



Clerk's Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

Report To: Council

Date of Meeting: January 14, 2019

Report Number: CLD-005-19 **Resolution:**

File Number: **By-law Number:** 2019-003

Report Subject: **Response to Questions regarding Internet/Telephone Voting Methods of Election**

Recommendations:

1. That Report CLD-005-19 be received;
2. That the Council of the Municipality of Clarington endorse Internet and Telephone Voting for Advance Polls and Voting Day as the preferred method of voting for the Municipality of Clarington, beginning with the 2022 Municipal Elections; and
3. That Attachment 1 to Report CLD-005-19, the draft by-law to authorize the use of internet and telephone voting, and to repeal By-law 2013-038 (which authorizes the use of vote tabulators, special ballots, and accessible equipment for Municipal Elections), be approved.

Report Overview

This report is in response to questions raised regarding internet/telephone voting as a method of election.

1. Background

- 1.1 This Report is in response to the following resolution referred to Council by Committee at the January 7, 2019, Joint General Government and Planning and Development Committees meeting:

That the Council of the Municipality of Clarington endorse Internet and Telephone Voting for Advance Polls and Voting Day as the preferred method of voting for the Municipality of Clarington, beginning with the 2022 Municipal Elections; and

That Attachment 2 to Report CLD-006-17, the draft by-law to authorize the use of internet and telephone voting, and to repeal By-law 2013-038 (which authorizes the use of vote tabulators, special ballots, and accessible equipment for Municipal Elections), be approved.

That staff be directed to report back on the difficulties of other municipalities with telephone voting.

2. Discussion

Statistics

- 2.1 The Ministry of Municipal Affairs and Housing reports that 316 municipalities used some form of alternative voting methods (i.e. vote by mail, internet, etc.). AMCTO is still compiling post-election survey results from municipalities (as the survey period is still open), however they were able to tell us that, from the 265 responses, 101 or 49% of respondents used internet/telephone voting. Typically, when a municipality uses internet voting, it is also in conjunction with telephone voting. The degree to which the internet/telephone voting is used by a municipality varies – internet/telephone only, internet/telephone advance only with paper on voting day.
- 2.2 For a more detailed exploration of alternative voting methods, please see Report [CLD-006-17](#).

- 2.3 Researchers have said that the “technical glitch that stymied online voting in dozens of locations across Ontario may cause some municipalities to think twice about using it as an election tool. Yet that’s unlikely to stop the momentum of the system, as it has grown exponentially over a short time…….And the reason that uptake is double in each election cycle is the benefits realized from online voting. Those include improved accessibility for voters, particularly older voters, who are the main users of online voting, she said. And that has translated to increased turnout at the municipal level in Ontario.”¹

Difficulties

- 2.4 Regarding the difficulties which some municipalities experienced with internet/telephone voting, Dominion Voting Systems, a vendor for 51 Ontario Municipalities using internet/telephone voting, released the attached (Attachment 2) press release explaining the difficulties experienced. Internet voters experienced slow response times and system time-outs for approximately 90 minutes beginning at 6:00 PM on Voting Day. As a result, some municipalities extended voting hours. According to Dominion, this was due to a load issue where the internet provider placed an unauthorized limit on incoming voting traffic. Dominion noted that they will work to ensure this does not happen in future elections and that the integrity of the system was not compromised.
- 2.5 Staff reached out to Dominion, and in a recent conversation with a Dominion representative, they clarified that only 41 of the municipalities had the combination of voting methods that were impacted (i.e. some may have only used it for advanced voting and had closed the on-line voting portal prior to October 22nd). The representative added that, even those that had difficulty, there were not all affected to the same extent. For instance, some municipalities only had to extend for an hour (because they could determine, based on historical turnout and the current system load) that the majority of voters had probably voted.
- 2.6 Two other on-line/telephone voting service providers serviced approximately 127 Ontario Municipalities without any difficulties.

¹ Mark Gollom, CBC News, quoting Dr. Nicole Goodman, in an article titled “Glitches are considered unlikely to curb online voting 'tide' sweeping across Ontario”. Available online at <https://www.cbc.ca/news/canada/online-voting-municipalities-ontario-1.4875457>

2.7 The Township of North Dumfries, which did not use Dominion, but did use online voting, stated that they will reconsider going back to tabulators because of the concerns of their citizens. These concerns include: security, difficulty doing the voting, lack of high-speed internet resulting in getting kicked out of the system, and difficulty hearing the telephone voting information.

2.8 In a local example of difficulties, the City Clerk for the City of Pickering released the following statement on Voting Day:

“The City of Pickering’s voting period for the 2018 Municipal Elections commenced on Monday, October 15, 2018 at 10:00 am. Last night, on the final day of the voting period, the City’s election service provider, Dominion Voting Systems, experienced a bandwidth problem at approximately 6:00 pm, which resulted in a 90-minute delay, affecting 51 Ontario municipalities, including Pickering. To compensate for the delay, the City extended the voting period for an additional two hours and closed voting at 10:00 pm.

Voter turnout was 29 per cent, which is within a 3 to 5 per cent range of the two previous elections. Please note that at no time was the integrity of the system at risk of compromise, or in any way insecure. As such, I am fully confident in our election results.”

2.9 The result of these delays is that the results were also delayed, some as much as 24 hours (in the cast of Brockton in midwestern Ontario).

Choice of Internet/Telephone Voting Provider

2.10 It is important to note that, should Council ratify the recommendation to go with internet/telephone voting, the Clerk’s Department would follow the Purchasing By-law (i.e. RFP process) when seeking a vendor. We believe that there are 3-4 players in the market.

2.11 Additionally, we have recently learned that Dr. Nicole Goodman, Assistant Professor of Political Science at Brock University and Director of the Centre for e-Democracy, and another professor are working developing standards for election voting in Ontario which we anticipate being shared with Ontario municipalities in June, 2019.

Changes to Draft By-law

- 2.12 As part of this review, staff have amended the draft by-law (proposed in 2017) to reflect best practices, in particular, adding wording which allows the use of vote tabulators (as used in 2014) in the event that we encounter difficulties in procuring internet and telephone voting providers. These changes are reflected in the revised draft by-law (Attachment 1).

3. Concurrence

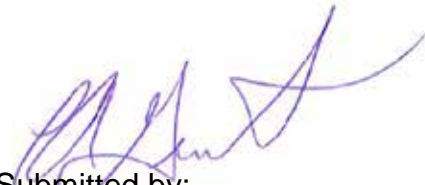
Not Applicable


4. Conclusion

It is respectfully recommended that Council approve internet and telephone voting as the method of elections for the Municipality of Clarington. The proposed by-law is attached to this report for your reference.

5. Strategic Plan Application

Not applicable.

Reviewed by: 
Submitted by:
C. Anne Greentree, B.A., CMO,
Municipal Clerk


(for) Andrew C. Allison, B. Comm, LL.B
CAO

Staff Contact: June Gallagher, Deputy Clerk, 905-623-3379 ext. 2103 or
jgallagher@clarington.net

Attachments:

Attachment 1 – By-law authorizing the use of internet voting equipment for Clarington municipal elections

Attachment 2 – Press Release from Dominion Voting, dated October 22, 2018

The following is a list of the interested parties to be notified of Council's decision: None

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

The Corporation of the Municipality of Clarington
By-law 2019-xxx

Being a by-law to authorize the use of internet and telephone voting at
Municipal Elections.

Whereas Section 42 of the *Municipal Elections Act, 1996*, as amended, provides that the Council of a local municipality may pass by-laws authorizing the use of voting and vote counting equipment such as voting machines, voting recorders or optical scanning vote tabulators and other voting methods that do not require electors to attend a voting place in order to vote; and

Whereas the Council of the Corporation of the Municipality of Clarington deems it appropriate and in the public interest to use internet and telephone voting for municipal elections;

Now therefore the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. The use of internet and telephone voting is hereby authorized for the purpose of voting during an early voting period, up to and including Voting Day, for municipal elections in Clarington.
2. That, in the event that an acceptable and affordable system for internet and telephone voting cannot be procured to the satisfaction of the Municipal Clerk, the following is authorized:
 - a. the use of automated vote counting equipment for the purpose of counting all ballots cast;
 - b. the use of voting equipment to assist electors in casting their ballot; and
 - c. the use of “special ballots” being mail-in ballots for electors who are unable to attend the voting location to vote on Voting Day or at the advance voting opportunities because of physical incapacity, being absent from the municipality, or working as an election official.
3. That By-law 2013-038 be repealed.
4. This by-law shall be effective on the date that it is passed.

Passed this _____ of _____, 2019.

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk



For Immediate Release
October 22, 2018

Dominion Voting Statement Regarding Internet Voting Service Slowdown Affecting Ontario Municipalities

(TORONTO, ON) - Dominion Voting Systems has issued the following statement regarding today's Internet Voting Service slowdown affecting Ontario Municipal election customers:

Just after 6:00 PM ET this evening, voters in approximately 51 Ontario Municipalities using Dominion's Internet Voting (IV) portal experienced slow traffic into the system. This load issue was documented, reviewed and determined to be the result of a Toronto-based Internet Colocation provider placing an unauthorized limit on incoming voting traffic that was roughly 1/10th of the system's designated bandwidth. Our company was unaware of this issue until our municipal customers and their voters reached out to us for assistance, or to share complaints.

Once we became aware of the problem, Dominion was able to quickly identify the source of the issue and work with the provider to resolve all issues with the system service by 7:30 PM ET.

Unfortunately, the 90-minute slowdown and resulting bandwidth issue caused a varying number of voters to experience slow response times and system time-outs.

Given this issue was no fault of the voters who attempted to cast ballots during this time, some municipalities are extending voting hours for this election. Voters who were affected by this issue should check with their election office for more information on options that are available.

Dominion regrets the challenges that our system load issue posed for both election officials and voters alike in today's elections. We appreciate the public's patience in resolving this matter. We want to assure Ontario voters that we will work to ensure this problem does not occur in future elections. It is important to note that at no time was the integrity of the system at risk of compromise, or in any way insecure.

###

About Dominion Voting Systems:

Dominion Voting Systems is a leading provider of hardware and software election tabulation solutions in the U.S. and Canada. More information: www.dominionvoting.com.

Media Contact:

Kay Stimson, Vice President of Government Affairs
media@dominionvoting.com
1-866-654-VOTE (8683) ext. 9293