



THE CORPORATION OF THE TOWNSHIP OF KING  
Report to Committee of the Whole

Monday, December 13, 2021

Corporate Services Department - Clerks Division  
Report Number COR-CLK-2021-015  
2022 Municipal and School Board Election Voting Methods

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**RECOMMENDATION(S):**

The Director of Corporate Services respectfully submits the following recommendation(s):

1. Report Number COR-CLK-2021-015 be received; and
2. Council authorize the use of optical scanning vote tabulators for the 2022 municipal and school board elections; and
3. Council authorize the establishment of a vote at home program for homebound electors for the 2022 municipal and school board elections; and
4. Council enact the necessary by-law to authorize the above recommendations.

**REPORT HIGHLIGHTS:**

- Council authorize the use of optical scanning vote tabulators for the 2022 municipal and school board elections.
- Optical scanning vote tabulators have been used at the Township for the last several elections, is a method familiar to residents and election administrators, and has been proven to be accurate, reliable and efficient.
- Establish a new "Vote at Home" voting method as an enhanced service to be piloted to support eligible voters to cast a ballot who are unable to vote in-person at a voting location.

**PURPOSE:**

The purpose of this report is to provide Council with information on the two main voting methods used in Ontario municipal elections and recommend that Council authorize the use of optical scanning vote tabulators as the preferred voting method in the 2022 municipal and school board elections. Staff are also seeking authorization to establish a new "Vote at Home" pilot program as an enhanced service level.

**BACKGROUND:**

The next municipal election will take place on October 24, 2022.

Section 42 of the *Municipal Elections Act* ("MEA") states that by May 1 in the year of an election (May 1, 2022), the council of a local municipality may pass by-laws that authorize:

- the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators; and
- the use of alternative voting methods that do not require electors to attend at a voting place in order to vote.

Bill 218 *Supporting Ontario's Recovery and Municipal Elections Act, 2020* made a number of amendments to the MEA, including amending the timeline for passing a by-law authorizing the use of voting and vote-counting equipment or alternative voting methods from May 1st the year before an election to May 1st in the year of an election.

Given there is additional planning anticipated as a result of the ongoing COVID-19 pandemic and to ensure staff have sufficient time to effectively plan for the election, it is staff's recommendation that Council decide on vote counting equipment and alternative voting methods as early as possible to secure the tabulator vendor and equipment which is in high demand.

### **ANALYSIS:**

This report analyzes two popular voting methods consisting of paper ballots with vote tabulators and internet voting. Staff have reviewed these methods and have formulated the recommendations with the principles of the MEA in mind, as these principles serve as the benchmark and guide for the conduct of municipal elections:

- secrecy and confidentiality of the voting process;
- fair and non-biased;
- accessible to voters;
- integrity of the voting process;
- results of the election reflect votes cast;
- voters and candidates shall be treated fairly and consistently;

### ***Paper Ballot with Vote Tabulators***

The optical scanning vote tabulators have been used in King's prior elections with great success. A vote tabulator reads and records how ballots are marked. A ballot is marked by indicating the voter's choice(s) and is then inserted into the vote tabulating unit which reads and stores the information in the unit. At the close of voting on Election Day, the vote tabulator produces a cumulative total of all votes cast, and the totals are compiled to produce the final election results.

The use of vote tabulators has become a generally accepted vote counting method in Ontario municipal elections over many prior elections, and has been used at the provincial level of government. As a result, there are established and recognized best practices for municipalities to use for effective implementation, including those already created by King in previous elections.

The use of vote counting equipment, such as vote tabulators, allows for:

- efficient vote counting - making it possible to report unofficial results on election night;
- secret and confidential voting process - ballots and voters cannot be connected;

- accurate and non-biased vote - automated counting processes ensure that determination of voter intent and what is counted is consistent;
- the integration of accessible technology, which allows for independent marking of a ballot which is indistinguishable from any other ballot once cast in the tabulator;
- certainty and integrity of the process - results reflect votes cast.

The system is precise, easy to use for voters, and capable of generating final election results very quickly following the close of voting. Moreover, manual counting of ballots is not required.

Vote tabulators have been used at the Township for the last several elections, is a method familiar to residents and election administrators, and has been proven to be accurate, reliable and efficient.

### ***Internet Voting***

Internet voting has been increasingly implemented across Ontario municipalities with the passing of each municipal election. Internet voting modernizes the election experience for voters. It offers a convenient and accessible way to cast a vote without the need to attend a physical voting location and inherently offers flexible voting times - you can vote anywhere, anytime.

Internet voting offers benefits such as the integration of accessible technology and enables the voter to identify the errors in the ballot selections prior to casting a ballot. This voting method also allows for automated election processes like ballot processing, striking names off the voters list, and an effective and rapid count of the votes at the close of voting.

Though the implementation of internet voting is increasing across Ontario municipalities, there are significant considerations that must be addressed in the implementation of this voting method. In researching approaches by other municipalities, the Clerk's Division has concluded that there is more that needs to be in place to have confidence that internet voting should be implemented in King. The implementation of this voting method would require significantly more staffing resources to implement this entirely new method, the requirement of a significant public education campaign and would have financial implications extending beyond the approved election reserve budget.

Although internet voting modernizes the election process and enhances the convenience to voters, it is evident that there continues to be a hesitancy to implement internet voting due to a lack of a framework and best practices.

Ontario municipalities that have used internet voting in the past have developed their own processes to address security risks, voter verification, auditing and testing of the system, and internet and connectivity issues. Though flexibility is important, municipalities have no uniform established standards upon which to guide their elections, as there is no legislative framework for internet voting in the MEA at this time.

A considerable amount of upfront effort needs to be devoted to developing a customized framework that is secure and upholds the principles of the MEA.

Some other implications and considerations for internet voting include:

- Internet access of voters - King's broadband connectivity across the Township is inconsistent, not available or is limited in many areas;
- Reduced ability of election administrators to assist individuals during a virtual voting process;
- Cyber security risks;

- Inability to confirm secrecy of votes and/or absence of fraudulent activity as personal devices are used to vote;
- Reduced ability of candidates and scrutineers to observe the voting process;
- Requires a significant public education campaign about the new process;

Internet voting is certainly a growing area of interest for King's election administrators. It is hoped that new standards are developed or adopted that establishes a uniform model across all municipalities.

For the above mentioned reasons, staff do not recommend the use of internet voting for the 2022 municipal election but are committed to monitoring developments and learning about municipal experiences for those conducting internet voting with the goal of possibly recommending this method for Council's consideration in 2026.

### ***Voters List Update***

The municipal voters list, as provided by the Municipal Property Assessment Corporation (MPAC), has been criticized across the municipal sector for its lack of accuracy, resulting in election administrators needing to devote considerable resources to correct substantial amounts of errors to enable voters to vote. Having an inaccurate voters list, despite efforts to correct it, have posed enhanced barriers to voters and make the administration of the election process more difficult.

The province has recognized the need for an accurate and centralized voters list and has tasked Elections Ontario with this objective through *Bill 204, Helping Tenants and Small Businesses Act*, which received Royal Assent on October 1, 2020.

Schedule 3 outlines that:

"The *Election Act* is amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024."

Schedule 4 outlines that:

"The *Municipal Elections Act, 1996* is amended to move the responsibility for preparing the preliminary voters' list in municipal elections from the Municipal Property Assessment Corporation to the Chief Electoral Officer, beginning in 2024. The responsibilities of the clerk with regard to updating the voters' list are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits."

As an aside, given the imminent progress in this regard, staff are optimistic that this change will better facilitate and support the administration of internet voting in the future.

### ***COVID-19 Considerations***

Staff have considered the circumstances regarding the ongoing COVID-19 pandemic in the development of this report. The manner in which the election is administered will account for the safety of voters, candidates, the public, and election staff. Staff have been researching and connecting with other municipal counterparts on best practices, safety protocols and both the federal election and upcoming provincial election as models to learn from. While the circumstances of COVID-19 will not be known until closer to the election date, staff will have to consider what necessary safety measures are

in place for electors, election workers, scrutineers and candidates at all voting places (i.e. physical distancing markers, enhanced cleaning protocols, single-use stationary, hand-sanitizing stations, etc.)

The Township, through its experience managing and working the operations of the Trisan Vaccination Clinic, has a successful model that it can apply to its own lessons learned and experiences for in-person voting. The vaccination clinic served to administer thousands of in-person vaccinations.

In addition to ensuring that comprehensive safety protocols are implemented, staff have evaluated the feasibility of other enhanced election services to ensure voters have adequate and safe opportunities to cast their votes.

Enhancements in 2022 will include:

- Enhanced advanced voting opportunities (increasing the number of days and voting hours);
- Enhancement of accessible accommodations for those unable to attend in person, specifically the new "Vote at Home" pilot program, subject to Council's authorization;
- Potential curbside/drive-thru voting, as an added option should it be required as a COVID-19 measure.

Staff will continue to monitor public health guidance and employ best practices from municipalities and other governments who have delivered elections during this time.

### **Vote at Home Program**

The Clerk has a statutory obligation to ensure that the needs of electors with disabilities are properly considered, and an important part of the preparation for each election is making sure that every eligible elector has the opportunity to vote. Staff have begun exploring how to expand services and enable homebound electors to vote.

A number of jurisdictions across Canada, spanning all levels of government, currently have home visit programs that provide homebound electors with the ability to cast a ballot from their place of residence.

The eligibility for these programs are all very similar, taking an honour system approach whereby the elector must affirm that they cannot attend a voting place due to a physical disability or health issue. In each case, the request for the service is initiated by the elector (or on their behalf by a relative or caregiver), election officials setup an appointment, and an election team is sent to the elector's residence to facilitate the vote.

Should Council authorize the Clerk to proceed with a vote from home program, specific parameters of the program will be considered including:

- Consultation with the Accessibility Advisory Committee;
- Establishment of eligibility requirements;
- Estimated uptake and cost;
- Training and safety (especially considering COVID-19);
- Program review as part of the Clerk's statutory requirement to report about the identification and removal of barriers affecting electors with disabilities within 90 days after voting day.

The cost for a home visit program is not known at this time and will be part of the base costs to deliver the municipal election. Staff believe the costs for such a program should be minimal by utilizing existing fleet and operating within regular business hours.

The implementation of a home visit program as an alternative voting method for homebound electors will continue to improve the accessibility of its elections and further enable electors to exercise their right to vote.

### **Curbside/Drive-Thru**

Curbside/Drive-Thru voting allows electors who are unable to enter the voting place the opportunity to vote in/at/near their vehicle. This similar format of a drive-thru was deployed in 2020 to offer flu shots during the height of the pandemic. Curbside services were also provided to eligible persons at the COVID-19 vaccination at the Trisan Centre.

Staff will continue to investigate these models and the Clerk will make a determination whether any of these methods will be deployed given the current state of the pandemic at that time.

### **Next Steps**

Staff have engaged with Dominion Voting, the same vendor used in previous elections, to obtain a proposal and pricing. It was recommended due to the high demand of the vote tabulators that the Township secure the agreement and equipment as soon as possible. Staff will therefore proceed with executing the necessary contracts and begin planning for the overall administration of the 2022 municipal and school board elections.

### **FINANCIAL CONSIDERATIONS:**

All vote counting equipment and alternative voting method costs are funded through the election reserve. Council commits \$30,000 per annum for a total \$120,000 to administer the election. The voting technology to be procured from Dominion Voting is expected to cost approximately \$43,000 (exclusive of HST).

Additional costs are expected to be incurred for the implementation of safety protocols but an assessment of costs will only be known closer to the election date.

The vote at home program costs are expected to be minimal and will be evaluated post-election when staff can assess the uptake and requirements to deliver the program.

All expenses are funded by the election reserve fund account number 10-03-0400-1118. No additional funds are being requested with this report.

### **ALIGNMENT TO STRATEGIC PLAN:**

The 2019-2022 Corporate Strategic Plan was formally adopted by Council on September 21, 2020 which emphasizes all of the ICSP Pillars (Financial, Economic, Socio-Cultural and Environmental) and is also aligned with the long-term vision defined in the Official Plan. The 2019-2022 Corporate Strategic Plan aims to ensure staff initiatives focus on current Term of Council priorities in support of the Township's long-term vision to 2031.

This report is in alignment with the CSP's Priority Area(s), associated Objective(s) and/or Key Action(s):



**Service Delivery  
Excellence and  
Innovation**

Increasing Community Engagement

- Actively Communicate with Citizens
- Increase Community Outreach Initiatives

Leverage Technology to Optimize Service Delivery

- Modernize Service Delivery Methods

This report aligns with **Leveraging Technology To Optimize Service Delivery** and modernizing service delivery methods. Deploying optical scanning vote tabulators will lead to a more efficient election process and result in accurate and quick election results with confidence and integrity in the voting process. This report also aligns with **Increasing Community Engagement** by offering enhanced accessibility and opportunity for the community to engage in the democratic process.

**CONCLUSION:**

Staff recommend the use of paper ballots with optical scanning vote tabulators as the vote counting method for the 2022 municipal and school board elections and support enhanced services to improve accessibility and increase the voting opportunity for electors, taking into consideration the ever-changing and ongoing pandemic.

**ATTACHMENTS:**

Not Applicable

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