

Background

At the February 12, 2019 meeting of City Council, an information report was presented regarding the 2018 Municipal and School Board Election (see attached). Council deferred the report to the April 9, 2019 City Council Meeting and directed staff to return with an additional report outlining options for method of vote, and communication strategies for the 2022 Municipal and School Board Election. This report provides the information requested by Council and also provides information regarding ranked balloting in response to direction from Council in September of 2016.

The *Municipal Elections Act, 1996* (the Act) governs the conduct of all Municipal and School Board Elections held within the province of Ontario. Pursuant to the Act, municipalities have until May 1 of the year before an election (i.e. before May 1, 2021) to pass a by-law authorizing the use of voting and vote-counting equipment, alternative voting methods and the implementation of ranked balloting.

Method of Vote

2018 Municipal and School Board Election Method of Vote

In September of 2016, a report was presented to Council by the previous City Clerk recommending the use of a combined voting solution. The option approved at that time would have seen the use of electronic voting running during the advance voting period up until the opening of voting locations on Election Day, in combination with paper ballot/tabulator count voting at Election Day Locations.

Following Council's approval of this option a public RFP for a combined voting solution was issued. The RFP closed on March 28, 2017 and two submissions were received: one Internet voting solution and one combined solution for both electronic voting and paper ballot/tabulator count voting. The proposals were reviewed by Clerks Services and Information Technology staff and scored by the evaluation committee. Neither of the submissions met the requirements of the RFP.

In May of 2017, a report was provided to City Council requesting approval of a staff recommendation for the use of an online voting platform as the exclusive method of vote for the 2018 Municipal and School Board Election.

The report outlined staff concerns regarding the receipt and evaluation of responses to the initial Request for Proposal (RFP) for a combined voting method (paper ballot/internet). Concerns included: the cost of the equipment required to run the paper ballot portion of the election, omission of important information, compliance with legislation and vendor experience.

As a result of the information provided in the report, Council approved the use of electronic voting as the sole method of vote for the 2018 Municipal and School Board Election.

The voting period commenced on October 15, 2018 and continued until the end of voting on October 22, 2018. This was extended by the Clerk until 8pm on October 23, 2018 as a result of province-wide issues with the electronic voting platform. During this period, electors could cast their electronic ballot from anywhere using a computer or mobile device. Electors also had the option of casting their electronic ballot at one of the City's voting locations.

Due to the vote anywhere model adopted by the Clerk, voters were able to vote at any electronic voting location, regardless of the Ward they reside in. Free transit was available on Election Day for anyone wishing to attend an Electronic Voting Location.

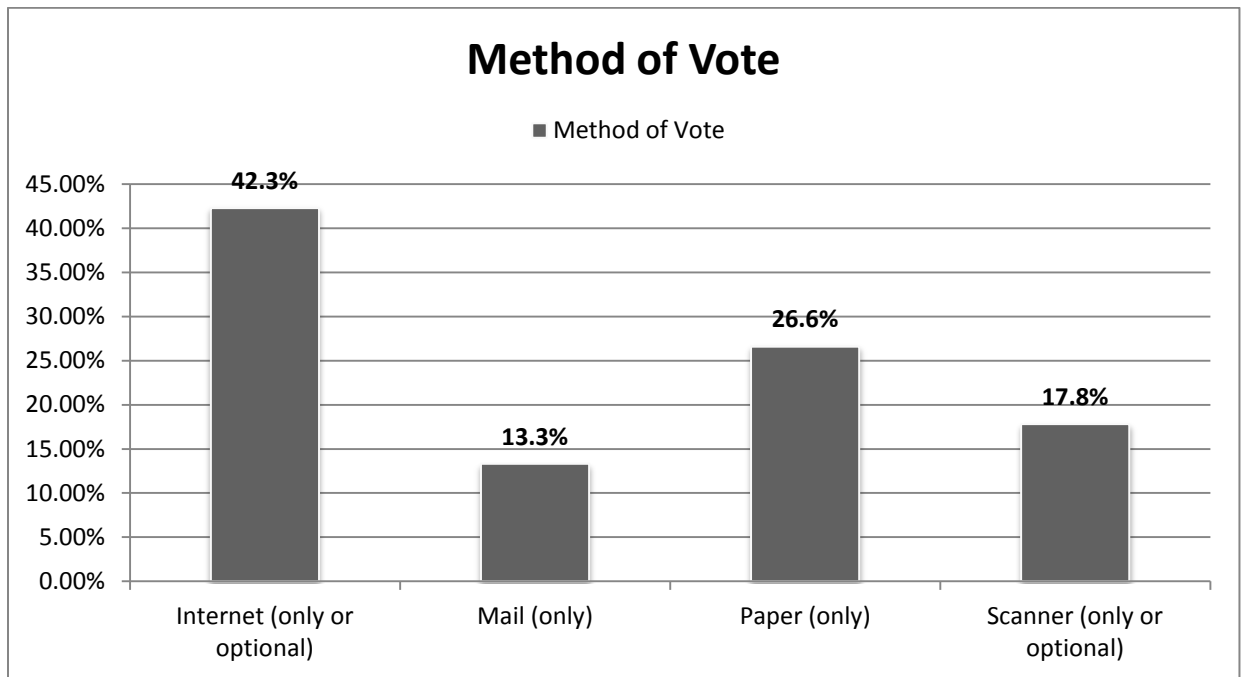
The breakdown of total ballots cast by location is as follows:

Ballots Cast by Location		
<u>Voting Location</u>	<u>Total Number of Ballots</u>	<u>Voter Turnout (%)</u>
Online (No Location)	42,602	81.79%
Voter Help Center	2,588	4.97%
Election Bus	133	0.25%
Long-Term Care/Nursing Home	714	1.37%
Election Day Electronic Voting Location	6,050	11.62%

As indicated by the number of ballots cast online with no attendance at a physical electronic voting location, online voting was well utilized and accepted by the majority of City of Greater Sudbury voters.

While the majority of voters were able to cast their ballot without assistance, some required support and as such attended an election period voting location. All election period voting locations were staffed with election officials comprised of City of Greater Sudbury employees to provide assistance and support to any voter who required it. Despite assistance and support offered, some voters remained steadfast in their dislike of the online voting platform and wished to see a return to the traditional paper ballot method. However, it should be noted that a number of those who attended an election period voting location who were initially opposed to the idea of voting online left satisfied with the method and of the opinion that the system was actually quite easy to use.

Post election data gathered by the Association of Municipalities of Ontario demonstrates that municipalities are continuing the move towards the use of technology based methods of vote. In the 2018 Municipal and School Board Elections 178 municipalities used an electronic method of vote, which is 84 more than the previous election. The chart below illustrates the predominant methods used.



Method of Vote Options for Council's Consideration

In looking forward to method of vote for the 2022 Municipal and School Board Election, staff performed a review of previously used voting methods, which are itemized below for Council's consideration.

Option 1

The use of electronic voting throughout the entire voting period combined with paper ballots with electronic vote tabulators on Election Day.

Advantages:

- Familiarity with both methods by the electorate.
- Electronic voting provides greater accessibility for persons with disabilities particularly those who use adaptive and assistive technologies.
- Electronic voting allows for increased participation for voters who are away from the municipality during the voting period.
- Electronic voting offers voters the opportunity to cast their ballot when it is most convenient for them regardless of weather conditions, time restrictions, work schedules, etc.
- Availability of traditional paper ballot for those uncomfortable with electronic voting.
- Dual methods provide redundancy.

Disadvantages:

- Increased complexity and costs of using multiple voting methods. This option would cost approximately \$600,000 more than the 2018 election.
- Increased potential for voters to incorrectly mark their paper ballots.
- Reduced flexibility for voters using paper ballots with electronic vote tabulators, since they would need to attend a polling station to vote.
- Greater complexity and logistical requirements both before, during and after Election Day as a result of increased physical requirements for equipment storage and deployment, testing/setup/training requirements for technical staff
- Increased demand for election day staffing, which has traditionally been difficult to acquire

Option 2

The use of paper ballots with vote tabulators as the only method of vote.

Advantages:

- Familiarity of electorate with paper ballots.
- Less complexity compared to electronic voting.

Disadvantages:

- Higher costs. This option would cost approximately \$500,000 more than the 2018 election.
- Increased voting location staffing requirements, resources and time required to train them.
- Increased potential for voters to incorrectly mark their paper ballot.
- Higher volume of voting equipment and warehousing required.
- Less convenient for voters.
- Low degree of accessibility for persons with disabilities particularly those with mobility issues or those that require the use of adaptive or assistive technologies.
- Voters not in the municipality during the voting period will not be able to exercise their right to vote.
- Runs counter to municipal voting trends towards increased use of technology.

Option 3

The use of electronic voting as the only method of vote.

Advantages:

- Lowest cost.
- Most accessible method of vote for persons with disabilities particularly those who use adaptive and assistive technologies.
- Increased participation in the democratic process for voters who are away from the municipality during the voting period.
- Electronic voting offers voters the opportunity to cast their ballot when it is most convenient for them regardless of weather conditions, time restrictions, work schedules, etc.
- Lower election staff and training requirements.

Disadvantages:

- Although it is reasonable to anticipate there will be less discomfort as time progresses and the evolution of technology continues, there are voters who express discomfort because they are unfamiliar with technology, or simply prefer the tradition of casting their ballot in a traditional paper ballot method.
- While there is always the potential for process interruptions or breakdowns in any system, experience shows the impact of a disruption to the electronic voting platform can be relatively more significant.
- Less accessible for persons that do not have computers or mobile devices.

Method of Vote Recommendation

A citizen's right to vote is a hallmark to any democratic society. In determining the voting method it is important to ensure that the method chosen benefits the greatest number of voters and not just the few. Municipalities are increasingly looking to technology to improve election processes. The City has had positive experiences in past elections with both electronic voting and paper ballots with tabulators. The issues with the electronic voting platform on the evening of October 22, 2018 marred an otherwise mostly positive experience. A significant proportion of electors enjoyed the convenience and accessibility the method provides.

Staff recognize that a segment of the electorate prefers the traditional method of attending voting locations and using paper ballots. In 2014, the City successfully used the combined methods of electronic voting and paper ballots with tabulators.

Based on the above information and the experiences and feedback of voters and staff during the 2018 Municipal and School Board Election, staff recommend that Council approve Option 1, being the use of electronic voting throughout the entire voting period combined with paper ballots with electronic vote tabulators on Election Day.

Ranked Ballots

Background

In 2016 the Ontario government passed the Municipal Elections Modernization Act, 2016 which enacted numerous changes to the Act. One of the more significant changes involves the ability for municipalities to use ranked ballots to conduct their elections.

In September of 2016, Council directed staff to monitor the initial implementation of ranked ballot voting in other jurisdictions during the 2018 Municipal and School Board Election and bring a report to Council in the first half of the next term of office regarding ranked ballot voting for the 2022 Municipal and School Board Election.

As the City of London was the only municipality to implement ranked balloting in the 2018 Municipal and School Board Election, much of the information in this report is based on their experience.

It is important to note that ranked ballot elections may only be conducted for City Council races. The election of School Board Trustees would continue to be conducted using the first past the post system as School Board Districts typically cross municipal boundaries and in some cases may include portions of adjacent municipalities and unorganized townships.

What is Ranked Balloting?

Voters rank the candidates in order of preference – 1st choice, 2nd choice, 3rd choice etc. – instead of voting for just one candidate. First choice votes are counted for all of the candidates. If a candidate receives at least 50% plus 1 votes (50% +1), they are elected. If no candidate receives the required majority of votes, the candidate with the lowest number of votes is eliminated. The ballots that had the eliminated candidate as their first choice are then redistributed according to the next choice marked on each of those ballots. This process continues until one candidate has enough votes to be declared the winner.

If an elector gives the same candidate more than one ranking, only the highest will be considered and if an elector skips a ranking, the next highest ranking will be counted.

Example

The following information illustrates how a ranked ballot election would be conducted. Using a basic example of 1,000 voters with one candidate to be elected, the successful candidate would need 501 votes to win.

1st Ballot Count

Candidate	1	2	3	4	5
First-choice votes	75	120	405	125	275

Based on the first choice votes, none of the candidates received enough votes (501) to be elected. Therefore, Candidate 1 with the fewest number of first choice votes is eliminated and

their 75 votes are redistributed to the four remaining candidates based on the next choice candidate on each ballot.

2nd Ballot Count

Candidate	1	2	3	4	5
First-choice votes	75	120	405	125	275
Second-choice votes		25	30	5	15
Second count		145	435	130	290

Following redistribution of the Candidate 1 ballots based on the next choice on each of Candidate 1's ballots, none of the remaining candidates received enough votes (501) to be elected. Therefore, Candidate 4, with the fewest number of second count votes, is eliminated and their 130 second count votes are redistributed to the three remaining candidates based on the next choice on each of Candidate 4's ballots.

3rd Ballot Count

Candidate	1	2	3	4	5
First-choice votes	75	120	405	125	275
Second-choice votes		25	30	5	15
Second count		145	435	130	290
Third-choice votes		15	75		40
Third count		160	510		330

Following redistribution of the Candidate 4 ballots based on the next choice on each of the ballots, Candidate 3 is elected with 510 votes.

Requirements for Implementation of Ranked Balloting

Regulation 310/16, in addition to outlining the process for conducting a ranked ballot election, outlines a number of public education and consultation requirements that must be met prior to adopting a ranked ballot method of vote. As per the Regulation, the following information must be provided to describe:

- How the election will be conducted;
- How votes will be distributed to candidates based on rankings;
- The estimated cost of conducting the election;
- Any voting and vote counting equipment being considered; and,
- Any alternative voting method being considered.

Before passing the by-law to adopt ranked balloting, at least one (1) open house and one (1) public meeting must be held for the purpose of giving the public an opportunity to review and ask questions about the prescribed information and proposed by-law.

In addition, at least thirty (30) days before the open house and at least thirty (30) days before the public meeting are to be held, notice must be provided in a newspaper having general circulation in the municipality and to every person or organization that has requested such notice. The public meeting must be held at least fifteen (15) days after the open house.

Regulation 310/16 further identifies the following considerations that must be addressed by Council before deciding to pass a ranked ballot by-law:

- The cost to the municipality of conducting the election;
- The availability of technology such as vote and vote counting equipment and software, for conducting the election;
- The impact the proposed by-law would have on election administration.

Cost to the Municipality

The City of London saw their election costs nearly double by using the ranked ballot method. It is reasonable to anticipate Greater Sudbury's, or any municipality's, election costs would increase when introducing ranked balloting.

Ranked balloting is a new concept that may be confusing to experienced and new voters alike. As such, extensive resources would need to be dedicated to support public engagement and education initiatives to ensure that voters are aware of the changes and comfortable with voting in a ranked ballot election. Additional communication resources would also be needed prior to the passage of the ranked balloting by-law to support the required open house, notices and public meeting that must be held to give the public the opportunity to review and ask questions about the proposed by-law.

Additionally, the City of Greater Sudbury currently has 60 different composite ballot types, all of which would need to be redesigned to accommodate a ranked ballot election. It is likely that

separate ballots would need to be issued to each elector, one for the Mayor and Council races and the other for School Board Trustees.

Costs related to voting equipment and vendor support would also rise substantially. Vendors have indicated that prices would rise an estimated 25% - 35% for ranked ballot versions of voting equipment products and systems including internet voting platforms as was experienced by the City of London.

In addition to the rise in equipment and communications costs, the City of London also saw project management costs (onsite support and testing) increase from \$11,200 in 2014 to \$102,010 in 2018.

Voting Technology

Set-up, testing and use of voting and vote counting equipment would be significantly more complex in a ranked ballot election. There are unique requirements to accommodate both ranked balloting for Mayor and Council and first past the post balloting for School Board Trustees and the reporting of election results. The tabulators must be able to read, tabulate and calculate multiple rounds of ballot counting while ensuring that votes are redistributed appropriately.

Given that municipalities were only permitted by legislation to use ranked ballots in the most recent municipal election and the only municipality that chose to proceed with ranked ballots was the City of London, it is reasonable to expect that voting equipment vendors have not dedicated resources towards this method. Equipment vendors have very little experience supplying systems that support ranked balloting and are hesitant to bid on RFPs that specify it as part of the requirements. The City of London confirmed that they received no responses to their procurement prior to the 2018 election and had to subsequently reach out to vendors on a single source basis in order to obtain a service provider.

Impact on Election Administration

Ranked ballots could only be used for the Mayor and Councillor races and not for School Board Trustees. This would therefore require the municipality to conduct two types of elections.

Additional staffing and training resources would be required to ensure that all staff in the election office and working in voting locations fully understand the ranked ballot vote casting and counting process so they are able to assist voters as needed.

The added complexity of the counting process with ranked ballots would require additional time for the release of election results. The City of London required nearly 17 hours after the close of voting to generate the results.

Conclusion

For the reasons above, staff do not recommend the implementation of ranked ballots in the City of Greater Sudbury at this time. Ranked balloting could be considered for future election cycles once it becomes more established throughout Canada. That may lead to a decrease in costs to conduct such an election once election vendors perceive a sizable market and become interested in providing services in this type of election.

Communication and Voter Engagement

2018 Communication Strategies and Outcomes

As this was the first time the City of Greater Sudbury conducted a fully electronic election, it was important to ensure that residents were aware that voting for the election was going to be conducted electronically, even at in-person voting locations. Another key focus was raising the awareness of voters regarding the importance of ensuring that they were on the voters' list and their information on the list was correct and up to date.

Building upon the successful communication strategies used in the 2014 election, an Election Communications Plan was developed by the Communications and Community Engagement Division for the 2018 Election. This plan contained various strategies for disseminating election information, and dedicated a greater portion of the election budget to communication efforts.

A greater focus was put on communicating where, when and how to vote electronically as well as how to add or update information on the voters' list. This messaging was communicated to voters, candidates and the media across a wide range of channels in both official languages:

- Election website (www.greatersudbury.ca/elections),
- Newspapers,
- Radio,
- Social media (Facebook, Twitter),
- Billboards,
- Election bus wrap,
- Silver City advertisements,
- Posters located at all City Library and Citizen Service Centres and Nursing and Long-Term Care Homes,
- Voter Information Pamphlets sent to all homes,
- Voter Information Letters /Voting Information sent to all eligible electors,
- Outreach and information sessions,
- Public Service Announcements (PSAs),
- Candidate's Portal,
- Email communications with candidates,
- 3-1-1 assistance and messaging.

During the lead up to the voting period, a greater focus was also placed on the outreach aspect of the communication plan with information and outreach sessions being held for various groups prior to voting day and during the revisions period. Community Action Network meetings, and Nursing and Long-Term Care homes were among some of the groups attended by Election Officials. Election outreach and registration days were also held at the City's university and colleges, various community events and a Sudbury Wolves' hockey game.

In addition, two election information sessions were held at Tom Davies Square for candidates, media and voters. Attendees were provided with an overview of the changes made to the *Municipal Elections Act, 1996*, viewed a demonstration of the online voting platform and were given the opportunity to ask questions of Dominion Voting Systems Inc., Ministry of Municipal Affairs and Election Team staff. These sessions were also livestreamed and posted to the City's election website.

2022 Communication and Voter Engagement/Awareness

The communication strategies developed and implemented for a municipal election are unique and critical to its success. The need for accurate and timely information is paramount for ensuring understanding of the voting process and promoting voter confidence.

The 2018 election communications strategy was robust and used multiple paid and unpaid avenues including: television, radio, in-person engagement, social media, online, print, billboards, media, direct city-wide mail outs and many others. It included a strong educational component related to the change to the online-only method of vote. Notwithstanding the extensive communication efforts, polling conducted by the Mayor's Office subsequent to the election suggests that some residents were dissatisfied with some of the ways in which they were engaged on the municipal election. Moving forward, communication initiatives will be thoroughly evaluated to further improve strategies and education.

Trends in communications continuously evolve. As we get closer to the time when detailed plans for the 2022 election are under development, a communications plan that incorporates the successful approaches used in prior periods and introduces approaches that reflect the latest available examples of successful engagement will be produced.

For example, Voter Information list education is a critical preliminary step in the elections process. The Voter List is derived from information controlled by the Municipal Property Assessment Corporation (MPAC). Staff anticipate developing a thorough, targeted educational campaign, including collaboration with MPAC, to ensure residents are well informed and prepared to vote.

Resources Cited

Municipal Elections Act, 1996 - <https://www.ontario.ca/laws/statute/96m32#BK60>

Regulation 310/16 Ranked Ballot Elections - <https://www.ontario.ca/laws/regulation/160310>

September 13, 2016 Report, Election Modernization Act and the 2018 Municipal Election - <http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=1&id=951>

May 30, 2017 Report, Method of Vote During the 2018 Municipal and School Board Election - <https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1128&itemid=13312>

Association of Municipalities of Ontario, 2018 Municipal Elections – Fast Facts - <https://elections.amo.on.ca/web/en/stats>