

Town of Whitby

Staff Report

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Report Title: 2026 Municipal Election Voting Method

Report to: Committee of the Whole

Date of meeting: November 13, 2023

Report Number: CLK 07-23

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

Christopher Harris, Town Clerk

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

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1. Recommendation:

1. That further to By-law #7241-17 authorizing the use of optical scan vote tabulators for municipal elections in the Town of Whitby, Council hereby reaffirms the use of vote tabulators for the 2026 Municipal Election;
2. That Council hereby authorizes an alternative voting option of Special Mail-in Ballots for the 2026 Municipal Election and directs the Clerk to bring forward the necessary by-law; and
3. That the revised cost estimate for the 2026 Municipal Election, in the amount of \$710,000, be approved with annual operating budget funding increasing from \$160,000 per year to \$195,000 starting in 2025.

2. Highlights:

- By-law #7241-17 established the use of optical scan vote tabulators for municipal elections in the Town of Whitby in accordance with Section 42(1)(a) of the Municipal Elections Act, 1996 which provides Council with the authority to authorize the use of vote counting equipment.

- Special mail-in ballots provide additional voting options to non-resident electors, electors absent during the in-person voting period, and electors with disabilities who may have difficulty travelling to a polling location.
- An exit survey of voters during the 2022 Municipal Election indicated that 98% of voters in Whitby are satisfied with paper voting which supports the recommendation to maintain the same voting method.

3. Background:

The 2026 Municipal Election will take place on Monday, October 26, 2026. The Municipal Elections Act, 1996 (MEA) provides that the Council of a municipality may pass by-laws authorizing the use of vote counting equipment and an alternative voting method that does not require electors to attend a voting place in order to vote.

Since 1997, and for the past 8 general municipal elections, the Town of Whitby has used optical scan vote tabulators with paper ballots. Starting in 2014 and continuing through the 2022 election, electors had the opportunity to vote-anywhere due to the Town deploying a Voters' List system that allowed for real time updates.

Additional information on the administration of the 2022 Municipal Election including the voter exit survey results can be found in [Staff Report CLK 04-23](#).

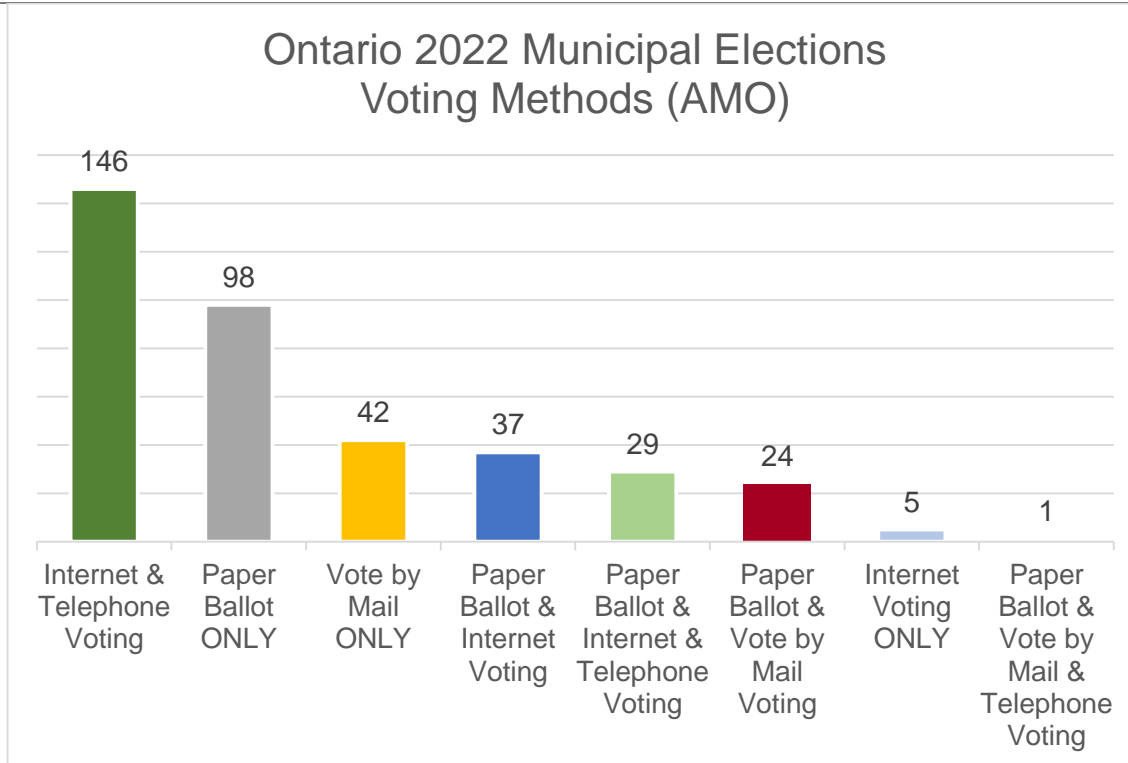
4. Discussion:

The four main election methods deployed by municipalities in Ontario are as follows:

- Paper ballot with manual counting
- Paper ballot with vote aggregation by optical scan vote tabulators
- Vote-by-mail
- Internet and/or telephone voting

Occasionally a municipality will combine two or more of the above voting methods to give electors additional opportunities to cast a ballot. For instance, in the 2018 and 2022 Municipal Elections, the Town of Whitby offered a Special Mail-in Ballot (SMB) as an alternative voting method to accompany paper ballots with vote aggregation by optical scan vote tabulators.

The following graph created with data published by the Association of Municipalities Ontario (AMO) offers perspective on the use of voting methods across the province from the 2022 general municipal elections.



Based on the high satisfaction that Whitby voters expressed through the 2022 voter exit survey, it is recommended that Whitby continue to provide in-person vote-anywhere paper ballot voting with vote aggregation using optical scan vote tabulators, along with offering a Special Mail-in Ballot as an alternative voting method for the 2026 Municipal Election.

In order for this recommendation to be comprehensively assessed against the other election method options that exist, all four election methods noted above are further explained below.

4.1 Option 1 - Paper Ballot with Manual Counting

The default election method contemplated under the MEA is paper ballots with manual counting by election officials. This is the method used in federal elections in Canada, and until 2018, in Ontario provincial elections. However, for both those levels of government, ballots only list candidates in the elector’s electoral district, and an elector is required to only select one candidate, thus providing for a relatively straight forward vote counting exercise at the end of the voting day.

Large urban municipalities have generally abandoned manual counting due to the time and effort involved in counting votes on a composite ballot after the close of polls on Election Day. In 2022, the Town had 20 ballot faces given its 4 wards and the 5 types of ballots required per ward owing to the 4 school boards and option to have no school support.

Manually counting each composite ballot would be a labour-intensive process, and one that is subject to human error and the requirement to interpret a vote given the different

ways an elector could choose to mark their ballot. Removing subjectivity of the vote count through electronic tabulation, be it vote tabulators or internet voting, can provide greater certainty of results, remove the possibility of human error, and improve confidence in election outcomes.

In terms of the elector voting experience, there would be little difference between a manual count and tabulators in that electors would still attend a voting location to complete their ballot; however, one of the main differences between the two methods arise when it comes to timeliness and certainty of results.

4.2 Option 2 – Paper Ballot with Optical Scan Vote Tabulators

Optical scan vote tabulators have been widely adopted by Ontario municipalities to aggregate votes cast. The Town of Whitby has used vote tabulators for the past 8 general municipal elections. While some municipalities have purchased tabulators outright, the Town of Whitby has chosen to lease tabulators which has eliminated the need to securely store, maintain, and periodically replace the devices.

In 2018 and 2022 the Town leveraged the Municipal Voting Technology Sharing Program run by Elections Ontario to lease vote tabulators owned by Elections Ontario. Elections Ontario undertook a rigorous process to procure the tabulators and assess the functional (e.g. accessibility, system security, etc.) and non-functional (e.g. privacy, proponent history, training, etc.) requirements of the tabulator system. It has been a prudent and cost saving measure to leverage Election Ontario's expertise and ability as a large elections administrator in order to secure tabulators for the Town's recent elections. The Town also works directly with the tabulator vendor to ensure that the tabulators are programmed to accept Whitby's composite ballots and identify votes based on marks the elector makes that meet a certain threshold. The threshold is extensively reviewed and deemed appropriate through logic and accuracy testing conducted by the Town Clerk prior to the election.

During the advance vote and on Election Day, electors at the polling location will provide their marked ballot to a Vote Tabulator Operator who will feed the ballot into the vote tabulator. At that time, the vote tabulator has functionality to determine if an elector has left their ballot blank, over-voted, created an ambiguous mark, or if the Deputy Returning Officer initials are missing, and provide the elector with an opportunity to cancel their ballot and receive a new ballot. Versus a manual count, this added functionality ensures every opportunity for the elector's vote to be counted.

As vote tabulators are not connected to the internet and are securely stored and rigorously tested prior to use during the election, the security risks associated with the equipment is generally low. While the software responsible for the aggregation or publishing of results generated by vote tabulators could subject to cyber threats despite the safeguards in place to prevent such instances, retention of the original paper ballots always provides a guarantee that results could be verified should an issue arise.

4.3 Option 3 – Vote-by-Mail

For rural municipalities, especially those with many seasonal residents, vote-by-mail was a very popular election method prior to the advent of internet voting. 2018 was the

first time Whitby offered a vote-by-mail option as a special ballot, which was specifically targeted to electors with disabilities or electors who were not available to attend a poll during the advance vote or on Election Day. The program had a significant increase in 2022 with 268 kits returned compared to the 97 kits returned in 2018. Managing Special Mail-in Ballots was done through existing election technology the Town had procured, such as the Voters' List management and vote tabulator solutions, thus incurring minimal additional costs and efforts when offered on an as requested basis.

If a municipality is exclusively using vote-by-mail, every elector on the Voters' List would be mailed a voting kit with a return envelope, declaration form, ballot, and ballot secrecy envelope. The elector signs the declaration form and then completes their ballot, inserting the ballot into the secrecy envelope provided to ensure that a name cannot be associated with a vote. Upon the municipality receiving the return envelope, the declaration form is processed, the elector struck from the Voters' List and the ballot inside the ballot secrecy envelope placed in a ballot box for counting after the close of vote on Election Day.

The Special Mail-in Ballot process operates in the same way as described above, except an elector needs to request a kit by submitting a request form to the Office of the Town Clerk within a designated period. The Special Mail-in Ballot program was well advertised by the Town and is becoming better known to residents as an alternative option.

4.4 Option 4 – Internet and Telephone Voting

Internet voting offers a convenient way for electors to cast their ballot from any device that has access to the internet. Internet voting meets the demands for accessibility and convenience for electors.

Internet voting has become increasingly popular across municipalities. According to the Association of Municipalities Ontario (AMO), 217 municipalities used internet voting or a combination of methods including internet voting for the 2022 Municipal elections, which is 42 more municipalities than the 2018 election.

Internet voting can be offered so that the elector completes the online ballot remotely or at a voting location terminal. While internet voting through a terminal in a voting location is a possibility, this option has had low uptake as it eliminates the convenience of voting remotely. Remote internet voting, being where electors do not need to travel to a polling location to cast their ballot online, can be offered as either a one-step or two-step process.

In a one-step process, electors receive a voter information package with Elector ID and PIN numbers. Electors visit a webpage and use their ID and PIN, along with their year of birth to access and cast their ballot. Year of birth is the preferred validation as it is information municipalities have access to through the Voters' List.

A two-step registration process requires voters to pre-register to obtain the necessary credentials in order to access their ballot. There are various forms of a two-step registration; however, the process typically involves mailing out information packages to electors that include an elector identification number, information about the voting

process, and a secure website address where the elector must go to register. Once the voter has registered, they are then sent a personal identification number (PIN) by way of a secure email. Upon receipt of the PIN, the voter can access the voting site and using both the information in the information package and the PIN number, access their ballot.

As shown in the graph above, 67 municipalities chose to offer internet voting as a supplementary method to in-person voting for the 2022 municipal elections. Doing so offers electors the choice to vote in-person with a paper ballot or cast their ballot online, either remotely or at a polling location depending on what option the municipality selects. While more choice for electors is generally a positive, the downside of offering both paper ballot and internet voting is the additional resources and costs incurred to run two election methods. As noted in the financial considerations section of this report, substantial additional costs associated with vendor, security verification and resource requirements can result from offering both paper ballot and internet voting.

Although internet voting offers many benefits, there are also potential risks associated with this voting method. It is important to acknowledge that all internet voting platforms may be subject to cyber security threats. While it can be argued that internet voting is subject to the same or similar risks incurred by banking online, internet voting should be subject to a higher security standard and more rigorous safeguards. While hacking of online banking would typically result in financial losses or theft of personal identity, thus creating certain hardships for the individual, the hacking of a voting system would have broader societal consequences including the erosion of trust in government institutions to administer fair and secure elections.

While internet voting vendors may tout the security of their platforms, in an increasingly sophisticated digital world there are few organizations that are safe from cyber threats. Large governments and Fortune 500 companies may spend millions or even billions of dollars a year on digital security but can still find themselves subject to data and security breaches. Given that internet voting vendors do not dedicate more resources to cyber security than most large multinational companies and governments, one could reasonably presume that their platforms are no more or less secure than online banking or other supposedly secure data repositories.

While some municipalities did initially see a slight increase in turnout the first time they offered internet or telephone voting, the trends suggest that this may be a novelty bump and that after initial introduction voter turnout starts to decline. While the case for internet voting as a convenient voting method that improves accessibility is strong, there are too many uncertainties and risks associated with the voting method for staff to recommend its use for Whitby's 2026 Municipal Election.

4.5 Recommendation – Vote-Anywhere, Optical Scan Vote Tabulators and Special Mail-in Ballots

Building on the success, popularity, and familiarity of the vote-anywhere option, the reliability of the optical scan vote tabulators for the past 8 municipal elections, and the high satisfaction rate (98%) from the 2022 voter exit survey, it is recommended that Whitby use the same election method for the 2026 Municipal Election. Additionally, following each successful election event, Town Staff are able to more strategically staff

and arrange voting locations, disperse inventory, and build on past accomplishments through the delivery of the same voting method. Data and feedback from voter exit survey from the 2022 election in addition to voter turnout data per location will help further refine the placement and staffing of voting locations in 2026.

As the Special Mail-in Ballot usage increased from 2018 to the 2022 election, it is anticipated that increased voter familiarity and plans to further communicate this option will increase uptake again in 2026. Special Mail-in Ballots are being recommended in addition to the paper ballots given the limited costs of providing this alternative voting option and the convenience it affords to certain electors, especially those who will be travelling during the in-person voting period or have a disability that prevents them from attending a voting location. Staff intend to also continue with the curbside voting program that offered electors who may experience difficulty accessing a voting location the opportunity to vote from their vehicle.

5. Financial Considerations:

The Town’s cost related to the 2022 Municipal Election cost was \$538,500. It is anticipated that the 2026 Municipal Election using paper ballots aggregated by vote tabulators along with an alternative vote-by-mail option will cost approximately \$710,000. The increase from the 2022 Municipal Election is due to inflationary pressures, population growth, and enhanced voter services and communications. Enhancements planned for the 2026 election include a dedicated mailout to Whitby residences prior to the election and further development of the Plan Your Vote tool (see Section 6 below for further details).

Municipal Elections are funded through annual contributions from the operating budget to the election reserve over a four-year period between each election. In the year of an election, the funds are drawn from the reserve in order to pay for election-related costs.

The approved 2023 operating budget includes a \$160,000 transfer to the election reserve (for the 2026 Municipal Election) and a further \$160,000 is planned for 2024. As outlined in the following table, in order to fully fund the projected \$710,000 cost of the 2026 Municipal Election, a contribution of \$195,000 will be required in 2025 and again in 2026:

<u>Year</u>	<u>Reserve Transfer</u>
2023	\$160,000
2024	\$160,000
2025	\$195,000
2026	<u>\$195,000</u>
	<u>\$710,000</u>

Should Council approve the recommendation to use vote tabulators and offer Special Mail-in Ballots, the Clerk would work with Elections Ontario to lease tabulators and enter into an agreement with Dominion Voting Services for services related to the programming and support of the tabulators.

6. Communication and Public Engagement:

The Office of the Town Clerk will once again work very closely with Communications and Creative Services to develop a robust voter engagement and communications strategy. Two major enhancements to voter engagement are already being planned and underway for 2026. The first involves a mailout to all Whitby residences a few weeks prior to Election Day providing general information regarding the municipal election and opportunities to cast a ballot. This mailout will be in addition to and proceed the mailout of Voter Notification Cards to all electors on the Voters' List. The second enhancement underway for 2026 involves improvements to the Plan Your Vote tool launched in 2022 to better integrate electors checking their status on the Voters' List, reviewing candidate profiles, and finding a convenient voting location. At the end of the experience, electors will have a personalized voting plan that they can email or text to themselves, noting that none of their preferences will be retained by the Town or vendors contracted by the Town.

The Whitby Public Library has indicated its intent to build on the success of the "Meet the Candidates" nights it hosted during the 2022 Municipal Election. Town Staff will work to support and amplify the Library's communications regarding this initiative.

7. Input from Departments/Sources:

The Office of the Town Clerk works closely with all departments to ensure the success of the election. The Accessibility Advisory Committee will be consulted when drafting the 2026 Municipal Election Accessibility Plan and as part of the election preparation.

8. Strategic Priorities:

The recommendations within this Report align well with Pillar 4: Whitby's Government - Accountable and Responsive from the Community Strategic Plan, specifically the following objectives:

- Deliver exceptional customer service and community engagement;
- Ensure fiscal accountability and responsibly plan for growth.

The Town will deliver exceptional customer service through the planning and execution of a successful election in 2026 and will engage the community along the way to encourage voter turnout. The recommended voting methods listed above take into consideration customer satisfaction as well as the associated cost with running this type of election.

Staff will use data insight from the 2022 election to make fiscally responsible decisions when planning for the 2026 election and will use community data to plan for the expected growth in order to select appropriately placed and staffed voting locations.