



Staff Report for Council Meeting

Date of Meeting: June 9, 2021
Report Number: SRCFS.21.025

Department: Corporate and Financial Services
Division: Office of the Clerk

Subject: SRCFS.21.025 – Municipal Elections - Voting Methods; Compliance Audit Committee; and Use of Corporate Resources Policy

Purpose:

To recommend, following a successful 2020 By-election conducted using only Internet Voting, that Council authorize the City Clerk, beginning with the 2022 Municipal Election: to conduct regular municipal and school board elections using either optical scan vote tabulators (with paper ballots), or both tabulators and Internet Voting; and, to conduct municipal and school board By-elections using either tabulators or both tabulators and Internet Voting. This report also recommends the process to establish the 2022 to 2026 Compliance Audit Committee, as well as minor amendments to the Use of Corporate Resources for Election Campaign Purposes Policy.

Recommendation(s):

- a) That staff report SRCFS.21.025 be received.
- b) That Council, pursuant to section 42(1)(a) of the *Municipal Elections Act, 1996* (the "Act"), enact draft By-law 74-21 (Attachment A), to authorize the use of optical scanning vote tabulators for all municipal and school board elections and By-elections held in the City of Richmond Hill in such manner as determined by the City Clerk.
- c) That Council, pursuant to section 42(1)(b) of the Act, enact draft By-law 75-21 (Attachment B) to authorize the use of Internet Voting (also known as online voting) as a voting method that is in addition to optical scan tabulators, for all municipal and school board elections and By-elections held in the City of Richmond Hill in such manner as determined by the City Clerk.
- d) That, in respect to the establishment of a compliance audit committee required under Section 88.37 of the Act:
 - (i) Council approve the establishment of a joint compliance audit committee for the 2022 to 2026 Term of Council with other interested York Region

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municipalities and the process for establishing the joint compliance audit committee as generally described in Staff Report SRCFS.21.025;

- (ii) In the event that no other York Region municipality decides to participate in a joint compliance audit committee, Council direct the City Clerk to recruit members of a Richmond Hill Compliance Audit Committee for the 2022–2026 Term of Council using a process similar to the process for establishing a joint compliance audit committee as generally described in Staff Report SRCFS.21.025; and
 - (iii) The City Clerk be authorized to present any by-law required to establish a compliance audit committee, and any by-law required to appoint members of the compliance audit committee directly to Council for enactment.
- e) That Council, in compliance with its obligations under Section 88.18 of the Act, approve the amended “Use of Corporate Resources for Election Campaign Purposes Policy”, Attachment D to Staff Report SRCFS.21.025.
 - f) That the financial strategy for funding any enhancements and post-election expenses, as describe in Staff Report SRCFS.21.025, be approved.

Contact Person:

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Report Approval:

Submitted by: Sherry Adams, Commissioner of Corporate and Financial Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

The next regular municipal and school board elections (“municipal elections”) will be held on Monday October 24, 2022 (“2022 Municipal Elections”) and the Office of the Clerk has begun planning for this significant City project. To ensure effective planning and implementation, Council approval for voting methods is required well in advance of the 2022 Municipal Elections. Additionally, to streamline planning and implementation of the 2022 Municipal Elections it is recommended that Council approve the process to establish the compliance audit committee required under Section 88.37 of the *Municipal Elections Act, 1996* (the “Act” or “MEA”), as well as the use of corporate resources policy required by Section 88.18 of the Act.

Municipal Elections - General

All municipal elections are conducted in accordance with the Act. Under the MEA, the City Clerk (“Clerk”) is responsible for planning and administering elections in an independent manner. The Clerk conducts elections according to the rules and principles of the Act. It is well established that the principles of the Act are as follows:

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

Where the Act is silent on how various parts of the election are to be conducted, these principles guide the Clerk in implementing policies, procedures and practices.

Amendments to the Municipal Elections Act

Since the 2018 Municipal Elections, the Government of Ontario has enacted several amendments to the MEA, some of which will be in effect for the 2022 Elections.

Bill 204, the *Helping Tenants and Small Businesses Act, 2022*, (“Bill 204”) received Royal Assent on October 1, 2020. Bill 204 amended the MEA to transfer responsibility for the municipal voter’s lists from MPAC to Elections Ontario. This change will be in-place for any election or By-election held after January 1, 2024, not the 2022 Municipal Elections.

Bill 218, the *Supporting Ontario’s Recovery and Municipal Elections Act, 2020*, (“Bill 218”) received Royal Assent on November 20, 2020. Bill 218 amended the MEA to remove the ability for a municipal council to be elected by ranked ballots.

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Consequential amendments to the Act were made as a result of the removal of the ability to have ranked ballot elections. Bill 218 has also amended the Act to move Nomination Day (the last day on which a candidate can submit a nomination) from the fourth Friday in July of a regular election year to the third Friday in August of a regular election year. As a result of this amendment, nominations for the 2022 Municipal Elections can be filed with the Clerk between Monday May 2, 2022 and 2:00 pm on Friday August 19, 2022.

Bill 254, the *Protecting Ontario Elections Act, 2021*, (“Bill 254”) received Royal Assent on April 19, 2021. Bill 254 has amended the Act to allow municipal clerks to accept electronic filing of nomination papers and campaign financial statements, and to clarify the ability of Third Parties to withdraw their registration. As these amendments were only enacted on April 19, 2021, it is too soon to determine what changes, if any, the Clerk will put in place for the 2022 Municipal Elections.

Voting Technology and Methods

One of the most important decisions made in respect to all municipal elections is what technology will be used to conduct the election. The adoption of technology in elections is a growing worldwide trend. Digital election tools, such as voter’s list management software, on-line voter registration and Internet Voting continuously help to modernize elections. In addition to the use of Internet Voting for the 2020 By-election (as further described below), Richmond Hill uses the following types of election technology:

- Optical Scan Vote Tabulators (to count paper ballots);
- Voter List Management Software;
- Online voter registrations;
- Laptops with electronic/live voters lists during advance voting; and
- A detailed elections website and the use of social media.

Under the Act, Council is responsible for deciding what technology will be used to count votes. The Clerk is responsible for determining the procedures for vote counting equipment and all other technology that will be used to conduct the election.

The Clerk is recommending that Council authorize the use of both Optical Scan Vote Tabulators (“tabulators”) and Internet Voting for all municipal elections and By-elections, including the 2022 Municipal Election. Authorization does not necessarily mean that both methods will be used in any election or By-election. For a regular election, including the 2022 Municipal Elections, the Clerk will deploy tabulators to count paper ballots, and may add Internet Voting as an additional voting method having regards to all the factors known to the Clerk during the preparation of the particular regular election, including but not limited to the ability of the Internet Voting service provider to meet minimum security standards. In a By-election, the Clerk will use tabulators or both tabulators and Internet Voting if the size of the By-election and any Council approved budget permits both voting methods. If the size of the By-election and the

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budget do not permit both voting methods, the Clerk will use tabulators only. The Clerk would only conduct a By-election using only Internet Voting if Council passed a resolution authorizing it.

Optical Scan Vote Tabulators (Paper Ballots)

Richmond Hill has used tabulators since at least the 2010 municipal election. Section 42(1)(a) of the MEA permits local municipal councils to enact by-laws authorizing the use of vote counting equipment (such as tabulators) in any municipal election or By-election. Tabulators continue to be a preferred vote counting method for paper ballots due to their accuracy and speed, as well as the fact that Richmond Hill voters are very familiar with the technology. Tabulators assist voters in ensuring that their ballots are properly marked by identifying errors on ballots before the vote is cast, reducing or eliminating the chances of spoiled ballots. Tabulators also reduce the chance of human error in counting votes. Based on the successful use of vote tabulators in previous elections, staff are recommending that Council approve their continued use for all Richmond Hill elections and By-elections.

The City currently rents tabulators and other related election services from Dominion Voting System Corp. (“Dominion”). Dominion was the subject of many of the widely reported claims that vote tabulators were involved with vote switching or tampering during the 2020 United States Presidential Election. The claims have been extensively investigated and proven false. The United States Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency, for example, has publicly stated that “there is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.” Dominion themselves have released numerous statements and evidence on their website that fully debunks the conspiracy theories and false claims made about their election equipment and services. All of Dominion’s election equipment is stringently tested and requires certification by the US Election Assistance Commission (EAC) and the vote tabulators used by the Richmond Hill have been certified by EAC standards. While there is no testing or certification requirements in Canada, based on the extensive use of Dominions tabulators in many elections over many years, the Clerk is confident that Dominion’s tabulators are both reliable and in compliance with the principles of the Act.

Internet Voting - Overview

Council has previously considered using Internet Voting in Richmond Hill in 2012, 2014 and 2018. In response to the COVID-19 pandemic, Council authorized, for the first time, the use of Internet Voting for October 19, 2020 York Region District School Board By-election held in Richmond Hill Wards 1, 2 and 4 (“2020 By-election”). The 2020 By-election was conducted using only Internet Voting. As a new voting method for Richmond Hill, the City executed a communications plan to educate voters on Internet Voting. Additionally, the Clerk set-up two Voter Assistance Centres where eligible voters could receive help from election officials in voting using Internet Voting.

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Internet Voting enhances the convenience of voting for a broad range of voters. It is reflective of changing lifestyles and demographics. It also increases the accessibility of elections for a variety of voters. Internet Voting allows an eligible voter to vote when they want from where they want. It reflects how many voters currently engage in their communities (e.g. online communications, banking, shopping, etc.).

The Clerk supports having the option to use Internet Voting, in addition to tabulators, in municipal elections for the following reasons as further discussed below:

- Successful deployment and use of Internet Voting in the 2020 School Board By-elections
- Voter satisfaction with the use of Internet Voting during the 2020 By-election
- The challenges of setting up, maintaining and staffing multiple voting locations on Voting Day
- Internet Voting is fully accessible permitting voters with disabilities to vote independently
- Any security risks associated with Internet Voting can be mitigated through ensuring that the system vendors meet minimum standards, as well as policies, procedures, and public education
- Uncertainty of lasting impacts from COVID-19 Pandemic
- Challenges with mail-in ballots

Internet Voting – Use during 2020 By-election

The use of Internet Voting in the 2020 By-election was very successful. Voter turnout for the 2020 By-election was 10.7% (4,713 voters). By comparison, the voter turnout in the City of Vaughan's 2019 public school board By-election was only 4.03%. Approximately 95% of all ballots were cast electronically from a location other than a Voter Assistance Centre, suggesting that the voters had very few issues voting using the Internet Voting system and did not need much assistance. As Table 1 demonstrates, voters who used the Internet Voting system represented every age group. The oldest internet voters ranged in age from 90 to 98 years old.

Table 1 - 2020 By-election – Internet Voters by Age

Age Range	Number of Voters	Percentage of Total Voters
18 to 24	297	6.3%
25 to 34	240	5.1%
35 to 44	726	15.4%
45 to 54	1,730	36.7%
55 to 64	929	19.7%
65 to 74	553	11.7%

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75 to 84	187	4.0%
85 to 100	51	1.1%

Internet Voting – Voter Satisfaction 2020 By-election

As part of the 2020 By-election, Dr. Nicole Goodman, Director at the Centre for e-Democracy and Associate Professor at Brock University, conducted an exit survey of By-election voters to better understand voter opinions and experiences about Internet Voting and the administration of future elections (“2020 By-election Survey”). Dr. Goodman is recognized internationally as a leading expert on electoral modernization. She has led projects studying elections in municipalities and First Nations across Canada.

In Dr. Goodman’s presentation to Council at its meeting on May 12, 2021, the following conclusions from the 2020 By-election Survey were presented:

- 96% of online voters in Richmond Hill are satisfied and 81% were very satisfied with Internet Voting
- 40% of respondents selected a combination of paper and online ballots for future municipal elections in Richmond Hill, while 38% chose a mixture of paper, online and mail voting for future municipal elections.

It is clear from the 2020 By-election Survey that Richmond Hill voters would like a mix of voting methods available for future elections including Internet Voting.

Internet Voting – Voting Locations and Election Day Workers

One of the biggest challenges faced in conducting the 2018 Municipal Elections was in setting up and operating voting locations across the City, and providing enough trained election workers for those locations.

The City, like Elections Ontario and Elections Canada, use a variety of public buildings as voting locations. These are often schools and community centres, and the City is limited in its ability to control what facilities or amenities are available. Many public facilities, in particular schools, are older buildings that have many challenges such as accessibility, parking, and even cellular or internet connection difficulties. When setting up voting locations, a key consideration is proximity to where voters live. Experience shows that the farther away a voting location is from where a voter lives can have an impact on their willingness to go and vote. Unfortunately, many public facilities (such as schools) in the City that are in close proximity to voters are often in older buildings with limited amenities. This is especially true for the residents living in high-rises along the Yonge Street corridor, the number of which will increase as the City continues to grow. The more dense areas of the City are often the farthest away from appropriate public facilities. This creates a barrier to participating in the election for people living in high-rises, especially if those persons are seniors.

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During the 2018 Municipal Elections there were significant challenges recruiting and retaining election workers leading up to Voting Day. A significant number (approximately 20%) of hired election workers quit and had to be replaced in the week leading up to Voting Day. This was in addition to the challenges of hiring Election Day workers in the first place. Having discussed the issue with other election administrators, it is clear that this is a growing trend in all elections. Fewer people are willing to work at voting locations, and attrition prior to an election are increasing. This is a risk for elections, because these workers are an essential resource to deliver elections in compliance with the Act. Temporary elections workers also account for approximate 25% of the total election expenses, which will grow as the City does.

Using Internet Voting would reduce the challenges and risks faced due to issues with voting location and Election Day workers described above. Using Internet Voting would permit voters who, for whatever reason, are not able to attend an in-person voting location to vote from anywhere else. Additionally, because it appears from the 2020 By-Election Survey that many voters would choose to vote using Internet Voting, the number of voting locations required, and the number of election workers needed to operate those voting locations could also be reduced.

Internet Voting - Accessibility

A principal advantage of Internet Voting is that systems are fully accessible, allowing voters with disabilities to vote independently (i.e. without assistance from family, friends or election workers) often for the first time ever. It is a fundamental tool to remove barriers to civic participation for person with disabilities.

Internet Voting – Security

Internet Voting is a form of unsupervised voting (other forms of unsupervised voting include vote-by-mail and absentee ballots). The most common concerns with Internet Voting are those related to the security of the Internet Voting system, the potential for voter fraud and audibility of the results.

Hacking, denial of service (DoS) attacks, virus and other malware, network bandwidth issues, etc., are common concerns with any internet based system, including Internet Voting. These challenges, however, can be addressed through both technical and process solutions. If Council approves the use of Internet Voting, staff will undertake a comprehensive system security review as part of the 2022 Municipal Elections.

As Dr. Goodman discussed in her presentation on May 12, 2021, the CIO Strategy Council is working on developing National Standards supporting the implementation of online electoral voting in Canada. The CIO Strategy Council is a council of Canada's leading Chief Information Officers (CIOs') and executive technology leaders. The organization is looking to develop and obtain approval for National Standards for Internet Voting that will consider, among other things:

- Security of online voting systems;

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- Voter identification and authentication
- Verification requirements
- Testing and auditability of systems,
- Secrecy of the vote;
- The role of candidates and scrutineers in the Internet Voting process.

Dr. Goodman advised Council that it is expected that these standards will be finalized prior to the 2022 Municipal Elections. If so, they will be part of staff's review comprehensive system security review.

If the comprehensive system security review identifies any vulnerabilities that cannot be adequately addressed or mitigated to the Clerk's satisfaction, having regards for the principles of the Act, the Clerk would not deploy Internet Voting, and use only Tabulators.

In order to provide additional security, if Internet Voting is deployed beginning with the 2022 Municipal Elections, the use of electronic voters list will be expanded to all voting locations where paper ballots and Tabulators are used. This will ensure that if a voter has voted using the Internet, they will not also be able to vote by paper ballot because their name will be crossed off the electronic list as soon as they have voted online. Additionally, as in the 2020 By-election, election staff will put into place a robust protocol to actively monitor Internet Voting systems for voter anomalies. Opportunities for the City's Information Technology Team to actively monitor the system will also be explored.

Internet Voting – Voter Fraud

Additional concerns with Internet Voting are often expressed regarding the potential for voter fraud and the ability to authenticate voters (e.g. by checking identification) when voting is unsupervised. While the onus is always on the Voter to comply with the MEA, Internet Voting processes will be put in place that address these concerns. If Internet Voting is authorized, eligible voters will only be able to vote if they are in possession of three credentials, as follows:

- A Voter Identification Number ("VIN") of 6 digits that is mailed to all eligible voters;
- A Voting Personal Identification Number ("PIN") of 6 digits] that is also mailed to all eligible voters;
- The Voter's full birthdate (in the yyyy/mm/dd format) which is only known to the Voter and not published.

This is the process used during the 2020 By-election, and is well known to many eligible voters already. It is a secure process and helps to authenticate voters. In addition to this, all voters accessing the Internet Voting System are given clear warnings about who can vote and the potential consequences of violating the MEA. They are also required

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to accept a Declaration of Eligibility. It should be noted that under the MEA a voter at an in-person voting location is able to vote without any identification simply by signing a declaration. Internet Voting processes replicates this in a digital way.

In addition, the forthcoming National Standards supporting the implementation of online electoral voting in Canada will include standards which inherently address any voter fraud concerns. As discussed above, it is the Clerks intention to only deploy the Internet Voting system if the service provider is able to satisfy the Clerk as part of the comprehensive system security that the system meets the security required to comply with the principles of the Act.

Internet Voting - Uncertainty related to COVID-19 Pandemic

As evident from the 2020 By-election, the COVID-19 pandemic has created new challenges in the ways elections are administered. While many are hopeful that there will be a return to 'normal' as the impacts of the pandemic ease or end before the end of 2021, it is not possible to predict what lasting impacts may be still in effect in October 2022. It is, therefore, prudent to plan the 2022 Municipal Elections as if there will be lingering pandemic impacts. The use of Internet Voting for the 2022 Municipal Elections is an effective tool to address any potential lasting COVID-19 changes, including, but not limited to any voters' continuing concerns with congregating in large groups, as well as potential temporary election workers who have similar concerns.

Mail-in ballots

As discussed in Dr. Goodman's 2020 By-election Survey, some Richmond Hill voters have suggested that the City use mail-in ballots for future elections. Similar to Internet Voting, mail-in ballots are a form of unsupervised voting where a voter normally applies to receive a mail-in ballot, is mailed a ballot package by the City, and is required to mail back or drop off the completed package by the end of voting on Election Day. While mail-in ballots use paper ballots that are more easily audited than Internet Voting, they too have risks and challenges.

One of the challenges with mail-in ballots are voters completing mail-in ballot packages and ballots incorrectly without the ability to fix a mistake. In-person Tabulators and Internet Voting permit voters to correct a ballot before casting it. Voters who use mail-in ballots cannot be provided the same opportunity. Once the City Clerk receives a marked mail-in ballot, they are separated from any envelope that would have any personal identifiers of the voter. This is to ensure the secrecy of a vote. Only when scanned (counted) would any ballot marking errors be discovered. This could result in a ballot being spoiled. Because of this, Voters who use mail-in ballots are potentially treated differently from voters who vote in-person or with Internet Voting who are able to correct mistakes before having their vote counted.

Additionally, the successful implementation of mail-in ballots depends heavily on the ability of Canada Post to process mail in a timely fashion. There is always the potential for interruptions in postal services that are not in the control of the City. For example,

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during the 2018 Municipal Elections Canada Post and the Canadian Union of Postal Workers (“CUPW”) were months into collective bargaining for a new collective agreement. The previous agreement expired on January 31, 2018. In August 2018, staff were advised that there was a potential for postal strike action during the exact same period as the City was preparing to mail-out voter information packages (“VIPs”). Staff were required to adjust the planned mail-out date for the VIPs to account for any potential postal disruptions. This was feasible only because nomination day was in late July 2018, which will not be the case in 2022. Canada Post and CPW are expected to be in bargaining again in 2022. The current collective agreement expires on January 31, 2022. If, as a result of this, there are any disruptions to postal services in the fall of 2022, any use of mail-in-ballots could be impacted.

Finally, it should be noted that the City’s election budget cannot accommodate running three methods of voting (e.g. in-person, Internet Voting and mail-in ballots). The cost of running a mail-in ballot system for only 10,000 voters is estimated to be an additional \$75,000. This is an estimate based on the cost of printing of mail-in ballot packages, the cost of both send and return postage, as well as the cost of special high speed tabulators to count mail-in ballots on voting day.

Compliance Audit Committee

Section 88.37 of the MEA requires each municipality to establish a compliance audit committee (the “committee” or “CAC”) before October 1 of an election year. The term of office for the committee is the same as Council. The committee is responsible for considering applications from eligible electors that believe, on reasonable grounds, that a candidate or third party has contravened the Act. Additionally, the CAC is responsible for receiving and considering any report submitted to the committee by the Clerk under Section 88.34 under the MEA. Section 88.34 requires the Clerk to review all contributions made to all candidates and report to the CAC all those contributors (not the candidates) who appear to have contravened the maximum contribution rules in the Act. The current maximum contribution rules for municipal election campaigns are \$1,200 per candidate, to a maximum of \$5000 to two or more candidates for office on the same council.

The City has participated in the Joint Compliance Audit Committee (“JCAC”) during both the 2014 and 2018 terms of Council. The current JCAC was established by the City, York Region and all local municipalities in York Region (“participating municipalities”). The JCAC permitted the participating municipalities to share and reduce the overall cost of recruiting committee members as well as the cost of the initial retainer fee paid to committee members. The Clerk expects that most if not all municipalities in York Region will participate in a Joint Compliance Audit Committee for the 2022 to 2026 term of Council. Staff recommend that Council approve the creation of a joint compliance audit committee for the 2022 to 2026 Term of Council. If approved, the City Clerk will work with the Clerks of all other participating municipalities to solicit applications for appointment to the JCAC. The participating Clerks will select a roster of 7 to 9 qualified members for the committee to be appointed by each of the Councils of the participating

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municipalities. From the roster, each Clerk will select between 3 to 5 members to form a panel to consider any applications for compliance audits received after the 2022 Municipal Elections and any By-election held during the 2022 to 2026 term.

In the event that there are not a sufficient number of other York Region municipalities willing to participate in the JCAC, it is recommended that the City Clerk establish a compliance audit committee for Richmond Hill. If this occurs, the City Clerk will, similar to the JCAC, solicit applications for appointment and select a roster of 3 to 5 members for the committee.

Use of Corporate Resources for Election Campaign Purposes policy

Section 88.8(4)5 of the Act, provides that a municipality cannot make a contribution to a candidate, and Section 88.12(4)3, provides that a municipality cannot make a contribution to registered third-party. Sections 88.15(1) and 88.15(2) of the Act provides that money, goods and services are considered contributions.” In other words, a municipality is not permitted to provide any money, goods or services to a candidate or registered third-party. Section 88.18 of the Act requires every municipality to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period before May 1 of a regular election year.

On October 23, 2017, Council adopted the “Use of Corporate Resources for Election Campaign Purposes Policy” (Attachment D) in compliance with Section 88.18. This policy ensures that the City, candidates and registered third-party advertisers are complying with the rules in the MEA that prohibit the municipality from contributing any money, goods or services to an election campaign. Additionally, it ensures that City resources and events are not used for other political purposes, or to the benefit of federal and provincial candidates.

No material changes to the MEA have occurred since 2018 that would require significant amendments to this policy. However, it is recommended that Council approve a revised “Use of Corporate Resources for Election Campaign Purposes Policy” (Attachment E) with amendments as generally described below.

The following definitions in the policy would be changed or added:

- The definitions of “Council-led Event” and “City-led Event” replace the definitions of “Member of Council Event” and “Richmond Hill Event” for consistency with the Member of Council Event Policy approved by Council on May 5, 2021;
- The definition of the “Nomination Day” be amended because of Bill 218 as discussed above.

In addition to the changes to definitions, because of Bill 218 changes to Nomination Day, the draft policy proposes to change the date on which certain activities cease (advertising, newsletters, high-speed printing, residents meetings, etc.) back to July 31

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of a regular election year. July 31 was the date in the policy that existed prior to the 2018 Municipal Elections when Nomination day was in September.

Finally, the policy approved in 2017 did not contain specific rules for municipal By-elections. Paragraph 23 in the revised policy clarifies that when a current Member of Council is a candidate in a By-election for another Office on Richmond Hill Council, during that By-election period they are subject to the same rules as if it were a regular election. This clause will help to ensure that in the case of a By-election, the City and Members of Council who are running as candidates are in compliance with the MEA rule requiring that the City not make any contribution to a candidate.

Financial/Staffing/Other Implications:

Richmond Hill's election budget funds the planning, operation and execution of every municipal election, including all post-election related expenses. Annually, in non-election years, the City provides for the municipal election administration through contributions to the Election reserve. In an election year, the balance in the reserve as well as the costs associated with any enhanced program are transferred to the operating fund to cover the costs of the election. Council approved annual transfers of \$200,000 to the Election reserves as part of the 2014 budget in anticipation of election expenses of \$800,000 for 2018 election. Through annual operating budget approval in 2019, 2020 and 2021, Council has approved continuing this strategy so that the total budget available for the 2022 Municipal Elections will be \$800,000. Additionally, in 2017, Council approved the funding of any post-election expenses for recounts and compliance audits from the Tax Rate Stabilization Reserve.

Due to careful and prudent planning by the Clerk, total election expenses for the 2018 Municipal Elections, including post-election expenses for compliance audits, were only \$717,550 (see Table 2 below). No draw on the Tax Rate Stabilization reserve was required to cover post-election expenses, and the remaining balance of \$82,450 was returned to the Election Reserve.

As Table 2 demonstrates, there are sufficient funds available in the \$800,000 elections budget to include Internet Voting as an additional voting method for the 2022 Municipal Elections. This is because the provision of Internet Voting will permit the Clerk to:

- Reduce the number of tabulators and accessible voting machines rented and paper ballots printed; and
- Adjust the number of in-person voting locations and the number of temporary election workers hired.

Table 2 - Election Expense

	2018 Actuals	2022 Scenarios		
		Tabulators Only	Hybrid No. 1 – Tabulators and Internet Voting during Advance Vote, only Internet Voting on Voting Day	Hybrid No. 2 – Tabulators and Internet Voting during entire Voting Period
Elections Coordinator and Staff Expenses	\$149,400	\$200,000	\$200,000	\$200,000
Tabulators and Ballots	\$202,200	\$183,000	\$77,550	\$114,806
ePoll Books	2,500	2,500	9,400	\$20,100
Internet Voting	Not applicable	Not applicable	\$97,700	\$97,700
Internet Voting Security Audit	Not applicable	Not applicable	\$25,000	\$25,000
Temporary Election Workers	\$195,000	\$239,000	\$156,000	\$184,000
Advertising and Communications	\$14,900	\$20,000	\$25,000	\$25,000
Voter Notification and Postage	\$65,150	\$75,000	\$75,000	\$75,000
Voting Supplies	\$27,450	\$30,000	\$30,000	\$30,000
Council Inaugural Meeting	\$20,350	\$25,000	\$25,000	\$25,000
Total Voting Expenses	\$676,950	\$774,500	\$720,600	\$796,600
<i>Compliance Audit Committee</i>	\$40,600			
Total 2018 Election Expenses	\$717,550			
<i>Transfer back to elections reserve</i>	\$82,450			

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The Clerk is not recommending any other enhancements to the election program, other than Internet Voting, which require an increase in the election budget for the 2022 Municipal Elections. However, should Council direct the Clerk to deploy a third voting method, such as mail-in-ballots, Council approval will be required to fund those enhancements, as follows:

- Firstly, from any remaining balance of \$800,000 election budget not spent to administer voting and the Council Inaugural;
- Secondly, from the 2018/2019 return to the elections reserve in the amount of \$82,450; and
- Thirdly, from the Tax Rate Stabilization reserve.

Possible post-election expenses are impossible to quantify as they only occur if a recount is required, or if an eligible elector files a request for a compliance audit and the committee orders an audit. As such, and consistent with Council's 2017 decision, it is recommended that any post-election expenses for recounts and/or compliance audits be funded as follows:

- Firstly, from any remaining balance of \$800,000 election budget not spent to administer voting and the council inaugural;
- Secondly, from the 2018/2019 return to the elections reserve in the amount of \$82,450 not spent to administer voting and the council inaugural; and
- Thirdly, from the Tax Rate Stabilization reserve.

Relationship to Council's Strategic Priorities 2020-2022:

The approval of municipal elections related matters helps to fulfill Council's Strategic Priority of A Strong Sense of Belonging by ensuring that the systems are in place to permit eligible residents to participate in the election of Richmond Hill Council and School Boards in accordance with the provisions of the *Municipal Elections Act, 1996*.

Climate Change Considerations:

Implementation of Internet Voting contributes to climate change mitigation by putting in place a system that will: likely reduce the number of eligible voters driving to a voting location; likely reduce the number of election workers driving to a voting location; likely reduce resources required to host a voting location and, reducing the number of paper ballots printed.

Conclusion:

Council authorization is required for the use of any vote counting equipment or alternative voting methods for municipal and school board elections and By-elections. The Clerk recommends that Council authorize the use of Tabulators and Internet Voting for all elections going forward. The Clerk also recommends that Council delegate authority to the Clerk to establish the 2022 to 2026 Compliance Audit Committee, which

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may include participating in a Joint Compliance Audit Committee, as well as approve minor amendments to the “Use of Corporate Resources for Election Campaign Purposes Policy”

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment A – Draft By-law 74-21, authorizing the use of Optical Scan Vote Tabulators for all municipal and school board elections and By-elections
- Attachment B – Draft By-law 75-21, authorizing the use of Internet Voting for all municipal and school board elections and By-elections
- Attachment C – “Use of Corporate Resources for Election Campaign Purposes Policy” approved by Council on October 23, 2017
- Attachment D – draft amended “Use of Corporate Resources for Election Campaign Purposes Policy”

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Report Approval Details

Document Title:	SRCFS.21.025 – Municipal Elections - Voting Methods; Compliance Audit Committee; and Use of Corporate Resources Policy.docx
Attachments:	- SRCFS.21.025 - Attachment A - By-law 74-21 - Voting Tabulators By-law (002).doc - SRCFS.21.025 - Attachment B - By-law 75-21 - Internet Voting By-law (002).doc - SRCFS.21.025 - Attachment C - 2017 Use of Corporate Resources for Election Campaign Purposes.pdf - SRCFS.21.025 - Attachment D - 2021 Use of Corporate Resources for Election Campaign Purposes.docx
Final Approval Date:	May 31, 2021

This report and all of its attachments were approved and signed as outlined below:

David Dexter - May 28, 2021 - 2:55 PM

Sherry Adams - May 28, 2021 - 4:24 PM

MaryAnne Dempster - May 31, 2021 - 9:40 AM