



TO: GENERAL COMMITTEE

SUBJECT: ALTERNATIVE VOTING METHODS – INTERNET/TELEPHONE VOTING

WARD: ALL

PREPARED BY AND KEY CONTACT: W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES EXT. 4560

SUBMITTED BY: W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That By-law 95-171 to provide for the use of voting machines, voting recorders, optical scanning vote tabulators, or other voting devices for the purposes of voting or counting votes in a municipal election or by-election, be amended to also authorize the use of internet and telephone as alternative voting methods.
2. That the City Clerk be authorized to utilize a non-standard procurement process for securing election equipment and services, including an external auditor to perform a security audit if internet/telephone voting is used and to be funded from the Election Reserve.

PURPOSE & BACKGROUND

Purpose

3. The purpose of this Staff Report is to recommend the passage of a by-law to include internet/telephone voting as an available method of voting for future municipal elections and by-elections.

Background

4. City Council at its meeting of June 24, 2019 adopted the following motion:
 - “1. That staff in the Legislative and Court Services Department explore the feasibility of providing online voting in conjunction with in-person voting for future elections and by-elections and report back to General Committee in September, 2019.
 2. The staff in the Legislative and Court Services Department investigate the feasibility of using a ranked ballot system for the 2022 Election and report back to General Committee.”

This Staff Report only addresses internet/telephone voting alternative. Due to the complexity and legislative requirements of a ranked ballot system, this matter will be addressed in a separate staff report to be presented to General Committee at a future meeting.

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5. The overall administration of the election is the responsibility of the City Clerk. However the *Municipal Elections Act* provides that a municipality would need to pass a by-law in order to use alternative forms of voting for a municipal election or by-election. Alternate forms of voting include ballots that are not manually marked and counted.
 6. In 2018, as in previous elections, the City of Barrie provided a 'vote anywhere' model which allowed an elector the opportunity to vote anywhere in the City, not necessarily in their ward. At the voting location an online voters' list was used to mark an elector off the list once a ballot was issued to them. The voter then proceeded to move to the touchscreen station, insert their blank ballot, and touch the screen or utilize one of the accessible options (e.g. audio ballot, sip and puff, enlarged print) to make their selections regarding their preferred candidates. Once the elector finalized their selections, the ballot was printed and then was fed through a vote count tabulator.
 7. The *Municipal Elections Act* includes a number of provisions associated with accessibility. The City of Barrie has always taken a very progressive approach to ensure that elections are accessible to every elector. Since 1997, this included providing a consistent method of voting for all electors (i.e. touchscreen), attending apartment buildings, providing multiple in-person voting opportunities across the City, and recently the addition of the vote bus. Internet/telephone voting could be the next step in the evolution of conducting an election in Barrie.
 8. In order to continue to enhance the way that Barrie provides accessible, convenient, reliable and secure methods of voting, the next step is to migrate from the current in-person paperless voting system to an internet/telephone method. Staff are recommending the addition of internet/telephone based voting as an alternative method of voting for future elections and by-elections.

ANALYSIS

9. Typically internet voting is accompanied by telephone voting to ensure that electors without access to the internet are not disenfranchised. As such, in this report internet/telephone voting will be deemed to be considered a single method of voting.
10. Approximately 200 municipalities out of the 444 municipalities in Ontario used internet/telephone voting in 2018, with the number anticipated to grow for the 2022 municipal election. Staff investigated municipalities that have used internet voting in the past including Guelph, Ajax, Newmarket, Markham, Innisfil, and New Tecumseth. There was a varied approach to how internet/telephone voting was utilized in each of these municipalities. While a number of municipalities used a combination of internet voting for advance votes and a different form of in-person voting on final Voting Day, others utilized internet/telephone exclusively. Municipalities who solely provided internet/telephone as their voting method also provided in-person opportunities by setting up kiosks at voting locations for electors to use the internet voting platform to mark and cast their ballot.
11. In an internet based election, the elector is mailed a voter notice that includes a PIN number. During the voting period an elector would register to use the online voting system with the PIN number provided to them and answer a security question(s). The elector would then make their selections regarding their preferred candidates and cast their ballot. If an elector is not on the voters' list and needs to be added, administrative processes would be established to verify an elector's information (e.g. scan/photograph and send identification) and complete an online application to amend the voters' list.

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12. In telephone method voting, the elector is mailed a voter notice that includes a PIN number and a phone number to call. During the voting period an elector would register to use the telephone voting system by calling the number and would be prompted using verbal instructions to navigate through the ballot including entering their PIN code, answering a security question(s) and making their selections and casting their ballot. This method of voting is similar to using an audio ballot on the touchscreen equipment.
 13. Both of these methods of voting method reduce the number of spoiled ballots, as the system does not allow for over votes, or ballots to be spoiled unintentionally.
 14. To transition to total internet/telephone voting in the City of Barrie, staff are recommending the utilization of internet/telephone voting during the advance voting, as well as kiosks set up at various locations throughout the City for those who do not have internet access or require assistance. On the final voting day, the kiosks for in-person voting locations would be provided. The City Clerk would ensure that there are additional voter supports put into place (e.g. phone assistance and email response, communications) to further assist electors to transition to this new voting process.
 15. In the event of a by-election, there is limited time to coordinate the election event, and staff will opt to utilize a single method of voting. The overall administration of the election event, including the voting methods used is generally at the discretion of the City Clerk, as per the *Municipal Elections Act*.

Advantages and Disadvantages

16. Internet/telephone voting provides for a convenient, reliable and secure method of voting. Internet voting can be quicker for an elector than traditional voting, generally under three minutes. Internet/telephone voting also removes the need for a person to appoint a proxy (a person to cast a ballot on their behalf), as an elector has the opportunity to vote from anywhere, including if they are unable to leave their home due to a disability or medical reason, or while they are out of town either attending school or on vacation. Internet/telephone voting systems tend to generate results more quickly than a traditional paper-based method. This quick tabulation of results is similar to the touchscreen method used in 2018. It also presents a “green”, more environmentally friendly option for voting due to the reduced need for an elector to travel to and from a voting location, and the potential for a decrease in printed materials required for in-person voting.
17. Telephone voting provides an enhanced level of convenience. However, one of the most common concerns is that it takes a significant amount of time to complete the audio ballot. Voters could end up feeling disengaged and confused with this process. This audio ballot would be similar to what has been provided on the touchscreens during previous elections.
18. When internet/telephone voting is used, there has been a perception of security concerns and process vulnerabilities which are discussed further under “Security” in this Staff Report. Other items of concern include the availability of internet access in the community and the potential for additional resources to support initial use of this voting method.
19. Additional costs could be incurred if internet/telephone voting is used as a complementary method for advance voting only, as touchscreen equipment would also need to be procured to be used on final voting day. Some of these additional costs could be mitigated by reducing the number of in-person locations to only City-owned facilities and less election staff due to the reduction in voting locations. Internet/telephone voting is less costly when used as the only method of voting.

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20. Candidates in other municipalities have noted that remote voting options such as internet/telephone voting or vote by mail change the campaign dynamics, primarily due to the extended voting period. Traditionally, candidates went door knocking closer to the final Voting Day. Later door knocking is less successful when internet/telephone voting is used, as electors may have already voted. This may not be an issue in Barrie, as in past elections voting has typically started at least two to three weeks prior to the final Voting Day and electors have been able to vote anywhere and not just in their Ward.
 21. Generally, many of the municipalities who use internet/telephone voting have experienced a slight increase in overall voter turnout that may be attributed to internet voting. If using internet/telephone voting in conjunction with another method of voting on final Voting Day, municipalities have noticed a steady increase in those who have decided to vote online/telephone. This increase in overall voter turnout is not always sustained, however as the method of voting is only one of the many factors that can impact voter turnout.

Security

22. Section 49 (2) of the *Municipal Elections Act* provides that no person shall:
 - a) interfere or attempt to interfere with an elector who is marking their ballot;
 - b) obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted;
 - c) communicate any information obtained at a voting place about how an elector intends to vote or has voted.

Security and internal processes are put in place in any form of an election either internet or in-person to ensure that the integrity of the election process is upheld and the secrecy of the vote is maintained.
23. Internet voting has been used in Ontario since 2003. There has always been some concerns regarding the security of internet voting including voter fraud, security breaches, or other challenges or issues to controvert an election.
24. There have been instances of technical issues experienced. For example in 2018 a number of municipalities used the same internet voting provider and experienced issues on final Voting Day. These issues were not related to any internal processes of the municipalities or a result of any type of fraud or breach. These issues were caused by a limit placed on incoming voting traffic by the Internet Voting Provider's third party server that was roughly 1/10th of the system's designated bandwidth. As a result voting was not available for 90 minutes on final Voting Day. Municipalities that experienced this issue extended voting for an additional 24 hours to accommodate the inconvenience to the electors, and maintain the integrity of the process.
25. Concerns have also been expressed with respect to the security of internet voting such as fraudulent activity. Staff would work with the Internet Voting Provider to develop both technical and process related security measures, procedures and processes designed to support system administration and control user access to address potential risks. Technical protective measures such as firewalling, user authentication techniques, failover connectivity and server redundancy, all decrease the likelihood and effectiveness of these threats. Proper testing and auditing throughout the various implementation phases of the voting process will add another layer to ensure protection of the voting system from external threats. Internet voting platforms utilize the same stringent access methodologies and encryption principles which protect internet banking sites. As of the 2018 Municipal Election, there are no known controverted elections resulting from the use of an internet voting channel.

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26. Questions have also arisen with respect to whether online voting is the best model to protect voter privacy. This refers to concerns regarding the ability for one family member to exercise illegitimate and unlawful authority over another by compelling them to mark their ballot in a certain way. Processes and guidelines would be established to mitigate these concerns that would reference principles and penalties provided for in the *Municipal Elections Act*. No matter what form of voting method that is used there is always the question of voter fraud, but the *Municipal Elections Act* provides for the upholding of the integrity of the voting process is with the elector themselves.
 27. Ensuring that security and risk concerns are addressed is a high priority to ensure that the integrity and privacy of the voting process is maintained. Any potential concerns associated with internet voting will be mitigated by having an auditor monitor the process. The City Clerk would work with staff in the Information Technology (IT) and Internal Audit Departments to determine the scope of the responsibility of the auditor, including conducting security audits and observing the opening and closing of the election. The majority of comparable sized municipalities tend to retain an external auditor if they provide internet/telephone voting as it provides for an extra level of security, transparency and accountability to the voting process.
 28. It is important to emphasize that any election model has inherent risk, whether paper based, touchscreen or internet/telephone. It is up to the City Clerk to implement processes to mitigate these risks to the greatest extent possible.

Vendor

29. There are a number of internet voting providers that provide an out of the box solution. These systems would be hosted separate from the City of Barrie network. IT resources are still required for items such as input on procurement documentation, to ensure that there is interface with internet voting platform, addressing security issues and the City's webpage and set up at any voting location.
30. In the event of future by-elections, staff may need to undertake a non-standard procurement for any election equipment or service provider, including an external auditor due to compressed timelines to conduct a by-election event. Generally in a by-election, there are approximately 60-90 days from the opening of nominations to final Voting Day.

Staffing Requirements

31. In past municipal elections, approximately 150-200 election officials (City and external) were hired to work for the two to three week voting period at approximately 100 different voting opportunities. External staff hired to work are subject to an in-person interview process which takes approximately three weeks to complete. Election staff are provided with hands-on training that runs three to six hours daily for at least three weeks prior to the election to accommodate all of the election staff. By-elections are primarily staffed through existing resources in the Legislative and Court Services Department.
32. Even with the provision of locations with kiosks for electors to use the internet voting platform, the staff required to work at the voting locations would be less. Staff will be required to provide assistance over the phone, email or in-person if an elector was experiencing challenges with a lost PIN or using the internet voting system.

Media/Communications

33. The City Clerk would work with Access Barrie on a comprehensive communications plan in order to promote and inform the public on internet voting when it's introduced.

ENVIRONMENTAL MATTERS

34. There are no environmental matters related to the recommendation.

ALTERNATIVES

35. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could maintain the status quo with respect to the authorized touchscreen voting equipment and not introduce internet/telephone voting as a method of voting.

This alternative is available but not recommended, as internet/telephone voting provides for a convenient, reliable and secure method of voting. It will allow for the continued modernization of the way that elections are conducted in Barrie.

Alternative #2

General Committee could recommend internet/ telephone voting in combination with a touchscreen option.

This alternative is available but staff believe that by providing internet/telephone voting and in-person kiosks, an additional method of voting such as the touchscreens is not required.

FINANCIAL

36. The cost to conduct an election would be approximately \$400,000-\$500,000 for a regular election. This is in line with the cost of the 2018 Municipal Election. Annual contributions are made to the Election Reserve in non-election years, to avoid these costs being incurred in a single year. Funding is then made available through the Election Reserve to conduct a municipal election or by-election.

LINKAGE TO 2018-2022 STRATEGIC PLAN

37. The recommendations included in this Staff Report support the following goal identified in the 2018-2022 Strategic Plan:
- Offering Innovation and Citizen Driven Services
38. Internet voting is an innovative and accessible approach to ensure optimum access to an elector to vote during an election.