

## Committee of the Whole (Working Session) Report

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**DATE:** Wednesday, November 29, 2023

**WARD(S):** ALL

**TITLE:** ELECTIONS VAUGHAN ROADMAP 2030

**FROM:**

Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

**ACTION:** DECISION

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### **Purpose**

To detail the long-term plan for the delivery of municipal elections in the City of Vaughan through the 2030 Municipal Election, including the permanent use of internet voting as a voting method in conjunction with the traditional paper-ballot and tabulator voting method.

### **Report Highlights**

- 60% of Vaughan electors who cast a ballot in the 2022 Municipal Election did so by internet voting during the Advance Vote period.
- More than 50% of Ontario municipalities now use internet voting, as does the province of Nova Scotia and the Northwest Territories
- Voting by paper ballot and tabulator will be retained for future elections to provide voters with a range of options to participate in the vote.

### **Recommendations**

1. That Council authorize internet voting as an alternate voting method for elections in the City of Vaughan; and
2. That the City Clerk report to a future Committee of the Whole, prior to the next election, on alternatives for internet voter verification.

## **Background**

In December 2021, Council authorized internet voting for the 2022 Municipal Election. This election was the first use of internet voting in the City of Vaughan and followed a detailed analysis of internet voting by Elections Vaughan, including consultant work by MNP on an environmental scan and gap analysis, and iSecurity on internet voting security and risk mitigation and management. Internet voting was made available during the Advance Vote period only, which was conducted over 15 consecutive days from October 6 to 20, 2022. 60% of electors who cast a ballot in the 2022 Municipal Election did so using the online option during the Advance Vote, with only 40% of electors opting for paper ballots and tabulators on Voting Day, October 24, 2022.

Internet voting as a voting method has seen widespread adoption by municipalities in Ontario and Nova Scotia and is being introduced by Elections Nova Scotia and Elections Northwest Territories for their upcoming provincial and territorial elections. As a voting method, internet voting provides electors with greater accessibility and flexibility in their participation in local democracy. Voters can cast a ballot from home, while on vacation, away on business or studying at university or college outside of Vaughan. Internet voting systems support a range of modern accessibility devices and software programs already in use by voters to accommodate user-needs. Internet voting vendors and Elections Vaughan staff monitor the system while in use to ensure the system remains operational and secure throughout the voting period.

Working closely with Corporate and Strategic Communications, a comprehensive communications plan was delivered for the 2022 Municipal Election which educated and informed voters not only about the election in general, but about the new internet voting method. The City Clerk / Returning Officer participated in a series of radio and television interviews to speak to the new voting method during the election. The communications tactics included educating voters about prohibited activities and penalties for violating them, particularly in relation to online voting, which by its nature is an unsupervised voting method.

Analysis of data from the 2022 Municipal Election and contained in the 2022 Returning Officer's Report indicates that the age and ward of the voter did not substantially determine whether an elector opted for the online or paper-ballot voting methods. 89.76% of electors participating in the post-election survey in November 2022 indicated that they would use the online option again if it was made available to them.

## **Previous Reports/Authority**

[INTERNET VOTING FOR THE 2022 MUNICIPAL ELECTION](#)

## **Analysis and Options**

### **Statutory Responsibilities**

Section 11(1) of the *Municipal Elections Act, 1996* (MEA) identifies that the clerk of the municipality is responsible for conducting elections within the municipality. The City Clerk has statutory and independent authority over areas including, but not limited to:

- Dates, times and locations for Advance Vote;
- Voting Day locations, earlier opening times for select locations and reduced hours for institutional voting places;
- Preparation of forms and procedures not otherwise prescribed;
- Procedures for alternate voting methods including internet and tabulators; and
- Recruitment, training and appointment of election officials.

The MEA identifies the following authority and decision-making responsibilities to Council:

- Submit to electors a by-law or question on the ballot;
- Authorizing notices, forms and other information under the MEA to be provided in languages other than English;
- Authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- Authorizing alternate voting methods such as internet voting, vote by mail or by telephone, that does not require electors to attend a voting place in order to vote;
- Establish a compliance audit committee prior to October 1 of an election year;
- Pass a resolution requiring a recount; and
- Adopt a policy with respect to circumstances requiring a recount.

### **Election Principles**

The City Clerk in their capacity as Returning Officer is required to conduct an election in accordance with the principles of the MEA, established in *DiBiase v. Vaughan (City)* in 2007. These core principles include:

- a. The secrecy and confidentiality of the voting process is paramount;
- b. The election shall be fair and non-biased;
- c. The election shall be accessible to the voters;
- d. The integrity of the voting process shall be maintained throughout the election;
- e. There is to be certainty that the results of the election reflect the votes cast;
- f. Voters and candidates shall be treated fairly and consistently; and
- g. The proper majority vote governs by ensuring that valid votes are counted, and invalid votes are rejected so far as reasonably possible.

Internet voting ensures confidentiality of the vote as electronic ballots completed and submitted by electors are encrypted to protect them from being viewed by others. Ballots cast online cannot be viewed by election officials or service providers and results reporting requires authentication and approval by more than senior election official to maintain confidentiality and fairness until the close of voting.

Internet voting also provides greater accessibility to voters by allowing them to vote when and where it is convenient. Online voting systems support personal accessibility software and assistive devices ensuring voters can participate in an environment that is suitable to their needs and using the tools with which they are familiar and rely on.

### Harnessing Technology

Elections Vaughan has made effective use of emerging technologies to enhance the election experience and build efficiencies into the electoral process for voters, candidates and administrators. Some of these include an electronic voters list, ePollbooks for live voter's list revisions at a voting place, candidate access portal for sharing of forms, materials and the candidate's piece of the voter's list with real-time data, optical scan vote tabulators and most recently, internet voting.

The 2022 Municipal Election saw the introduction of internet voting in Vaughan and was positively received (87.39% of survey respondents said their experience voting online was positive) and utilized by 60% of electors at the first opportunity to make use of it. Based on the positive response to internet voting by electors and successful implementation, Elections Vaughan seeks to make internet voting a permanent element of elections while retaining the paper-ballot and tabulator option voters have long been familiar with.

### Internet Voter Verification

Internet voting in the 2022 Municipal Election employed two-factor authentication security in the form of a Personal Identification Number and a "secret" known to the voter, being their date of birth. The PIN was provided to voters on the voters' list through their voter notification card, while MPAC had the voters' date of birth on record to be used by the internet voting system to confirm identity. The internet voting system required both pieces of information to be correctly entered before allowing the online voting process to proceed.

Alternative internet voter verification could be reviewed in advance of the use of internet voting in future elections. This process could potentially require that voters register in advance to receive a PIN by providing qualifying identification.

At this time there is limited information around this type of internet voter verification, as other Ontario municipalities have employed the same process that Vaughan used in 2022. A new verification process would need to be considered as it may have impacts on the overall use of internet voting, accessibility, privacy, and convenience. Staff will review the technology and logistics in implementation as part of the next election planning and report back to council.

Internet Voting Security

Internet voting remains a secure and accessible option for voters. Elections Vaughan has previously identified risk mitigation strategies that were effectively implemented during the 2022 Municipal Election and would be continued and enhanced for future elections:

Risks	Mitigations
Unprotected/infected endpoint computers	<ul style="list-style-type: none"> <li>Encourage voters who don't feel comfortable voting with personal devices to attend a Voter Assist Centre</li> <li>Devices in these locations would be scanned for malware and have anti-malware software installed</li> </ul>
Vulnerability in voting application/infrastructure	<ul style="list-style-type: none"> <li>Extensive testing of voting solution prior to implementation and rollout</li> </ul>
Online support issues	<ul style="list-style-type: none"> <li>Expand support services to include more trained staff</li> <li>Secure vendor resources to provide live support</li> </ul>
Unexpectedly high voter turnout	<ul style="list-style-type: none"> <li>Load test voting solution at maximum capacity</li> <li>Mitigate performance issues flagged during testing</li> <li>Monitoring of voting solution throughout the day (at different peaks)</li> </ul>
High system utilization for vote encryption	
Improperly designed infrastructure	
Voters with limited access to digital services	<ul style="list-style-type: none"> <li>Offer Voter Assist Centres with devices connected to the internet free of charge</li> <li>Offer non-electronic voting alternatives</li> </ul>
Voters not technically inclined and required to vote online	
Coercion or vote buying	<ul style="list-style-type: none"> <li>Educate voters on their rights</li> <li>Encourage voters who don't feel comfortable voting on personal devices to use a Voter Assist Centre</li> <li>Monitor voting application for suspicious activities such as a high number of failed logins</li> </ul>

### Municipal Voters' List Transition and Improvements

Responsibility for the municipal voters' list will be assumed by Elections Ontario on January 1st, 2024. At that time, Elections Vaughan will have real-time access to the list of eligible municipal electors on an ongoing basis, to facilitate more routine and active updates to the list. Elections Vaughan staff have been involved in Elections Ontario's development of the new municipal voters list administration platform and requirements.

The new Elections Ontario administered list will feature a high frequency of data integration from sources including Elections Canada, the Ontario Ministry of Transportation and the Municipal Property Assessment Corporation, which will ensure a high quality of elector data to ensure Elections Vaughan staff have the most accurate and up-to-date voters' list when it is required to administer an election.

### Managing Resources Effectively

The permanent adoption of internet voting, paired with paper-ballot and tabulator voting will allow Elections Vaughan to more efficiently and effectively manage resources for future elections. This includes in-person voting locations, election workers and supplies and materials for conducting an election.

The sizeable shift from voting in-person to voting online allows for changes to the scale and types of facilities and spaces used as voting places. Condominiums in particular have proven to be a particularly problematic voting location. Condo management have often been unresponsive when contacted to arrange a location. The spaces provided have sometimes been unsuitable. A lack of communication between condo management and building security has resulted in election workers being barred from entry on Voting Day. Condos are also a substantially more expensive operation relative to multi-poll voting places open to a broader number of electors. On average, a condo voting place costs \$24.23 per elector, versus a community centre or school where the cost is only \$7.80 per elector. Condo voting location would be abolished in future elections, with electors residing at condos directed to the nearest multi-poll voting place.

In 2014 and 2018 the York Region District School Board and York Catholic District School Board identified the date of the municipal election as a PA Day. This ensured greater access to schools and the ability to engage high school students in volunteer roles in support of the election. After years of positive engagement, the school boards chose not to make Voting Day in 2022 a PA Day, creating greater challenges for election planning and use of their facilities, including limiting options for the space provided to Elections Vaughan. As the only York Region municipality still relying on schools in large number, the transition to online voting presents an opportunity to reduce the number of school-based voting places and relying more on City of Vaughan

facilities to prevent challenges should municipal voting day not be declared a PA Day in future.

With substantially fewer voters casting a ballot in-person, the situation presents an opportunity to transition from assigned voting locations on Voting Day, to a vote-anywhere-in-your-ward model. This would provide voters with greater flexibility to attend the voting place that is most convenient for them on Voting Day. Electronic voters' list management supports the ability to manage voters who reside in another part of the same ward.

### **Financial Impact**

All costs associated with conducting a municipal election or by-election are funded by the Election Reserve.

### **Operational Impact**

Under the direction of the City Clerk / Returning Officer, Elections Vaughan works with multiple internal departments to organize and conduct municipal elections, by-elections and referenda. Coordination with other portfolios and departments is undertaken to ensure the appropriate and necessary allocation of resources to deliver elections successfully.

The implementation of internet voting as a permanent voting method will provide voters with a user-friendly and accessible remote voting option that also allows for participation by voters travelling or studying outside the municipality. The use of internet voting also reduces the staffing, logistics and technology needs and demands on election operations and to city departments supporting the election.

### **Broader Regional Impacts/Considerations**

Elections Vaughan works closely with other York Region municipalities to coordinate and deliver local elections. Elections Vaughan is responsible for conducting school board elections for English public, English separate, French public and French separate school boards.

### **Conclusion**

Elections Vaughan has successfully innovated on each successive election it has undertaken, utilizing new technologies to help make the process of voting more accessible, efficient, reliable and secure. The successful introduction of internet voting in the 2022 Municipal Election saw a large initial uptake in electors choosing to cast a ballot online instead of the more traditional method of paper ballots and tabulators.

Elections Vaughan recognizes the importance of providing electors with choices that allow them to vote where and when it is convenient, while ensuring that the secrecy of their vote is maintained and that the voting method is secure.

With Council's support, the 2026 and 2030 Municipal Elections would continue the use of internet voting, while maintaining the option to vote by paper ballot and tabulator. The permanent adoption of internet voting in Vaughan would not only provide electors with more choice for casting a ballot, but it would reduce the significant requirements for physical voting places, supplies and materials, and election workers. Elections Vaughan will continue to work with Corporate and Strategic Communications to educate and inform the public about their options at an election, and the importance of local democracy and their role in it.

**For more information**, please contact: Evan Read, Manager, Elections and Special Projects, ext.8241.

**Attachments**

N/A

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