

**Date:** 2021-08-09

**Subject:** **2022 Municipal Election – Voting Methods**

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**Report Number:** Legislative Services-2021-1184

**Recommendations:**

1. That the report titled: **2022 Municipal Election – Voting Methods**, to the Committee of Council meeting of November 17, 2021, be received; and
2. That a by-law, substantially in a form as set out in Appendix 1, be passed to authorize the use of voting and vote tabulating equipment for City of Brampton Municipal Elections, and to repeal By-law 68-2017; and
3. That a by-law, substantially in a form as set out in Appendix 2, to provide for the use of an alternative voting method – a home voting service for electors who cannot leave their homes due to illness, injury or disability, for the 2022 Municipal Election be passed.

**Overview:**

- **The next municipal election for the City of Brampton will be held on Monday, October 24, 2022.**
- **Section 42 of the *Municipal Elections Act, 1996* (MEA) permits municipal Councils to pass by-laws to authorize the use of voting and vote-counting equipment and the use of alternative voting methods that do not require electors to attend a voting place.**
- **The City of Brampton uses vote tabulators and accessible voting units at voting locations. This report recommends passing a by-law to authorize**

**the use of accessible voting machines and vote tabulators, and to repeal By-law 68-2017.**

- **In the 2014 Municipal Election, an alternative voting methods by-law was passed to provide for a home voting service, enabling electors who were homebound to vote independently from home. The home voting service was not implemented in the 2018 Municipal Election due to a legislative change in timing for the passing of alternative voting methods by-laws.**
- **Staff have reviewed possible alternative voting methods and recommend passing a by-law for the 2022 Municipal Election in order to relaunch the home voting service for home-bound Brampton electors, at the discretion of the City Clerk.**

## **Background:**

The City of Brampton conducts municipal elections in accordance with the *Municipal Elections Act, 1996* (MEA). The next regular municipal election will take place on October 24, 2022.

### Voting Technology

Section 42(1) of the MEA permits municipal Councils to pass a by-law authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators.

For more than 15 years, the City of Brampton has used optical scan units (vote tabulators) and touch screen units for accurate and efficient vote tabulation and results reporting. In November 2020, Council approved the use of vote tabulators and accessible voting units at voting locations for Brampton municipal elections.

By-law 68-2017 authorizes the use of vote tabulating equipment for City of Brampton Municipal Elections.

### Alternative Voting Methods

Section 42(1) of the MEA also permits municipal Councils to pass a by-law authorizing electors to use an alternative voting method that does not require electors to attend a voting place in order to vote.

The City of Brampton did not implement any alternative voting methods for the 2018 Municipal Election.

## *Home Voting Service*

In the 2014 Municipal Election, a by-law was passed to provide for a home voting service for electors who were home-bound (i.e. electors who could not leave their homes due to illness, injury or disability). The 2014 election was the first time a home voting service had been implemented in Brampton, and the City was one of the first in Ontario to implement this program at the municipal level.

The 2014 program was implemented as a pilot-project and based on appointment availability, enabled approximately 50 home-bound Brampton electors to participate in the municipal election by voting independently in their homes. Electors who would not have had an opportunity to vote otherwise in the election, were appreciative of the service and opportunity to vote. The program provided enhanced customer service to Brampton electors and reinforced the City Clerk's commitment and responsibility towards accessible elections for all.

Due to a legislative change in the timing of passing a by-law for alternative voting methods in 2016 (from June 1 in the year of the election to May 1 in the year prior to the election), a by-law to authorize a home voting service was not passed, and the program was not implemented for the 2018 Municipal Election.

The initial success of the home voting service in Brampton in 2014 inspired other municipalities, such as the City of Toronto and the Town of Newmarket, to implement similar programs in the 2018 election.

## **Current Situation:**

In 2020, the timing for passing by-laws under Section 42(1) of the MEA changed again. The MEA now requires municipalities to pass by-laws under this Section by May 1 of the election year (May 1, 2022) and requires that the Clerk establish procedures and forms related to voting and vote counting equipment and alternative voting methods no later than June 1 of the election year. The Clerk is also required to make the procedures available to candidates when they file their nomination papers beginning May 1, 2022.

## Voting Methods for the 2022 Municipal Election

At its Committee meeting of November 18, 2020, Council passed Resolution CW289-2020 to confirm the 2022 Municipal Election voting model of in-person voting with paper ballots, and vote tabulation equipment and accessible voting units.

A by-law authorizing the use of voting and vote counting equipment must be passed before May 1, 2022 in order for the City to use vote tabulators and accessible voting units in the 2022 Municipal Election.

In order to meet the requirements of the MEA, staff recommends passing a by-law for voting and vote counting equipment (a draft by-law is included as Appendix 1 to this report), and repealing By-law 68-2017, the by-law enacted for the 2018 municipal election. The draft by-law provides clarifying language that also authorizes the use of accessible voting equipment at voting locations.

### Alternative Voting Methods

#### *Relaunching the Home Voting Service*

Due to the initial success of the home voting service in 2014, staff recommend relaunching and expanding the program in 2022. The home voting service will be held during the advance voting period, with dates and times to be established by the City Clerk.

In 2014, approximately 50 electors were served through the program; for 2022, staff anticipates expanding the program to allow up to 100 electors to vote at home during the advance voting period.

The service is based on the following guidelines:

- An elector who is home-bound due to illness, injury or disability may contact the Election Office to request a home voting appointment – an elector is not required to provide the reason they are home-bound, but they will be required to sign an acknowledgement form stating they are home-bound due to illness, injury or disability and are choosing to vote using the home voting service.
- Election staff will review the elector's information and will verbally confirm their eligibility to vote, and will schedule an appointment time during the advance voting period, to visit the elector during the City's business hours. Staff will also confirm whether a caregiver will be present or if the elector requires assistance in order to mark the ballot.
- A team of two staff members, appointed as Deputy Returning Officers (DROs), will attend the elector's home and provide them with the appropriate ballot in order to vote. Staff will review the elector's identification and administer any oaths during the visit, and the elector can vote independently in their home. The elector will place their completed ballot in a sealed ballot box, which will be returned to the Election Office for secure keeping until Election night results tabulation takes place.

In 2014, staff were able to enter the elector's home and assist the elector in marking the ballot if required. In consideration of the COVID-19 pandemic, staff has reviewed the 2014 process with the City's Emergency Measures Office and has made adjustments to the process where appropriate, to ensure the safety of both our staff and of electors and their caregivers. For example, based on the state of the pandemic next October, staff may be required to wear personal protective equipment during the visit, and it may be

recommended that staff wait at the elector's doorstep, rather than enter their home, if required.

Electors may also be required to complete a COVID-19 screening when making an appointment and at the start of the scheduled visit. For the safety of our staff, this service would not be provided to electors who do not pass the COVID-19 screening – such electors may use the proxy voting process to vote in the election. Proxy voting is a process legislated under the MEA, which allows an elector to appoint another elector to vote on their behalf.

Leading up to the advance voting period, as the state of the pandemic continues to evolve, staff will continue to work with the Emergency Measures Office and other internal stakeholders to review best practices for serving electors at their homes. If deemed necessary based on current health regulations, the Clerk may use his discretion to alter or suspend the program for the 2022 Municipal Election.

The cost to administer this program is minor. Voting supplies will be used from existing inventory and Election Office staff will be available to administer the program. Additional costs for mileage of election workers will be budgeted through the Election Operating Account.

A draft by-law to authorize a home voting service at the discretion of the City Clerk is included as Appendix 2 to this report.

### *Additional Alternative Voting Methods*

Other alternative voting methods that have been successful in various municipalities include internet voting, voting by telephone and voting by mail.

At its Committee meeting of November 18, 2020, Council decided against implementing internet voting for the 2022 Municipal Election. Voting by telephone is similar to internet voting in that an elector can use technology to cast their ballot remotely via telephone. Telephone voting has been used in partnership with internet voting and other alternative voting methods in various municipalities in previous elections. Telephone voting is typically used by smaller and more rural municipalities.

### *Mail-in Voting*

Some municipalities are looking towards mail-in voting as a safe alternative to voting in-person, as a result of the COVID-19 pandemic. Mail-in voting can be used as either a primary voting method, or an alternative voting method that complements traditional in-person voting or another method of voting.

Staff has reviewed mail-in voting processes in various elections and by-elections that have taken place over the past year. Aside from extensive use in the 2020 US elections, mail-in voting was used as an alternative voting method alongside in-person voting during the City of Ottawa and the City of Toronto by-elections. Elections Canada offered mail-in voting during the recent federal election, and it is understood that Elections Ontario may also offer mail-in voting as an option for the 2022 Provincial Election. The Cities of Toronto, Hamilton and Guelph will all be implementing mail-in voting as an alternative voting method for the 2022 Municipal Election.

The following table highlights the mail-in voting participation in the Ottawa and Toronto by-elections, and the recent federal election:

<b>Jurisdiction</b>	<b>Timeframe</b>	<b>Number of Mail-in Ballots Cast</b>	<b>Total Number of Ballots Cast (incl. declined, rejected)</b>	<b>% Electors Voting by Mail</b>
City of Ottawa By-election	Oct. 2020	1,234	8,713	14%
City of Toronto By-election	Jan. 2021	3,515	12,127	29%
Federal Election - Brampton Electoral Districts	Sep. 2021	10,237	208,798	5%

There may be a correlation between the percentage of electors choosing to vote by mail in each election, and the state of the pandemic at the time each election took place. For example, the Toronto by-election occurred during a lock-down, where a provincial stay-at-home order was issued just before Voting Day.

The general process for mail-in voting as an alternative method is as follows:

- In order to vote by mail, electors would be required to apply during a specific application period. Using the City's existing Voters' List Management Services (VLMS) provider, an online application would be created and hosted on the City's website, alongside other application methods (e.g. in person application).
- Electors must already be on the Voters' List or apply to be added to the list within the application period, and must submit proof of identification with their application.
- Upon review of the application, staff would determine elector eligibility.
- At the end of the application period, staff would create a listing of electors who are voting by mail and work with the VLMS provider to mail special voting kits to those electors.
- Some municipalities implement policies whereby an elector who applies to vote by mail can only vote in that way – they cannot change their mind and vote at a voting location instead.

- Electors would receive their voting kit, complete their ballot, sign the appropriate declaration and return their voting kit to the Election Office via mail. Some municipalities establish vote-by-mail drop boxes in different areas for convenience.
- Upon receipt of the completed voting kit, staff would review to ensure the kit was signed correctly, and mark the ballot as having been received.
- Procedures would be required to establish the deadline by which a voting kit must be received in order for the ballot to be counted, so as not to delay the unofficial election results on Election night. Procedures for adjudication of ballots would also be required.
- On Voting Day, the ballots would be placed through the vote tabulator and counted, and adjudicated, if applicable, based on procedures established by the Clerk.

Some of the benefits of mail-in voting are that it provides an opportunity for electors to cast their ballot without attending a physical voting location – electors who cannot visit a voting location can vote independently, rather than appointing a proxy voter to vote on their behalf. It also provides convenience for those electors who know they will be unable to vote at any of the advance voting dates or on Voting Day.

Some of the risks include having to rely on the mail system – there is potential for ballots to be lost or damaged in the mail, and completed ballots may be received after Voting Day, and so would be rejected. Mail-in voting would not be an accessible method of voting for electors who are moving residences or who are homeless or may not have a consistent address. Additionally, with in-person voting, staff make every attempt to ensure that an elector can vote privately, in secrecy and without the influence of others – this cannot be accomplished in a remote voting environment. Security of the vote, and knowing who is marking a ballot was a concern highlighted by Council during the internet voting method discussion in November 2020.

While mail-in voting provides a convenient method for electors to cast a ballot remotely, significant administrative effort will be required to create policies and procedures for the alternative voting method, which has not been previously implemented in Brampton.

Additional staff would be required to administer a mail-in voting program. Other costs, based on an estimate of 10,000 electors (roughly 10% of the 2018 voter turnout) are estimated at \$135,000 (not including additional staffing requirements).

At this time, staff does not recommend passing a by-law to authorize mail-in voting as an alternative voting method for the 2022 Municipal Election. Staff will continue to monitor the state of the pandemic and corresponding restrictions and may report back in the near future if the City Clerk deems that mail-in voting is necessary to conduct a safe election. If the City Clerk recommends that mail-in voting be offered in the 2022 Municipal Election, the Clerk may consider terminating the home voting service, as mail-in voting has the potential to accommodate the special needs of electors who cannot attend a voting location.

## **Corporate Implications:**

### Financial Implications:

Costs associated with the 2022 Brampton Municipal Election will be funded by the Election Reserve. Sufficient funding is available in Reserve #25 – Municipal Elections. The Election Operating Budget can accommodate costs attributed to the home voting service. If the City Clerk makes a future recommendation to implement mail-in voting, a corresponding budget amendment may be required, subject to Council approval.

### Other Implications:

There are no other implications.

## **Term of Council Priorities:**

This report fulfills the Council Priority of a Well-run City by providing electors with an efficient and convenient voting experience through the use of election voting technology, and an accessible voting experience for electors who are home-bound through the home voting service.

## **Conclusion:**

Voting in municipal elections is one of the most important ways for citizens to engage in municipal governance. This report provides an overview of the voting methods considered for the 2022 Municipal Election to allow electors to cast their ballot in an efficient and accessible manner.

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**Attachments:**

Appendix 1 – Draft by-law to authorize the use of voting and vote counting equipment for City of Brampton Municipal Elections, and to repeal By-law 68-2017

Appendix 2 – Draft by-law to provide for a home voting service during the advance voting period for the 2022 City of Brampton Municipal Election