

Committee of the Whole (Working Session) Report

DATE: Wednesday, December 02, 2020

WARD(S): ALL

TITLE: CONSIDERATION OF INTERNET VOTING FOR THE 2022 MUNICIPAL ELECTION

FROM:

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

ACTION: DECISION

Purpose

To provide Council with recommendations on the introduction and implementation of internet voting for the Advance Vote period of the 2022 Municipal Election.

Report Highlights

As reported by AMCTO, 49% of Ontario municipalities used internet voting for Advance Vote and/or Voting Day in 2018.

In York Region, Markham, Newmarket and Aurora utilized internet voting in the 2018 Municipal Election and Richmond Hill conducted a school board by-election by internet in 2020.

The City Clerk engaged MNP to conduct a gap analysis to determine what

Recommendations

1. That internet voting be authorized for the Advance Vote period for the 2022 Municipal Election, subject to the successful completion of testing and remediation of the City's internet voting solution.
2. That the City Clerk / Returning Officer report back in 2021 on the outcome of the testing and remediation of the internet voting solution.

Background

Role of City Clerk

The *Municipal Elections Act*, 1996 (MEA), in Section 11(1), identifies that the clerk of the municipality is responsible for conducting elections within the municipality. The MEA further identifies the powers of the clerk in Section 12, including the authority to provide for any matter or procedure not already provided for in the MEA, or in their opinion, is necessary for conducting the election. This authority must be carried out in an independent manner that reflects the principles of the MEA.

Background Reports

At its meeting of April 19, 2017, Council adopted recommendations from the City Clerk not to implement internet voting for the 2018 Municipal Election and for the City Clerk to report back no later than 2020 on security and other implementation measures specific to internet voting that may support consideration of this option for the 2022 Municipal Election. As part of its recommendations, Council confirmed the award of election services for leasing optical-vote tabulators in both 2018 and 2022 Municipal Elections to Dominion Voting Systems along with the option for internet voting in 2022.

As reported by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) in their 2018 Post-Election Survey, 49% of municipalities responded indicating that they made use of internet voting for either Voting Day only, or Advance Vote and Voting Day. Locally, the City of Markham and the Town of Newmarket conducted remote internet voting for Advance Vote and Voting Day, while the Town of Aurora conducted Advance Vote using remote internet voting. The City of Richmond Hill used internet voting for the YRDSB Trustee by-election in October 2020.

In 2020, the City Clerk / Returning Officer engaged consultants from MNP to consider implementation measures for internet voting in Vaughan, including analyzing measures taken by municipalities which have already adopted internet voting. Consultants from iSecurity were engaged to consider the security of internet voting and to make recommendations on the City's internet voting solution and measures necessary for risk mitigation in implementing the internet voting method. The cumulative outcome of these assessments is contained in Attachment 1.

Previous Reports/Authority

[Technologies for the 2018 and 2022 Municipal Elections](#)

Analysis and Options

Based on the analysis and recommendations of the consultant teams engaged by the

Election Services Division, the City Clerk / Returning Officer recommends implementing internet voting during the Advance Vote period for the 2022 Municipal Election, subject to the completion of testing of Dominion Voting Systems' (DVS) internet voting solution and the remediation of any critical issues identified during testing.

Internet voting provides additional accessibility options to electors, including the ability to vote away from home for students studying outside the geographic area, and for electors working or vacationing away from home. Internet voting also provides a more convenient voting option for electors that are caught up in the increasingly busy balancing work and family life – negating the need to attend a physical voting place. The internet voting option also negates ballot waste and the potential for an elector to incorrectly mark a ballot, with a virtual ballot and defined fields to mark the ballot, including ensuring electors cannot place an incorrect mark on the ballot or unintentionally overvoting a ballot.

The realities of the COVID-19 environment add an additional benefit and consideration to the adoption of internet voting. The remote nature of voting by internet offers an alternative option to the large in-person gatherings that are associated with an in-person election and negates concerns about having to make contact with people outside of the household in order to participate in an election. An internet vote also avoids the need for election officials to handle physical ballots which would need to be quarantined for a period of time before being counted, in the case of a mail-in ballot option.

As identified in Attachment 1, there are risks to the adoption of internet voting, including the costs associated with initial adoption, cyber risks, and the need for technical assistance not normally required to complete a paper ballot. Experiences in jurisdictions which have adopted internet voting have found that potential concerns about digital literacy impacting one's ability to engage with an internet voting platform have not been realized. Challenges related to accessing internet and requirements for assistance are negated through the implementation of Voter Assistance Centres which provide computers and support staff to help guide electors through the process. Additional opportunities to leverage internet connectivity at community centres and library facilities ensure that no elector is unable to engage with the internet voting platform in the City.

The alternative to internet voting adoption is to maintain the status quo – paper ballots counted and recorded by optical-scan vote tabulators during Advance Vote and Voting Day. Long-term considerations related to the rising costs to employ temporary election workers, increasing difficulty recruiting and retaining election workers through Voting Day, and the conduct of an election in a pandemic make maintaining the status quo a

growing risk for the success of municipal elections in the City of Vaughan.

Financial Impact

Under the City's existing contract with Dominion Voting Systems, internet voting for Advance Vote-only would cost an additional \$126,000 plus HST. The cost to conduct the necessary testing of the internet voting solution in advance of the 2022 Municipal Election is estimated at approximately \$200,000.00 plus HST. There are opportunities for future cost sharing to complete testing of the solution alongside other Ontario municipalities using the same internet voting solution in future municipal elections. All costs associated with the conduct of elections, including the necessary testing are funded by the City's Election Reserve.

Broader Regional Impacts/Considerations

There are no regional impacts associated with this report. The Regional Municipality of York is not involved in the determination of voting methods for the Mayor and Local and Regional Councillors who also sit on York Regional Council.

Conclusion

Internet voting has seen increasing adoption as a voting method for Ontario municipalities, during both Advance Vote and Voting Day. In York Region, three municipalities have used internet voting technologies during a regular election, with Richmond Hill recently using internet voting to conduct a school board trustee by-election. An assessment of internet voting technology was conducted by consultants from iSecurity, which have deemed the City's internet voting solution to be safe and secure, subject to recommendations further detailed in Attachment 1. The most critical of these recommendations, is to complete testing of the solution to identify areas of weakness for remediation by the vendor prior to implementation.

The adoption of internet voting for the 2022 Municipal Election will provide an easy-to-use voting method that recognizes the increasingly fast-paced life of many Vaughan voters, extending voting to electors who are studying away, out on vacation or business, and provide a new avenue of accessible voting in the comfort of one's own home. The realities of the present COVID-19 pandemic add an additional dimension to the consideration of internet voting, as the risks associated with traditional in-person voting are negated when electors are able to vote from the safety of home via computer or cellphone.

For more information, please contact: Evan Read, Manager, Elections and Special Projects, x8241

Attachments

1. Alternative Voting Methods for the 2022 Municipal Election: Remote Internet Voting, Office of the City Clerk, December 2, 2020

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