



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna & Janean Currie
Position: Clerk/Deputy CAO & Deputy Clerk
Title / Subject: Post-Election 2022
Date of Report: December 13, 2022
Date of Meeting: January 9, 2023
Report No: 2023-GG-001

1.0 Issue / Origin

To give an overview of the 2022 Municipal Election in the Township of Brock, as well as to provide recommendations for continued improvement and plans for future elections.

2.0 Background

The *Municipal Elections Act, S.O. 1996*, as amended, grants authority to the Municipal Clerk, as Returning Officer, to establish procedures and forms for voting within their municipality (Section 42(3)(a)). The Act further grants the Clerk authority to provide for any matter or procedure that is not otherwise provided for in the Act, and in the Clerk's opinion, is necessary or desirable for conducting the election (Section 12 (1)).

The Clerk/Deputy CAO administered the election in accordance with the requirements of the Municipal Elections Act, 1996 ("MEA") and relevant Township by-laws. The principles of the MEA guide the work of the Clerks' Office when conducting an election. These principles state that:

- The secrecy and confidentiality of the voting process is paramount
- The election shall be fair and non-biased
- The election shall be accessible to the voters
- The integrity of the voting process shall be maintained throughout the election
- There is to be certainty that the results of the election reflect the votes cast
- Voters and candidates shall be treated fairly and consistently
- The proper majority vote governs by ensuring that valid votes be counted, and invalid votes be rejected so far as reasonably possible

On October 25, 2021 Council enacted By-law Number 3079-2021, being a by-law to authorize the Clerk to conduct the municipal elections using a Vote-by-Mail (VBM) ballot process and to authorize the use of automated vote tabulators.

Conducting an election is a complex administrative process requiring both internal and public facing work. Following strict legislative parameters as outlined by the *Municipal Elections Act, S.O. 1996* and accessibility requirements, key electoral functions organized by the Clerks' Office included:

- Registering and certifying nomination papers.
- Engaging, informing and educating voters.
- Training of staff for specific roles within the elections process.
- Identifying, inspecting and securing accessible Voting Assistance Centres.
- Tracking and accounting for all ballots, including returned mail, re-issuance of VBM kits, and returned VBM kits.
- Testing and maintenance of all technology and systems to be used.
- Performing logic and accuracy testing on all voting equipment.
- Procuring, storing and disseminating tons of election materials.
- Correcting the Preliminary List of Electors and distributing the voters' list.
- Producing accurate and timely results.

3.0 Analysis

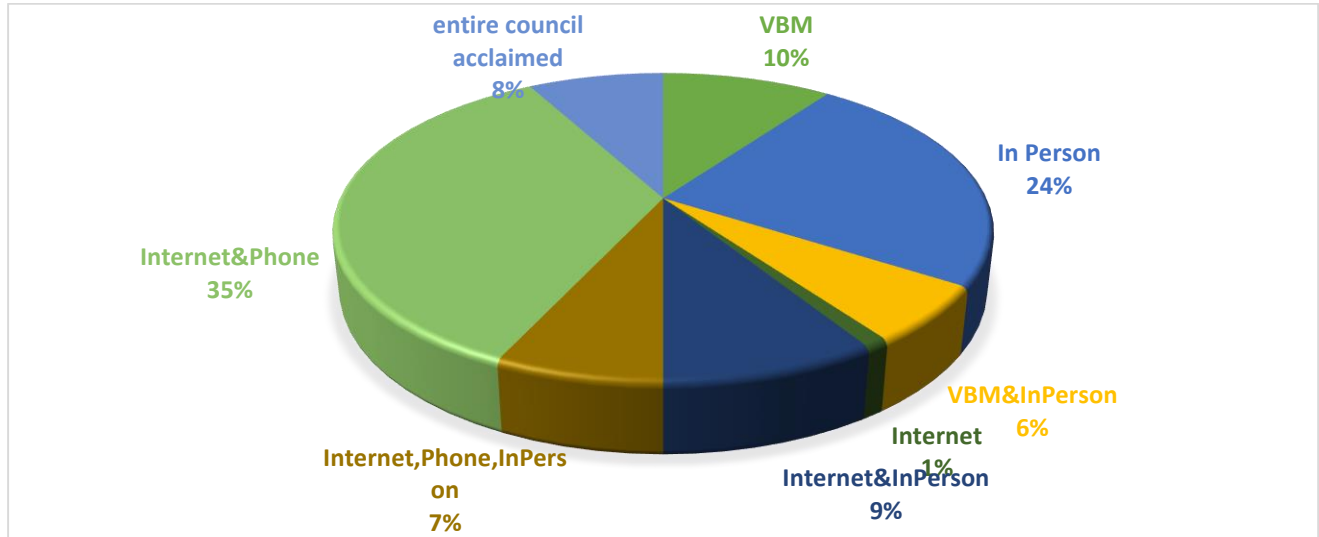
Vote-by-Mail

Vote-by-Mail (VBM) has been used in The Township of Brock since 2006. VBM is an alternative voting method where a voter kit is mailed to each eligible elector on the voters list in the Township of Brock. Voters have the option to return the completed mail kits via mail, or they can be hand delivered to the three Voting Assistance Centres (VAC) that were provided.

In Durham Region, The Township of Brock and the Township of Uxbridge both used VBM along with approximately 16% (total 71) other Ontario Municipalities (this includes a combination of VBM and other methods available).

217 or 49% of Ontario Municipalities used internet voting in combination with other voting methods. 146 or 35% of Ontario Municipalities used a combination of Internet and Telephone voting methods.

2022 Municipal Election – Voting Methods in Ontario



Public Engagement

A strict advertising schedule was followed for the 2022 Municipal Election Deadlines such as applications for Compliance Audit Committee, Notice of Nominations, Candidate information Sessions and Voters' List/Notice of Vote deadlines.

To promote awareness and inform electors about the 2022 election, all available media platforms were utilized in the Municipal Elections advertising campaign. Using consistent messaging and clear "how to" education pieces, advertising was placed in the following manner:

- The Brock Citizen (paper circulation, bi-weekly)
- The Townships monthly eNewsletter
- The Township Website (multiple news posts, full banner on home page, dedicated Elections Web Page)
- Social Media (Facebook, Instagram, Twitter, LinkedIn)
- Digital Signs

These tools were used to promote VACs and Public Outreach initiatives.

Training

An Appointment and Oath of Election Official was signed by each member of staff participating in the elections at both the VACs as well as in the Counting room on Voting day. Comprehensive training was provided to all Municipal Election Deputy Returning Officers (DRO's) and Assistant Returning Officers (ARO's).

Training included slideshows, handouts and dry runs of the process ensuring all DRO's and ARO's had a clear understanding of all aspects of the voting, VBM kit distribution, ballot collection, and ballot counting process with hands on experience.

Voters' List

It has been the responsibility of MPAC to provide municipalities with a preliminary list of electors prior to each Election. Although MPAC launched a new enumeration tool in 2014 (voterlookup.ca) and continued in 2018, and in 2022, accuracy of the voters list continues to be a challenge. Upon receipt of the preliminary list of electors, it is typical for municipalities to spend hours "cleaning-up" the data received by removing duplicates, fixing addressing issues, editing partial data, etc. Returned mail (i.e. moved, not at this address, deceased) and the issuance of replacement Vote by Mail kits (VBM) have a direct correlation to the quality of the voters list.

Beginning January 1, 2024, the Chief Electoral Officer and Elections Ontario will be responsible for managing a single registry of electors for both provincial and municipal elections.

Voting Assistance Centres

Our Voting Assistance Centres were located at The Municipal Administration Building, The Beaverton Library, and the Sunderland library. These locations all offered various hours outside of typical workday hours, (the MAB offered extended hours on three occasions), in fully accessible locations.

Clerk Staff/DROs attended both the Beaverton Fall Fair and the Sunderland Fall Fair to provide additional opportunity for electors to ensure they were on the Voters' List.

The VACs offered the opportunity for electors to receive guidance, be added to the Voters' List, apply for a replacement VBM kit, or drop off their completed kit in person.

In addition, Clerk staff, DROs, attended the two Long Term Care Homes in person on various occasions to provide assistance ensuring residents were on the Voters' List and collecting completed VBM kits.

Voting Equipment & Results

The Township of Brock contracts Datafix to supply ongoing voters list data as well as ballots and VBM Kits. The Township also contracts Dominion Voting to help proof and create the VBM kits as well as provide vote counting equipment (two tabulators and two laptops), and staff training for the 2022 Municipal Election.

On Election Day, a Vote Tabulating Unit which reads and records how ballots are marked, stores the information, and produces election results after the close of the voting place was used. The system has been proven to be precise, easy to use and capable of generating the final election results quickly.

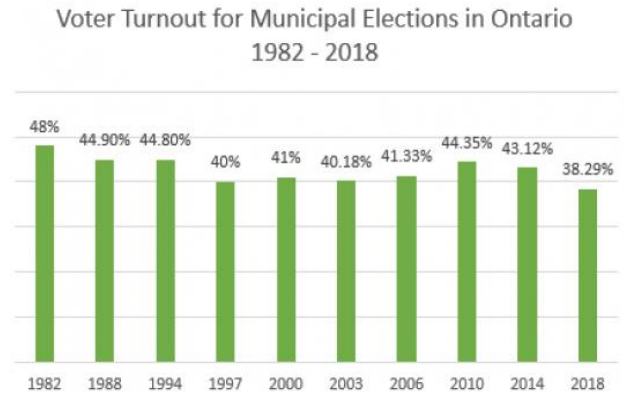
Staff training by Dominion was extensive, including in person training, detailed manuals, as well as a point of contact available for questions through out the Election period. There was also an on-site aide on Election Day.

In addition to hands on practice with the tabulators pre-Election day, controlled logic and accuracy testing was performed on both tabulators to ensure tabulators would accurately count the votes for all candidates marked with a valid mark in the designated area. Two laptops were used in conjunction with the tabulators and were not connected to any networking system. Results were saved to locked USB Sticks (one per system), then

securely transferred to record the results and provided to the public on a dedicated Elections Results web page.

Voter Turnout

While the Township of Brock is on the higher end of turnout percentage, higher than the province average, Voter Turnout numbers have gone down since 1982, indicating the method of voting offered by each municipality is not necessarily what affects voter numbers. While internet, phone and VBM appear to provide greater ease of access to the process, the introduction of these options has shown no obvious increase in voter turnout. Instead, factors such as high-profile issues, demographics, human interest, acclamations and general voter apathy/ loss of interest in local politics seem to be the main drivers.



Voter Turnout and Voting Method for Durham Region Municipalities:

<i>Municipality</i>	<i>Voting Method</i>	<i>Turnout</i>
Ontario	N/A	36.3%
Durham Region	N/A	21.68%
Township of Brock	Vote-By-Mail (VBM)	38.61%
Township of Scugog	Internet & in person	18.34%
Township of Uxbridge	Vote-By-Mail (VBM)	39.61%
Municipality of Clarington	Internet & Phone	28.05%
Town of Ajax	Internet & Phone	22.48%
City of Oshawa	In person & VBM	18.42%
City of Pickering	In person, Internet	27.34%
Town of Whitby	In person & VBM	23.26%

4.0 Accessibility

Section 12.1 (3) of the Municipal Election Act, S.O. 1996, as amended, requires the Clerk to prepare a report regarding the identification, removal, and prevention of barriers that affect electors and candidates with disabilities. The report must be made available to the public within 90 days after voting day in a regular election.

Overview

The Township of Brock conducted the Municipal Election in an accessible manner, offering Vote by Mail to make the election accessible to all. The following summarizes the identification of potential barriers, removal and prevention of barriers, and training undertaken by staff in preparation of the election.

Potential Barriers

Many of the Township facilities as well as private facilities do not meet the accessibility requirements of the A.O.D.A. This is particularly relevant given the requirements of the Municipal Elections Act that all polling stations be made accessible to voters.

Further, the geographic area of the Township is quite large making it difficult to have polling stations that are within a short distance to residents in Brock.

Removal/Prevention of Barriers

Given that many facilities in the Township do not meet the requirements of the A.O.D.A., alternative election methods were considered to make the election more accessible. Alternative election methods such as Vote by Mail allow voters to exercise their right without having to attend a polling station making it more accessible not only to persons with disabilities but all eligible electors.

Voting Assistance Centres (VAC) were established at the Municipal Administration Building, The Beaverton Library, and the Sunderland Library, all accessible facilities, to allow those voters' who wish to return their ballot in the customary way, the opportunity to do so.

Communications for all Township initiatives, inclusive of the election, were developed in accordance with the Township of Brock Alternate Formats Policy and are provided in alternate formats upon request (i.e. large print, web-based compliance, etc.)

All relevant election information was featured on the Township Website on a dedicated Elections page six (6) months prior to the election. In addition, the website is fully accessible and meets the WCAG 2.0 Level AA requirements of the A.O.D.A.

As per the requirements of the I.A.S.R., the Township of Brock has a process in place for receiving feedback with respect to customer service. The process and feedback form are posted on the website under the election section to ensure residents can provide feedback on the election accessibility features.

Voting Assistance

Support Persons for in-person Voting Assistance Centres

- Persons with disabilities are permitted to be accompanied by a support person inside the Voting Assistance Centres. The support person may mark the ballot for the said person or read the ballot aloud once the support person has taken a prescribed oath. In addition, the Clerk or designated Election Officials will assist a voter in completing their ballot if requested. In this instance, prior to entering the designated area, the person with a disability and the Clerk or Designated Election Official will determine the extent to which assistance was needed, which could include marking the ballot as directed by the elector.
- Clerk staff, DROs, attended the two Long Term Care Homes in person on various occasions to provide assistance ensuring residents were on the Voters' List and collecting completed VBM kits.

Service Animals

- Electors requiring service animals are permitted to have them present while in the polling station and are permitted to accompany the elector in all areas where public access is allowed.

Assistive Devices

- Magnifying sheets, pads of papers, and pens were made available to assist any elector, if required. Persons with disabilities who have their own assistive devices, will be permitted to use same in the polling station.

Alternative Formats

- Election information was made available through a wide range of channels in a diverse format, including information made available in large print (upon request).

Training

- All Election Officials were required to complete the Township of Brock Accessibility Training which covers the requirements of the A.O.D.A. with respect to the I.A.S.R., Customer Service, and the Ontario Human Rights Code.

5.0 Municipal Election Records

Destruction of Records

After 120 days from declaring the results of the election the Clerk shall destroy the ballots in the presence of two witnesses. The Clerk may also destroy any other documents and materials related to the election except those listed below under the Retention of Records section of the manual.

- The witnesses shall complete the “Witness Statements as to Destruction of Ballots” [Form ERIN-30].

Retention of Records

The ballots and any other documents or materials shall not be destroyed if:

- A court orders that they be retained; or
- A recount has been commenced and not finally disposed of.

In addition, documents filed under Sections 88.25 (candidates' financial statements, etc.), 88.29 (financial statements, etc. of registered third parties) and 88.32 (return of surplus for subsequent expenses) until the members of the council or local board elected at the next regular election have taken office.

6.0 Related Policies / Procedures

Accessible Customer Service Policy

Accountability and Transparency Policy

Municipal Elections Act, S.O. 1996

7.0 Financial / Budget Assessment

Costs for the 2022 Election include but are not limited to, equipment rental, ballot production, supplies, and staffing. Cost of Elections came over budget by \$3,090.

Election Budget = \$70,000

Actual = \$73,090

8.0 Climate Change Impacts

Not Applicable.

9.0 Communications

A strict schedule of notices of deadlines was closely followed and posted in The Brock Citizen, the Townships eNewsletter, and on the Townships Website in the form of News posts.

All township media platforms were used to educate, engage and inform the public of important dates and how to participate in the 2022 Municipal Election.

10.0 Conclusion

In accordance with the requirements of the Municipal Elections Act, 1996 (“MEA”) and relevant Township by-laws, a successful 2022 Election was held using the Vote-By-Mail method. How votes are cast continues to move to technology-based methods across Ontario.

Close to half of municipalities across Ontario are transitioning their Municipal Elections to electronic voting by Internet and Telephone. The benefits of this method include emergency preparedness, efficiency, accessibility, accuracy, automatic tabulation, and convenience to the electors. Consideration of electronic voting for Municipal Elections 2026 is recommended.

11.0 Recommendation

BE IT RESOLVED THAT General Government Report 2023-GG-001, entitled “Post-Election Report 2022”, be received.