

Date: 2022-01-24

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

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Recommendations:

1. That the report titled: **2022 Municipal Election – Alternative Voting Methods Update**, to the Council meeting of March 2, 2022, 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 an alternative voting method – a special mail-in voting program for the 2022 Municipal Election, and to repeal By-law 266-2021; and
3. That the estimated cost for the special mail-in program for the 2022 Municipal Election of \$372,050 be funded from Reserve #25 – Municipal Elections.

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 alternative voting methods that do not require electors to attend a voting place.
- At the November 17, 2021 Committee of Council meeting, staff reported on possible alternative voting methods for the 2022 Municipal Election. Resolution CW544-2021 was passed 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. By-law 266-2021 was passed in this regard.

- **Staff have continued to monitor the status of the COVID-19 pandemic and is recommending the implementation of special mail-in voting as an alternative voting method. If special mail-in voting is approved by Council for implementation in the 2022 Municipal Election, staff recommend repealing By-law 266-2021.**
- **If a special mail-in voting program is approved, staff is requesting additional funding to deliver the program.**

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.

At the November 17, 2021 Committee of Council meeting, staff reported on possible alternative voting methods for the 2022 Municipal Election. Council approved the relaunch of the home voting service as an alternative voting method for electors who are homebound due to illness, injury or disability. By-law 266-2021 was passed in this regard.

Within the report to Committee, staff provided background information on another alternative voting method, mail-in voting. At the time of the meeting, staff did not recommend the implementation of mail-in voting. Staff indicated that the state of the COVID-19 pandemic would continue to be monitored and that the City Clerk would report back if he deems mail-in voting is necessary to conduct a safe election.

Current Situation:

Since staff last reported to Council, the province has seen a rise in the number of COVID-19 positive cases with the arrival of the Omicron variant. Although the number of positive cases seems to have settled and the province is on its way to reopening, the City Clerk, in consultation with Brampton's Emergency Management Office (BEMO), believes it would be prudent to implement an alternative voting method that is available to all electors in Brampton.

The Council approved home voting service is an alternative voting method that is only available to electors who are homebound due to illness, injury or disability.

In order to provide an alternative voting method to all electors within Brampton, staff is recommending passing a by-law to authorize the use of special mail-in voting as an alternative voting method.

It is believed that other large municipalities in Ontario, such as the Cities of Mississauga, Hamilton, Ottawa and Toronto, will also be implementing a special vote by mail program for the 2022 Municipal Election.

General Process

As stated in the November report to Committee, the general process for special 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, or some designated day(s) prior to Voting Day as established in by the Clerk, the ballots would be placed through the vote tabulator and counted, and adjudicated, if applicable, based on procedures established by the Clerk. Tabulation of results will not occur until after voting ends on Voting Day (i.e. after 8 pm).

Benefits of Mail-in Voting

The November 17, 2021 report included the following benefits and risks for a mail-in voting program:

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.

Additional benefits of a mail-in voting for the 2022 Municipal Election would include:

- Ability to offer another option to electors in the event that another COVID-19 variant causes the number of positive cases to increase and further public gathering limitations imposed.
- Providing an opportunity to electors to vote based on their comfort level – some electors may not feel comfortable going to a voting location and voting in person even if the province has fully reopened by Voting Day.
- Providing a safe voting experience for residents of retirement homes. Section 45 (7) of the MEA states that voting locations must be established in retirement homes where there are 50 beds or more on September 1 of an election year. As witnessed throughout the pandemic, residents of retirement homes are some of our most vulnerable electors. The City Clerk is obligated to facilitate voting for retirement home residents, and using a mail-in voting process would enable voting in a safe manner, both for electors and election staff.
- Providing consistency in voting options across different levels of government, as Elections Canada offered mail-in voting in the 2021 Federal Election, and Elections Ontario will be offering this method for the 2022 Provincial Election. With the provincial and municipal election being held months apart, electors may expect the same voting options to be available to them in a municipal election that were present at the provincial level.

- Providing an additional voting option for members of the community who will be celebrating Diwali, as Diwali falls on the same day as Voting Day this year. While staff will be promoting advance voting opportunities to those who are unable to attend a voting location on Voting Day, having another option would improve access and convenience to voting in Brampton.

Special Requirements for Mail-in Voting

In order to plan and implement a special mail-in voting program for the 2022 Municipal Election, the following additional resources would be required:

- Purchase of software module to manage vote by mail applications. This software option would be provided by the City's existing Voters' List Management Services (VLMS) provider.
- Two high-speed vote tabulators to process ballots at a faster rate than our existing model of vote tabulators that are used in voting locations – this hardware would be provided by the City's existing vendor for vote tabulation equipment.
- Additional Election staff – it is estimated that an additional five (5) Election staff would be required to coordinate and implement the program. Staff is anticipating the need for one (1) Election Coordinator for a period of 10 months, and four (4) Election Assistants for a period of four months.
- Additional requirements could include potential Communications materials to electors and establishing drop boxes for return mail.

Repealing the Home Voting Service By-law

Staff believes that the mail-in voting program can accommodate electors that would be served through the home voting service. Based on initial research and benchmarking, staff understands that the special mail-in voting program will require a significant amount of staff time and effort to plan and implement. As a result, staff are recommending repealing By-law 266-2021 which provides for a home voting service for the 2022 Municipal Election.

Budget Considerations

The election project is currently being funded through the Election Reserve #25 and an approved capital budget for paper ballot tabulation. If approved by Council, additional funds would be required in order to implement the project.

Over 10,000 electors voted by mail in the 2021 Federal Election. Using an estimate of 12,000 electors, staff has determined that the mail-in voting program would cost \$372,050 (including a 10% contingency).

Corporate Implications:

Financial Implications:

This report recommends a special mail-in program for the 2022 Municipal Election at an estimated cost of \$372,050, with funding to be provided from Reserve #25 – Municipal Elections. Additional costs may be incurred if program participation by electors is higher than City estimates.

There is sufficient funding in the reserve to proceed with this initiative.

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 a special mail-in voting program.

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 an additional alternative voting method to be considered for the 2022 Municipal Election to allow electors to cast their ballot in an efficient, safe and accessible manner.

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Attachments:

Appendix 1 – Draft by-law to authorize the use of a special mail-in voting program for the 2022 Municipal Election, and to repeal By-law 266-2021