting Days and Voting Day in the 2022 Municipal Election for the 2022 Municipal Elections; and,
2. That By-law 15-2017 be repealed.
3. That this by-law shall come into force and take effect on the date it is passed.

By-law passed this     day of     , 2020.

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Mayor

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City Clerk