



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2022-09

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: March 28, 2022

SUBJECT: Award of RFP Alternative Voting Method for the 2022 Municipal
and School Board Elections

RECOMMENDATION:

THAT Report No. ILS 2022-09 be received for information; and further,

THAT Council adopt the By-law No. 2022-12, authorizing online and telephone voting for the 2022 Municipal and School Board Elections.

SUMMARY:

This report is to provide Council with information to make a final informed decision for an alternative voting method for the 2022 Municipal and School Board Elections.

BACKGROUND:

Historically the Township of Wilmot has used the traditional paper ballot voting system. Since the 2014 Municipal Election, optical scan tabulators were deployed as vote-counting

equipment. Interested election workers from the community were recruited and provided training to assist with the election process.

The Municipal Elections Act, 1996 (MEA), states 'The Clerk of a local municipality is responsible for conducting elections within that municipality' but also requires certain elements of the election process to be approved by Council. The MEA requires a by-law be passed regarding the use of alternative voting methods, within the amended timeline made under the Municipal Elections Modernization Act, 2016 (MEMA).

Undertaking an alternative voting method requires that Council authorize electors to use such a method by passing a by-law on or before May 1st in the year of the election. This means that a Council resolution must be passed and a by-law adopted by May 1, 2022 to be effective for the 2022 Municipal Election.

At its Regular Council meeting on October 4, 2021, Council approved, in-principle, the alternative voting method of Internet combined with Paper Voting and directed staff to report back on vendor solutions and pricing.

REPORT:

Staff, in cooperation with the Townships of Woolwich and Wellesley released a joint RFP, for alternative voting methods for the 2022 Municipal and School Board Elections. In total there were six (6) plan takers and four (4) proposals were received and evaluated by staff.

Bidder	Location
Intelivote Systems Inc.	Dartmouth, NS
Neuvote Systems Inc.	Kitchener, ON
Scytl Canada	London, ON
Simply Voting Inc.	Montreal, QC

The team evaluating the RFP included those with experience in information technology, cyber security, financial management, front-line election management, and election administration.

The internal selection committee reviewed and evaluated the proposals based on the following evaluation criteria:

Section	Criteria	Description	Points
1	Understanding, Approach & Methodology	Knowledge of the project and deliverable process	40
2	Experience and References	Past experience on similar projects and references	25
3	Project Manager and Team	Description of the Project Lead and Team Qualifications	10

4	Price	Cost to successfully complete project scope	25
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Information and Legislative Services staff, along with staff of the partnering Townships attended demonstration presentations by three (3) vendors: Scytl, Intelivote and Simply Voting. A demonstration from the fourth vendor was not requested as they did not meet the RFP requirements. All three (3) online voting service providers offered solutions that could meet the needs of an online and telephone voting experience.

The evaluation of the RFPs by the Townships of Wellesley, Wilmot and Woolwich indicated Scytl Elections Technologies as the successful proponent for all three (3) municipalities. Subject to approval of by-law No. 2022-12, staff will begin discussions with Scytl to execute the agreement and affirm the schedule.

Wilmot Township staff will realize many benefits working alongside the Townships of Wellesley and Woolwich with Scytl. For both Wellesley and Woolwich, this is their second election using online and telephone voting. The Clerk's Departments for all three (3) municipalities will be collaborating on preparing practices and procedures necessary for the conduct of the election. Scytl has created a municipal working group for Returning Officers and their staff to share best practices and act as resources for one another.

The Township of Wilmot has adapted several services to an online platform as a result of the COVID-19 Pandemic. Although it appears the Pandemic is improving and many protocols are being lifted, there is still a recognized comfort level to continue online services as a way of staying healthy and safe. During the summer of 2021, staff conducted a survey of residents asking their preferred method of voting and 53% of respondents preferred Internet Voting. Staff are continuing to recommend two (2) vote casting and vote counting methods of online and paper voting. As noted in staff report ILS 2021-35, advance voting days will be held in early October and utilize Paper Vote casting, with a hand count by election workers. Following those advance voting days, a multi-day internet voting period will take place with the final Internet Voting Day on Election Day, October 24, 2022.

2022 Municipal Election Key Dates

For the April 11, 2022 Council Meeting, staff will be providing Council with updated governance documents pertaining to the Use of Municipal Resources in a Municipal Election and Vote Recount Procedures. Additionally, this report will provide Council with a summary of key dates relative to a Ward Boundary Review and cost estimates for such a review.

March 31: No by-elections shall be held after this date.

April 30: Last day to establish rules and procedures regarding the use of municipal resources during the election campaign. This is a policy requirement that began with the 2018 Election.

May 1: Last day to pass a by-law to use vote counting equipment or alternative voting methods. Also, last day to pass a by-law that outlines the circumstances where the Clerk shall conduct a recount.

May 2: Nomination and registration period begins for candidates and third-party advertisers.

June 1: Last day to establish procedures and forms for the use of any voting and vote-counting equipment or alternative voting method.

July 31: Last day for MPAC to deliver the preliminary voters list.

August 19: Nomination Day. Nominations may only be filed or withdrawn between 9:00 am and 2:00 pm. 2:00 pm on this date is the final opportunity to file or withdraw a nomination. Any person in line to file by 2:00 pm will be allowed to file.

August 22: All nominations to be examined, certified, and declared by the Clerk.

September 1: Last day for reproducing the voters' list for those entitled to receive them (candidates and school boards). Also, revision period begins where a voter may have their information amended upon application.

September 24: First possible day to hold an advance vote.

September 26: Last day to provide a copy of the interim voters list to each person who previously received a copy. Also, the last day for the Clerk to provide candidates and third party-advertisers with campaign maximums.

October 1: Last day for council to establish a compliance audit committee for the 2022-2026 term. Wilmot is part of a joint initiative across the Region, plus Guelph, to create a pool of Municipal Elections Compliance Audit Committee (MECAC) Members that can be called upon if needed. MECAC strictly reviews inquiries relating to Candidate's Financial Statements, nothing else.

October 21: Last day for third party advertisers to file their notice of registration.

October 23: Last day to provide candidates with notice of penalties related to campaign finances and refund filing fee. Also, last day to make the Accessibility Plan available to the public. This is general done as part of a Council report, much earlier than this date

October 24: Voting Day.

October 25: Clerk to declare the results and provide information to the public.

November 15: New term of office commences.

November 21: Inaugural Council Meeting.

Lame Duck Provisions

Lame Duck could begin on August 20, 2022, or October 25, 2022. The Township could end up in a Lame Duck situation if the new Council will be less than $\frac{3}{4}$ of the outgoing Council.

This means that the Township is in a Lame Duck situation if more than one member of the current Council has chosen not to seek re-election, which would start a Lame Duck period on August 20, 2022, or more than one member of the current Council was not re-elected, which would start the Lame Duck period on October 25, 2022. These provisions are included in Section 275 of the *Municipal Act, 2001*. The restrictions during a Lame Duck period are:

- No appointments or removals from office any officer of the municipality;
- Hiring or dismissing any employee;
- Disposition of real or personal property with a value of more than \$50,000 at the time of selling that was not previously budgeted for as part of the current year budget; and,
- Unbudgeted expenditures or incurring liability over \$50,000.

The above four (4) restrictions do not apply in the event of an emergency or when authority has been delegated to a person prior to Nomination Day.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

An alternative hybrid voting method aligns with the Strategic Plan Goal of Community Engagement of belonging and support for community as well as the Goal of Quality of Life through accessibility and inclusivity and the Goal of Responsible Governance through active communications.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS:

By nature of the Information and Legislative Services department, this department is often the conduit through which Council and the corporation has the capacity to impact in a positive way several of the United Nations Sustainable Development Goals.

Specific to the actions of the department itself, Goal 16, Peace, Justice and Strong Institutions targets include:

- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels; and,
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with nation legislation and internal agreements.

FINANCIAL CONSIDERATIONS:

Costs associated with the municipal election are funded from the Elections Reserve Fund, which is built through annual levy allocations.

The total cost of the 2022 Municipal Election was estimated at \$31,200.

Through participating in a joint-procurement process, staff have awarded the contract to ScytI as a discounted cost of \$16,281.60 (net of HST rebate). This will leave just under \$15,000 within the 2022 Budget for remaining election costs.