



REPORT

Council

Meeting Date: October 18, 2021

FROM: Clerk's Department

DATE: October 5, 2021

SUBJECT: 2022 Municipal Election, By-law 2021-123

LOCATION: Town-wide

WARD: Town-wide

Page 1

RECOMMENDATION:

1. That the report dated October 5, 2021 from the Clerk's department be received.
2. That the Halton District School Board, Halton Catholic District School Board, Conseil scolaire Viamonde, and scolaire catholique MonAvenir, be requested to schedule a Professional Development Day on Municipal and School Board Election Day, October 24, 2022.
3. That the previous decision of Council in February, 2020, not to pursue alternative methods of voting be reconsidered to authorize the home visit program.
4. That By-law 2021-123, a by-law to authorize the use of alternative voting method by home visits, be passed, to establish a home visit program for home-bound electors in Town of Oakville municipal elections.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The next municipal election for the Town of Oakville will be held on Monday, October 24, 2022.
- This report addresses legislative updates and 2022 municipal election planning, including communication and outreach approaches.
- The COVID-19 pandemic continues to be an evolving public health issue in Canada. Town staff continues to monitor guidance from all applicable public health authorities and observe municipal trends and practices in elections.
- Advocacy work continues by Ontario municipalities and AMCTO to encourage school boards to designate voting day as a professional activity day.

- A home visit program is recommended for the 2022 municipal election, offering in-home voting opportunities for those voters who are unable to leave their homes for health or mobility reasons.
- Any alternative voting methods must be approved by by-law, by May 1, 2022.

BACKGROUND:

Municipal and School Board elections are planned and delivered in accordance with policies and procedures that are necessary to conduct an election in a manner that reflects the principles of the *Municipal Elections Act, 1996, (MEA)* as amended, and its regulations. The Clerk's department is responsible for administering municipal elections in a fair and objective manner and strives to deliver progressive and innovative elections. Election staff are committed to supporting the democratic voting process, continuously moving it forward, making the voting experience and administration more accessible, efficient, and convenient, while maintaining the integrity of the election process. Staff continuously monitor legislation updates, and municipal trends and practices.

Legislative updates

In 2020 and 2021, the province made changes to the *Municipal Elections Act, 1996* through the passing of three separate bills:

[Bill 204, Helping Tenants and Small Business Act, 2020](#), provides Elections Ontario the authority and responsibility to create and maintain a single register of electors for use in municipal elections (effective January 1, 2024). The responsibility for producing the Preliminary List of Electors (PLE) for municipal elections was transferred from the Municipal Property Assessment Corporation (MPAC) to Elections Ontario. Voters will be able to update their information and verify that they are registered to vote in provincial, municipal council and school board elections all at once. Elections Ontario will provide the PLE for all by-elections that are initiated after January 1, 2024, and for the regular municipal election in 2026. This transition is the result of 16 years of advocacy work. MPAC will continue to be responsible for providing the PLE for the 2022 municipal elections. To ensure a successful transition, Elections Ontario will work with Ontario municipalities and gain insights into the processes and practices followed in managing the voters' lists.

[Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020](#), removed the option for Ontario municipalities to consider the use of ranked ballots for municipal council elections, making the electoral process consistent across municipal, provincial and federal elections. In addition, Nomination day has changed from the "fourth Friday in July" to the "third Friday in August". Lastly, the deadline to pass a by-law authorizing the use of voting and vote-counting equipment, and a by-law authorizing electors to use an alternative voting method, changed from May 1st in the year before the year of the election, to May 1st in the year of the election.

[Bill 254, Protecting Ontario Elections Act, 2021](#), supports modernizing the municipal election processes and aims to reduce barriers to participation. Clerks now have the authority to allow candidate nominations and third party advertiser registrations to be filed electronically. Fostering the organizational culture that embraces continuous improvement and digital innovation, the 2022 municipal election plan will carefully consider the uniqueness of the nomination process and the information involved, and make digital enhancements where appropriate.

COMMENT/OPTIONS:

2022 Municipal Election Planning

Physical voting locations

Physical voting locations for advance voting and voting day will be determined by the Town Clerk, in accordance with the *MEA*. Additional locations and advance voting opportunities will be considered to address wait times and to allow for physical distancing, following public health guidance. Innovative voting locations will be sought.

Municipalities across Ontario are working to partner with local schools to ease the facilitation of Municipal and School Board Election Day. While legislation allows the Clerk to use schools as polling stations, getting the support of local principals can be difficult. This will be particularly challenging in the midst of a pandemic. Halton Clerks, as well as many Ontario municipalities, have been engaging local school boards in school-year calendar planning discussions to encourage boards to schedule a Professional Development (PD) Day on Municipal and School Board Election Day. This advocacy work is supported by AMCTO, as while this initiative is not an impossible one, not all boards are willing to support these efforts. AMCTO have requested, in successive submissions, amendments to the *Municipal Elections Act*, requesting that the Province mandate a Province-wide PD Day.

In an effort to find an interim 'non-legislative' solution to this problem and to support existing local efforts, AMCTO sent a letter to school boards across the province formally requesting that school boards schedule a PD Day on Municipal Election Day – October 24, 2022. Staff recommend that Council support this advocacy work and request the Halton District School Board, Halton Catholic District School Board, Conseil scolaire Viamonde, and scolaire catholique MonAvenir to schedule a Professional Development Day on Municipal and School Board Election Day, October 24, 2022.

Accessibility

Voters and candidates deserve a great, positive, and safe voting experience, one free from barriers and burdens. Election staff continue to work to improve the accessibility of municipal elections. A number of accessibility tools and features will

be considered in voting processes and procedures, including but not limited to magnifiers, accessibility voting equipment at select locations, and assistance in marking the ballot.

Communication and outreach

In preparation for the 2022 municipal election, a comprehensive and proactive communications plan is under development. It will include strategies on key messaging, building awareness of the election and election processes, and engaging with residents who may face barriers engaging in the electoral process.

As Elections Ontario will not take over authority over the single registrar of electors for use in municipal elections until January 1, 2024, communication and outreach will be integral in the town's efforts to mitigate barriers and concerns raised in previous elections surrounding the inaccuracies of the voters' list. As such, a focus of the plan will include strategies to address the challenges posed by the voters' list in advance of voting day. Outreach will include targeted engagement with residents to encourage residents to check and update their voter information. Staff will continue to take all measures possible to support the ongoing improvement of the municipal voters' list, as an accurate voters' list is the cornerstone of trust in our democratic institution.

MPAC's strategy, which include technological measures, partnerships, and education, will complement the town's outreach and communication.

Pandemic Response

The COVID-19 pandemic continues to be an evolving public health issue in Canada. Town staff continues to monitor guidance from all applicable public health authorities, and observe municipal trends and practices in elections. Holding a traditional, in person voting election during a pandemic, and post-pandemic, is possible. However, additional and appropriate planning is necessary to account for changed voter behaviour and expectations. A number of Ontario municipalities held by-elections during the peak of the pandemic, and significant considerations were observed. Through adaptable procedures and processes, ensuring service resilience against future disruptions is critical.

Curbside voting

As offered in previous elections, curbside voting will be offered for the 2022 municipal election and does not require the passing of a by-law. Curbside voting allows voters who are unable to go inside the voting place, to request to have a ballot brought to their vehicle, outside of the building, or to another area within the voting place boundaries. Traditionally, this option was an option for those who are unable to enter the voting place due to barriers of unreasonable difficulty, injury or disability. Offering curbside voting is an imperative option to offer voters for both

accessibility and pandemic response reasons, as demonstrated by municipalities and other provinces offering this option in elections since the pandemic began.

Proxy voting

Proxy voting will be offered in accordance with the *MEA* and established procedures. Electors who are unable to vote in person on voting day or during the advance vote, may appoint a proxy (an eligible voter) to vote on their behalf. Proxy voter applications may be requested through the Clerk's department and requires certification to be eligible.

Alternative voting methods

In February and November 2020, Council considered staff reports regarding direction on further review and research into alternative forms of voting for the 2022 municipal and school board election. Council received both reports and no direction was provided to staff to report back on alternative voting methods.

Home visit program

A home visit program was successfully piloted in 2018 by Oakville, and staff recommend that this be formalized to continue to support those eligible voters who are unable to come to an in-person voting location for mobility or health reasons. Several other municipalities offer such a program, as well as the provincial elections.

This program allows voters to mark their ballot from their residence, which is brought to them by election officials (registration is required). While dependent on the number of voters utilizing the program, the cost of implementing a home visit program for home-bound electors is relatively low and will be funded by established budgets. The Accessibility Advisory Committee (AAC) was consulted in June 2021 on early planning for the 2022 municipal election from an accessibility perspective, and support staff's recommendation to formalize the home vote program for home bound individuals for the 2022 election.

A by-law to support any alternative voting method that does not require electors to attend at a voting place in order to vote is required to formalize this program. Because the previous decision of Council in February, 2020 was not to pursue alternate methods of voting, staff are requesting a reconsideration to ensure proper process is followed and recommend that By-law 2021-123, a by-law to authorize the use of alternative voting by home visits, be passed, supporting the establishment of a home visit program for home-bound electors in Town of Oakville municipal elections.

Other alternative voting methods

Alternative voting methods such as internet voting, have been offered by many Ontario municipalities for many years. Staff supports the use of technology as a valuable resource and encourages innovation, however, with no existing Canadian standards for administering electronic elections, staff are mindful of the risks involved and recommend the continued use of vote tabulators with paper ballots at in-person voting locations (supported by By-law 1997-157). Further research and investigation is required prior to any further consideration of internet voting.

Since the pandemic began, there has been a significant increase in the use of vote by mail as a complementary voting option. Some municipalities are offering this option in an effort to offer a safe alternative to in-person voting. In the most recent federal election a [vote by mail option](#) was offered, and has been an option in federal elections for the last 30 years.

A vote by mail option may provide voters with the ability to mark their ballot from home at their convenience and may allow increased rights of privacy to voters who may find voting at traditional paper based voting places more difficult. It may also provide more opportunity for those who are part of a vulnerable population, students away from home, or eligible voters living outside of the municipality

Acknowledging the impact the pandemic has had, offering a special vote by mail option may alleviate some challenges COVID presents. Should Council wish staff to conduct the necessary research and investigation into the implementation of any alternative voting method such as vote by mail, a reconsideration of Council's previous decision would be required and staff would report back to Council on the results of any research prior to the deadline imposed by the MEA of May 1, 2022.

CONSIDERATIONS:**(A) PUBLIC**

Any changes to existing practices regarding the municipal voting experience has a significant impact on the public. Communication, public notice, and engagement, will be provided in accordance with the *MEA* and town policies and procedures

(B) FINANCIAL

Any costs associated will be covered through the election reserve.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

There is no direct impact on other departments at this time. Staff will engage in departmental consultation as necessary to ensure support, coordination, and collaboration for overall success of the project.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Inspire public confidence through open, accountable and efficient delivery of government services and foster a community environment that engages residents of all ages, abilities and backgrounds.

(E) CLIMATE CHANGE/ACTION

This matter does not impact climate change.

APPENDICES:

Appendix A – By-law 2021-123, a by-law to authorize the use of alternative voting method by home visits

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