

## Request for Decision

### Method of Vote During the 2018 Municipal and School Board Election

Presented To:	City Council
Presented:	Tuesday, May 30, 2017
Report Date	Thursday, May 11, 2017
Type:	Managers' Reports

#### Resolution

Should City Council decide to reconsider Resolution CC2016-293 regarding the use of Internet Voting during the Advanced Vote period and Paper Ballot, Tabulator Count at the In Person Voting Locations on Election Day 2018, the following resolution would be presented:

THAT the City of Greater Sudbury approves Option \_\_\_ as outlined in the report entitled "Method of Vote during the 2018 Municipal and School Board Election", dated May 11, 2017 from the General Manager of Corporate Services.

#### Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

#### Report Summary

This report provides City Council with an update regarding the RFP process for the method of vote during the 2018 Municipal and School Board Election and provides options to Council moving forward.

#### Financial Implications

The cost of delivering the 2018 Municipal and School Board Election will be funded from the Municipal Election and Governance Reserve Fund in accordance with the Reserve and Reserve Fund By-Law.

#### Signed By

**Report Prepared By**

Danielle Wicklander  
Legislative Compliance Coordinator  
*Digitally Signed May 11, 17*

**Manager Review**

Brigitte Sobush  
Manager, Clerk's Services/Deputy City Clerk  
*Digitally Signed May 11, 17*

**Recommended by the Department**

Kevin Fowke  
General Manager of Corporate Services  
*Digitally Signed May 16, 17*

**Financial Implications**

Liisa Brule  
Coordinator of Budgets  
*Digitally Signed May 11, 17*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed May 16, 17*

## Background

At the September 13, 2016 meeting of City Council, the report entitled "Election Modernization Act and the 2018 Municipal Election" (see attached) was received by Council and the following resolution was passed:

*"CC2016-293 - THAT the City of Greater Sudbury uses Internet Voting during the Advanced Vote period and Paper Ballot, Tabulator Count at the In Person Voting Locations on Election Day 2018."*

In the report, staff provided Council with information regarding the various voting methods available for the 2018 Municipal and School Board Election, those being Internet voting and voting by way of traditional paper ballot tabulator count.

As a result of Council's decision, an RFP was issued in February of 2017 for the use of Internet voting during the advance voting period up to the opening of voting locations on Election Day, and vote anywhere, paper ballot/tabulator count for all in person Election Day voting locations. The RFP was broken down into three components:

**Option i:** Internet voting during the advance voting period, which voting can be conducted on a computer, tablet or other mobile device. The Internet voting solution also includes the production and mailing of Voter Notices; and/or

**Option ii:** Voting equipment including registration laptops and barcode scanners, ballot on demand design and printing services, tabulators, and related services for paper ballot/tabulator count voting at in person vote anywhere locations on Election Day; and/or

**Option iii:** Proposals for a combined solution which includes both the Internet voting solution (i) and the paper ballot/tabulator count solution (ii).

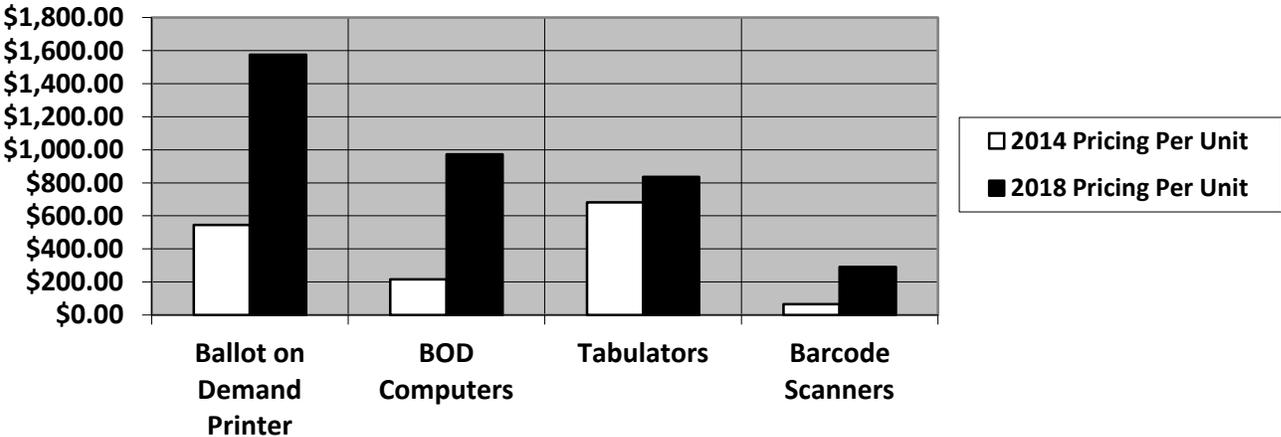
The RFP closed on March 28, 2017 and two submissions were received: one Internet voting solution pursuant to Option i; and one combined solution for both Internet and paper ballot/tabulator count voting pursuant to Option iii.

The proposals were reviewed by Clerks Services and Information Technology staff and scored by the evaluation committee.

# Bid Evaluation – Combined Solution

In evaluating the proposal for a combined solution staff made the following observations and noted a number of concerns:

- Pricing of the combined solution came in at \$937,546.04 (HST included), which was significantly higher than what was anticipated based upon the solution price in the 2014 Municipal and School Board Election (\$391,061.23). The prices for paper ballot/tabulator count equipment nearly tripled from the previous election. Examples to illustrate the price differential between the equipment for the two elections have been provided in the graph below:



- The Internet voting solution provided for in the combined bid omitted important information regarding the security and capabilities of the solution. Clarification was requested; however, the responses provided by the proponent did not provide the information that staff needed to feel comfortable in recommending the proposal for approval to Council.
- The Internet voting solution portion of the bid also raised concerns as the bid failed to demonstrate full compliance with the *Municipal Elections Act, 1996* (the Act) with respect to the reporting of declined and rejected ballots.
- In reviewing the experience of the Internet voting solution provider, staff noted that the proponent had not provided services for a municipality that was comparable in size and voter capacity to the City of Greater Sudbury, and had only in fact been involved in one referendum election. This lack of municipal elections experience was concerning to staff.

As a result of the evaluation of the information presented in the proposal, the combined solution scored poorly. Staff does not recommend the award of this solution given the significant cost and the concerns noted through the evaluation process.

## **Bid Evaluation – Internet Voting Solution**

The following observations were made by staff when evaluating the stand-alone Internet voting solution which relates only to the advance voting period:

- The Internet voting solution was priced at a reasonable cost of \$286,342 (including HST).
- The proponent also demonstrated a clear understanding of the needs of the municipality as well as proof of the security mechanisms in place to ensure the confidentiality and integrity of the vote.
- The proposal met and displayed both compliance and knowledge regarding the legislative requirements as outlined in the Act.

At the conclusion of the evaluation, the proposal for the Internet voting solution received a high score. Since the RFP's Terms of Reference specified that Internet voting would only be used for the advance vote, staff do not recommend the award of this submission as it does not provide a comprehensive or complete voting solution.

## **Internet Voting During the 2014 Municipal and School Board Election**

The City of Greater Sudbury was one of 97 Ontario municipalities, representing one quarter of the population of the province of Ontario, who made online voting available in the 2014 Municipal Election.

During the 2014 Election, Internet voting was available for a period of eleven days, from 8:00 a.m. on October 14<sup>th</sup>, 2014 to 8:00 p.m. on October 24<sup>th</sup>, 2014 (the Friday before the election.)

There was widespread utilization of Internet voting and 26,826 electors cast a ballot online. This figure represented 44.9% of all electors who voted in the 2014 Election. A number of other municipalities in Ontario who implemented this method of vote also saw an overall increase in voter turnout.

### *Town of Ajax Electronic Voting Experience*

In 2014, the Town of Ajax (population 109,600) moved to a fully electronic method of vote, offering voters a combination of Internet and telephone voting to cast their ballot. The voting period spanned from October 20<sup>th</sup> to October 27<sup>th</sup> 2014. In-person electronic

voting was offered at ten locations using laptops or “e-voting kiosks” rather than paper ballots.

Of the ballots cast during the voting period, approximately 70% were cast independently/remotely without attending a voting location, while 30% chose to attend an in-person electronic voting location to cast their ballot.

Post-election results indicated that voter turnout increased from 25.4% in the 2010 election to 30.4% in the 2014 election and the move to electronic voting was met with a voter satisfaction rate of 97.8%.

Based on the success of electronic voting in 2014, the Town of Ajax will once again implement internet and telephone voting with in-person electronic voting locations as their method of vote for 2018. The Town of Ajax provides a model for other municipalities who are choosing to move to a fully electronic election in 2018, such as the Town of Newmarket.

## **Internet Voting Project Survey Results: City of Greater Sudbury**

The City of Greater Sudbury participated in the Internet Voting Project through the University of Toronto. Almost three thousand citizens, eleven staff and twenty-two candidates responded to the survey which is available online at: <http://www.greatersudbury.ca/sudburyen/assets/File/Greater%20Sudbury%20Internet%20Voting%20Survey.pdf>

98.6% of citizens who responded to the survey were either fairly satisfied or very satisfied with the online voting process and 98.9% are likely or somewhat likely to vote online in the next municipal election. Respondents to the survey highlighted accessibility and convenience as two of the primary reasons for choosing to cast their ballot online.

## **Current Business Climate**

The 2018 Municipal and School Board Election coincides with a number of municipal and provincial elections. A number of municipalities, as well as the Province of Ontario are making the move towards the use of more advanced voting technologies in their elections. This higher demand for technology has put a strain on the resources of the handful of companies that provide election voting and vote counting equipment. This has created a “perfect storm”, which may have played a role in the low number of bids received by the City of Greater Sudbury, and the significant rise in election equipment costs.

## Options

Based upon the information provided for in this report, staff is proposing:

**Option 1:** That Internet voting be the only method of vote for the 2018 Municipal and School Board Election and that a new RFP be issued to obtain a service provider.

Should Council choose this option, Internet voting will be used for both the advance and Election Day voting periods. In order to assist voters who may not be comfortable voting online from their residence or who do not have access to a computer, Voter Help Centres will be set up throughout the entire voting period at all Libraries and Citizen Service Centres.

The Election Bus will be deployed as a mobile electronic voting location during the advance voting period. On Election Day, electronic voting locations will be set up in a number of Nursing and Long-Term Care facilities.

This option provides a voting solution that may serve to increase voter participation and accessible voting opportunities for electors. By establishing Voter Help Centres at Citizen Service Centres, voters who are unsure of how to vote online or who require assistance will be given the help and support they need. Additionally, by using electronic voting in Nursing and Long-Term Care facilities voting opportunities are increased for residents with limited mobility as the solution makes it possible for election workers to move throughout the facility with voting computers or tablets.

This method of vote is significantly more cost effective than Option 2. Choosing this option would leave more room in the Municipal Election and Governance Reserve Fund for the ability to increase voter awareness and education campaigns.

As a result of the reduced voting method costs, the balance remaining in the Reserve would ensure that the costs associated with the complete delivery of the election and governance requirements during all phases of the post election period are funded.

Clerks Services staff will work in conjunction with the Communications Department to develop materials to educate voters and prepare them to vote online. Staff will also work with Community Groups, Advisory Panels and CANs to ensure that voters are both comfortable and confident with the use of Internet voting to cast their ballot.

By selecting this option and re-issuing an RFP for an Internet only voting solution the municipality may also see a more competitive bid process as the resource demands for an Internet only solution are more streamlined and significantly less than those of traditional paper ballot/tabulator count solution.

**Option 2:** That Internet voting be the only method of vote used during the 2018 Municipal and School Board Election with the addition of in-person electronic voting locations on Election Day and that a new RFP be issued to obtain a service provider.

This option provides for the use of Internet voting as the sole method of vote during both the advance and Election Day voting periods. As in Option 1, Voter Help Centres will be set up throughout the entire voting period at all Libraries and Citizen Service Centres, and the Election Bus will act as a mobile electronic voting location during the advance period. Electronic voting locations will also be set up in a number of Nursing and Long-Term Care facilities.

The distinguishing factor from Option 1 is that, on Election Day, electronic voting locations would also be set up at various sites throughout the municipality, with the amount being similar to the number used in the 2014 Municipal and School Board Election.

As in Option 1, Option 2 provides a voting solution that may serve to increase voter participation and accessible voting opportunities for electors. By establishing Voter Help Centres at Citizen Service Centres, voters who are unsure of how to vote online or who require assistance will be given the help and support they need to cast their vote with confidence. Additionally, by using the Internet Voting Solution in Nursing and Long-Term Care facilities voting opportunities are increased for residents as the solution makes it possible to move throughout the location with mobile devices.

This method of vote would still leave more room in the Election and Governance Reserve Fund to allow for an increased focus on voter awareness and education campaigns without placing additional strains on the Municipal Election and Governance Reserve Fund.

The addition of in person electronic voting locations on Election Day will allow voters to attend at a physical location to cast their ballot online.

As with the 2014 Municipal and School Board Election, voters will be provided with a Voter Information Letter (VIL) in advance of the first day of voting. If choosing to vote in person at an electronic voting location, voters will be asked to bring their VIL with them. Once a voter has entered the electronic voting location (if they have their VIL with them and no revisions to the voter information are required), the voter will be directed by voting location staff to a private voting booth to cast their ballot.

For those voters who do not bring their VIL or who require revisions to their voter information, revisions officers will be available in every electronic voting location to issue new credentials and/or update the voters' list. Once the voter has cast their ballot using the tablet or laptop provided behind the vote screen, they will exit the voting location.

In addition to revisions officers, each in-person electronic voting location will have dedicated Information Technology staff present to address any potential technical questions/issues.

Should Council selection this Option, there will be additional costs to the Reserve to establish these locations and obtain the equipment (computers/tablets, printers) necessary for voting. Clerks Services staff will work with Information Technology staff to develop a cost effective solution to provide the equipment necessary for these locations. It should be noted that the costs of this option would still be significantly less than the costs associated with paper ballot/tabulator count solution.

Election staff will work in conjunction with the Communications Department to develop materials to educate voters and prepare them to vote online. Staff will also work with Community Groups, Advisory Panels and CANs to ensure that voters are both comfortable and confident in the use of Internet voting to cast their ballot.

By selecting this option and re-issuing an RFP for an electronic voting solution only, the municipality may see a more competitive bid process for the same reasons as outlined in Option 1.

## **Conclusion**

Based on the pricing obtained and the evaluation conducted for the RFP, staff are not recommending an award to either of the proponents. Staff do not anticipate that a further RFP based on the current method of voting (i.e. Internet voting for the advance vote and paper ballot with tabulator count for Election Day) would yield different or better results. Staff is proposing that the method of vote be modified to provide Internet voting as the sole method of voting for the 2018 Municipal and School Board Election and that a new RFP be issued to obtain a Service Provider.

This change requires Council to reconsider Resolution CC2016-293 prior to dealing with the options in this report.

## Request for Decision

### Election Modernization Act and the 2018 Municipal Election

Presented To:	City Council
Presented:	Tuesday, Sep 13, 2016
Report Date	Thursday, Aug 25, 2016
Type:	Presentations

#### Resolution

Resolution One:

THAT the City of Greater Sudbury receives the report entitled "Municipal Elections Modernization Act 2016 and the 2018 Municipal and School Board Elections" from the Executive Director, Administrative Services, City Clerk.

Resolution Two:

THAT the City of Greater Sudbury directs staff to monitor the initial implementation of ranked ballot voting in other jurisdictions and bring a report to Council in the first half of the next term of office with an analysis and recommendations regarding ranked ballot voting for the 2022 Municipal and School Board Elections.

Resolution Three:

THAT the City of Greater Sudbury uses Internet Voting during the Advance Vote period and Paper Ballot, Tabulator Count at the In Person Voting Locations on Election Day 2018.

#### Signed By

**Report Prepared By**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Aug 25, 16*

**Recommended by the Department**

Caroline Hallsworth  
Executive Director, Administrative  
Services/City Clerk  
*Digitally Signed Aug 25, 16*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 26, 16*

## **Executive Summary:**

This report summarizes key changes made through the Municipal Elections Modernization Act 2016 which was passed in June of this year. The report also makes recommendations to Council on Ranked Ballot Voting and the Method of Vote to be used in the 2018 Municipal and School Board Elections. These two decisions are crucial steps in planning for the 2018 elections.

In delivering the 2018 Municipal and School Board Election, all decisions and actions will be based on the requirements of the *Municipal Elections Act* and the following principles:

- 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 be certainty that the results of the election reflect the votes cast; and
- voters and candidates should be treated fairly and consistently.

## **Background:**

### What's New: Municipal Elections Modernization Act 2016

In June of this year, the Ontario government passed the Municipal Elections Modernization Act, 2016 which makes a number of substantial amendments to the Municipal Elections Act and the rules which election officials, candidates and electors must follow. This new legislation was passed following extensive consultations with election and elected officials and the public and the receipt of some 3,400 written submissions. Many of the recommendations from AMCTO were included in the bill.

For both election organizers and candidates, the shortening of the Municipal and School Board Election period to 120 days is much welcomed. Nominations will open on May 1st of the election year, as opposed to in the past when nominations opened on January 1st. Nominations will need to be accompanied by the declarations of twenty-five eligible electors who support the nomination. The Nomination period will close on the fourth Friday in July, rather than on the second Friday in September. This will allow much needed time for the design of ballots and programming of electronic election equipment.

In reflection of the changes being made by all levels of government in the area of campaign financing rules, several amendments have been made in regards to both campaign contributions and enforcement of campaign financing rules. In addition to the changes, described in the new Act, Council has formally adopted a Policy on the Use of Municipal Resources during an Election (By-Law 2016-17F) to provide further guidance in this regard.

The new provincial legislation limits contributions to individual citizens who are residents of Ontario and introduces bans on corporate and trade union donations to candidates for municipal and school board positions. Further the legislation sets out more detailed

guidelines around post-election spending including gifts and parties. Another change of note are new provisions which require third parties to register prior to advertising for or against a candidate or issue and to comply with contribution and spending limit rules. At the same time the Act continues to allow for issues based advocacy during the election under specific conditions.

Nomination fees will now only be refundable to those candidates who file their financial statements by the deadline and there are significant new obligations on the Clerk to review financial filings for compliance against the legislation and to cross reference donations across all candidates' financial statements to ensure that no individual donor exceeds their limit of a total of \$5,000 in donations between all candidates and to report any donor violations to the Election Compliance Audit Committee.

Other administrative details which are changed include simplification of the process for making changes to the voters list, increased flexibility in how notice and documents are provided and filed, restrictions on electors taking pictures or images of their own or other ballots and publication of the accessibility portion of the election plan.

### Ranked Ballot Voting

The most significant change in the Municipal Elections Modernization Act, 2016 is the introduction of provisions that provide municipalities with the option to use ranked ballot voting for Mayor and Council elections only, beginning in the 2018 municipal elections. Ranked ballots will not be permitted for School Board elections.

Should a Council wish to implement ranked ballot voting, the Regulations will most likely require that the municipality hold a public open house where detailed information regarding the election and election equipment is provided to the public, followed by a public input meeting and passage of the necessary by-laws before the legislated deadline of May 1, 2017.

Currently, all municipal, provincial and federal elections use "First Past the Post" voting, meaning that the candidate with the most number of votes is elected. In "Ranked Ballot" voting, all candidates must achieve +50% of the votes in order to be elected.

In a Ranked Ballot Election, rather than voting for just one candidate, the elector ranks the candidates in their order of preference, beginning at one for their top choice, two for the second choice etc. In the first round, all the first choice votes are counted. If a candidate receives +50% of the votes, they are elected. If no candidates receive the majority of the votes, the candidate with the lowest number of votes is eliminated and ballots are recounted, using the second choice of the elector for ballots which initially supported the candidate who is eliminated. This process is continued in subsequent rounds until a majority winner is declared. A quick and easy demonstration of ranked ballot voting works is found at: <https://www.youtube.com/watch?v=oHRPMJmzBBw>

In the 2014 Municipal Elections, two of the thirteen successful candidates for Mayor and Council received more than +50% of the votes. Had this been a ranked ballot election, eleven of the thirteen races for Mayor and Council would have proceeded through subsequent rounds of ballots and vote counting in order to declare a winner.

Greater Sudbury's City Clerk sat on the provincial Ranked Ballot Implementation Working Group which discussed over three lengthy meetings, the technical aspects associated with implementing ranked ballots. The group noted that there have been no ranked ballot elections at the municipal, provincial or federal level anywhere in Canada and only a very small handful of American cities have implemented rank ballots, with very mixed results from a technical perspective.

Challenges and complexities associated with ranked ballot voting are numerous as this methodology is in its infancy and include but are not limited to: ballot design; number of rankings permitted; vote counting formulas and algorithms; vote casting and counting technology; election staff requirements; financial resources; election timelines; and elector and candidate education. Two examples of these challenges will be described below for the information of Council and the public.

Currently most Ontario municipalities use "Composite Ballots" meaning one ballot is used for multiple races. If ranked ballots are introduced for municipal elections it is probable that municipalities will have to use two separate ballots, one for municipal and another for school board elections as the counting methodologies will be different for each. This will add costs and equipment and require additional time for the elector to cast two ballots instead of one. A further challenge will be the size and design of the ballot to allow for ranking of multiple candidates, particularly so in Greater Sudbury which uses bilingual ballots.

Another significant challenge relates to vote casting and counting technology. Set-up, testing and use of vote casting and counting technology will be significantly more complex in a ranked ballot environment. Canadian vendors have no experience with ranked ballots, though some have provided tabulators to American elections. Timelines are short and with a perfect storm of elections across Canada within a three week period in the fall of 2018, there is concern about the availability and capacity of voting equipment and vendor staff to support ranked ballot elections. A ranked ballot election with a manual count is extraordinarily difficult and time consuming, as evidenced in one American jurisdiction that required two full weeks of staff working twelve hour days to produce a final result after several rounds of hand counting and eliminations.

With a new, untested voting methodology recently approved and just two years before the next municipal election, it is highly probable that all the pieces required to protect the integrity of the election process and to ensure with absolute certainty that the results of the election reflect the votes cast, will not be in place if ranked ballots are used in 2018. AMCTO surveyed its members and only 8% of Clerks feel ready to run a ranked ballot election in the narrow timelines leading to 2018. CGS staff can not recommend the introduction of ranked ballot voting in the 2018 Municipal Elections. Staff will monitor the implementation of ranked ballot voting and bring report to Council in the first half of the next term of office with an analysis and recommendations for 2022.

Method of Vote 2018 Municipal and School Board Elections

*My family, friends and I found the web process clear, easy to follow, quick and secure. My husband had recently been hospitalized and may not have voted otherwise. Another family member who was out of the country was also able to vote on line. Having been involved with the school trustee elections for the unorganized townships, I remember the issues with low voter turnout due to vast geographic areas served by remote polling stations and often affected by weather issues. I would find it difficult to believe that the new process would not benefit voter accessibility for these and similar areas and also reduce taxpayer election costs.*

J. H. Email dated November 26, 2014.

The City of Greater Sudbury was one of 97 Ontario municipalities, representing one quarter of the population of the province of Ontario, who made online voting available in the 2014 municipal election. In Greater Sudbury there was widespread take-up on the Online Voting and 26,826 electors representing 44.9% of those who cast a ballot, did so online, far exceeding expectations for online voting turnout.

Based on reports generated by the system, we know that voters of all ages from 18 to 100 years old cast ballots online and at all hours of the day and night. The busiest times for online voting were in the evenings with many other votes cast over morning coffee and the fewest votes cast in the overnight hours.

The City of Greater Sudbury participated in the Internet Voting Project through the University of Toronto. 98.6% of our citizens who responded to the survey were either fairly satisfied or very satisfied with the online voting process and 98.9% are likely or somewhat likely to vote online in the next municipal election. Candidates were somewhat less enthusiastic about online voting than citizens, primarily as it related to changes in campaign methodology. The results for Sudbury are available online at: <http://www.greatersudbury.ca/sudburyen/assets/File/Greater%20Sudbury%20Internet%20Voting%20Survey.pdf>

At the close of Online Voting on October 24<sup>th</sup>, there was a perfect reconciliation between the votes cast and the names crossed off the list, which is something never achieved with traditional, paper based voting. There were twenty-seven ballots set aside by the vendor due to inconsistent voter information for further investigation. In twenty-five cases the vendor was advised to release the ballots into the count as the Electors were found to be Eligible

All electors, voting either Online or In Person Voting Locations, are asked to affirm that they have not previously voted in the election. As was well documented in the media during Election 2014, some voters appeared on the voter's list more than once. This created a public perception that some voters may have had the opportunity to cast more than one vote in the online environment.

In reality, this is not a new issue. An individual who has received two packages, perhaps because of name variations (hyphenated or double barreled surnames) or because of name changes (most common with maiden and married names) and who has government issued identification with both forms of those names would equally be able to vote at in person voting locations as they would be able to vote online. In the

remaining two instances from the online vote, the votes were not released into the count as the voter was ineligible. Removal of ineligible votes is not possible in the paper ballot environment.

For the 2014 Election, costs per ballot cast were assigned by method of vote, with common costs, such as the costs of communications and issuance of the Voter's Information Package divided proportionally between the in-person and online ballots cast. Each online ballot cast cost \$6.77 as compared to \$10.84 per ballot cast in person. The annual contributions to the Election Reserve Fund for the period 2015-2018 have been reduced, based on using a blend of internet and in person voting, when budgeting for the 2018 election.

Staff is recommending that the City of Greater Sudbury continue the practice of using online voting during the advance vote period, extending that period until the opening of in person polls on Election Day. It is also recommended that CGS takes the next small step forward in electronic voting, using touch screen or tablet based technology to vote in person at all advance and mobile locations. Paper ballots with tabulator counts will be used in all voting locations on Election Day, Monday, October 22, 2018.