

Corporate Report

REPORT NUMBER 032-2023-City Manager's Office-Office of the City Clerk

DATE

PREPARED

January 12, 2023

FILE

MEETING DATE

April 24, 2023

SUBJECT

Election 2022 – Review of 2022 Municipal and School Board Elections

RECOMMENDATION

This Report is for information only.

EXECUTIVE SUMMARY

Municipal & School Board Elections are administered under the authority of the *Municipal Elections Act, 1996* (the Act) with the City Clerk responsible as Returning Officer for conducting the elections, as provided for in section 11 of the Act. This Report presents a review of the 2022 Municipal & School Board Elections in the City of Thunder Bay.

DISCUSSION

Certified Candidates

The nomination period ran from May 2, 2022 to August 19, 2022. A total of ninety-one (91) nominations were filed, a decrease of approximately 13% from 2018, but an increase from 2014 and 2010. Eight-nine (89) candidates were certified, one (1) candidate withdrew prior to Nomination Day, August 19, 2022 and one (1) candidate was deemed to be ineligible by the Clerk and was not certified.

Upon registration, each nominee was provided a candidate information package on a USB flash drive which included candidate guides, campaign financial information, forms, legislation, ward maps, the City of Thunder Bay's election sign by-law, accessibility plan, and municipal election procedures. More information was also available on the City's election website, tbayvotes.ca.

Administration identified some challenges regarding a few candidates' comprehension of election rules and procedures, particularly relating to the election sign by-law. In

2026, Administration intends to offer an in-person information session for certified candidates, after Nomination Day. The session will give candidates an equal opportunity to ask clarifying questions with Administration providing accurate answers to all candidates at the same time.

Communications

It is the duty of the Returning Officer to provide timely election information to voters, candidates and third party advertisers, such as key dates, voting methods and locations, and accessible voting options.

With assistance from Corporate Communications, election information was delivered through various channels, including media releases, social media, radio, newspaper, electronic billboards, and via the city's election website tbayvotes.ca. Specific campaigns focused on the nomination period, checking the voters' list, Voter Information Letters, and when and where to vote.

The Returning Office and the Election Office were pleased with local media's regular coverage of election information. Information was shared regularly by local media and transmitted to voters and candidates via radio, television and print stories.

Voters' List

An essential tool in every election is the voters' list, which in Ontario has been provided to municipalities by the Municipal Property Assessment Corporation (MPAC). In past elections the accuracy of the voters' list left much to be desired and presented considerable challenges to administering the election and ensuring that all who are eligible to vote are identified as such. The same challenges were present in 2022.

Equally frustrating was a high degree of confusion among voters caused by two different lists for provincial and municipal elections. With a provincial election earlier in 2022, many voters naturally assumed that if they received a provincial voter card, they were also on the municipal voters' list. However, the provincial list is provided by a different source, Elections Ontario (EO), therefore the lists were not identical.

There will be a significant change for the 2026 election. The *Municipal Elections Act, 1996* has been amended, giving EO the mandate to establish a single provincial register that includes both provincial and municipal voters, and transferring the responsibility for municipal voters' list preparation from MPAC to EO beginning January 1, 2024.

MPAC and EO are working collaboratively to ensure a smooth transition, and a working group of Clerks from across the province, including representation from Thunder Bay, has been created to provide feedback throughout the process. Administration is hopeful that this change will result in a much more accurate voters' list for municipal elections going forward.

Voter Information Letter and Voters' List Revisions

In an effort to increase accuracy of the voters' list, a campaign encouraging voters to check the voters list began in July 2022. With the help of Corporate Communications, promotional videos and social media posts were created to emphasise that provincial and municipal voters' lists were not the same list. Eligible voters were encouraged to visit MPAC's online tool, voterlookup.ca to make sure they were on the municipal list. Signage with a voterlookup.ca QR code were sent to all City of Thunder Bay public facing counters. Throughout July and August, City Clerks staff attended Live on the Waterfront with laptops for eligible voters to check the list. The voterlookup.ca promotion resulted in over 2,000 people confirming or changing their information prior to the end of August, before the voters' list was released by MPAC.

After voter information letters (VILs) were mailed in late September, information was shared through various channels advising when and where VIL revisions could be made. A telephone help desk was established, with two full time election workers providing support for VIL revisions, as well as internet voting help, and other election related inquiries.

Promotion of VIL revisions resulted in approximately 1,135 people updating their information before Election Day. On Election Day, October 24, 2022 approximately 1,414 more voters revised their information at the polls, which was almost 15% of voters.

Voting Methods

Under the *Municipal Elections Act, 1996* most elements of an election are within the authority of the Returning Officer, but there are still some matters where the authority rests with City Council, such as determination of the method of election. At the April 10, 2017 City Council meeting, By-Law 30/2017 was passed allowing alternate methods of voting such as internet, telephone and vote by mail. By-Law 30/2017 was the governing authority which permitted use of alternate methods of voting in the 2022 Municipal Election.

For the 2022 election, the voting methods utilized were internet voting, and in-person paper ballot voting. Telephone voting was included for the 2018 election, but as this method was only used by only a small percentage of voters and received the highest number of voter complaints, telephone voting was not offered for the 2022 election. Removal of telephone voting was presented to the Accessibility Advisory Committee, and the committee supported the decision.

The voting period began on Wednesday, October 5, 2022 with in-person paper ballot voting at West Thunder Community Centre, and the opening of internet voting.

Internet voting ran continuously, 24 hour per day, 7 days per week, from October 5 until polls closed on Voting Day, October 24, 2022. Internet voting provided an opportunity

for electors to vote anywhere, any time using their own computers, tablets or smartphones. Internet voting was also available at in person advance polls, all in person voting locations on October 24, and at a voting kiosk at City Hall during business hours throughout the voting period.

In-person, paper ballot voting was available at two advance polls, one advance drive-thru poll and thirteen polls on Election Day. Paper ballot special voting opportunities were also offered at Shelter House, Salvation Army, and, as required by the Act, hospitals and retirement homes.

Drive-thru voting

New in 2022, drive-thru voting took place on October 18, 2022 at Thunder Bay Community Auditorium, and provided voters an advance paper ballot voting opportunity from the comfort of their vehicles. Staff guided a steady line of vehicles throughout the day, with a total of 298 voters casting a ballot. Feedback from voters was all positive. A review of the voter turnout data demonstrated that drive-thru voting was used by voters of all age groups.

Planning for drive-thru voting included studying the best practices of peer municipalities in Southern Ontario who used drive-thru voting for by-elections at the height of the Covid-19 pandemic.

Voter Turnout

Voter turnout across Ontario was lower in 2022 than 2018. In Thunder Bay voter turnout reached 43%, approximately 8% lower than 2018, however turnout was still well above the 2022 provincial average of 36%. In Thunder Bay, of 83,679 eligible voters, 35,661 cast a ballot. 63% voted via the Internet and 37% voted in person. Voter turnout and method of voting are broken down by age group in Tables 1 and 2.

Table 1: Voter turnout by age group

Age of voter	18-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
Voter turnout	25%	27%	38%	47%	58%	62%	53%	27%	12%

Table 2: Voting method by age group

Age of voter	18-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
Voted by internet	77%	79%	77%	73%	62%	48%	35%	35%	33%
Voted in person	23%	21%	23%	27%	38%	52%	65%	65%	67%

The highest voter turnout was in Neebing Ward, with 50% of eligible voters casting ballots. McKellar Ward had the lowest voter turnout, with 32%. Voter turnout and method of voting for all wards are shown in Tables 3 and 4.

Table 3: Voter turnout by ward

Voter's ward	Current River	McIntyre	McKellar	Neebing	North-wood	Red River	Westfort
Voter turnout	44%	46%	32%	50%	48%	44%	40%

Table 4: Voting method by ward

Voter's ward	Current River	McIntyre	McKellar	Neebing	North-wood	Red River	Westfort
Voted by internet	58%	71%	57%	71%	60%	66%	59%
Voted in person	42%	29%	43%	29%	40%	34%	41%

Notwithstanding the option of internet voting many voters still preferred to vote in person. Administration is of the view that future elections should continue to offer both remote internet voting and in-person paper ballot options to voters.

Election Results Reporting

There had been some commentary on social media and some local media about perceived delays in the reporting of results on Election Day. To be clear results were, and will be in the future, displayed and provided to the public only after all polls have closed and the Returning Officer is satisfied that the results accurately reflect the tabulation of the ballots cast during the election as required by the *Municipal Elections Act*.

Election results arose from two sources, the ballots cast in person, during advance voting and on Election Day, and ballots cast remotely via the internet throughout the voting period. In the case of the former, results were recorded on memory cards that were installed in the electronic vote tabulators. At the close of polls a specific closing routine must be followed at each voting location. Ballot counts and other paperwork must be completed and verified before the poll manager, together with the tabulator operator bring the equipment and related paperwork to City Hall.

Normally, the poll closing procedure included printing a hard copy of the results at each voting location. However, in 2022 the procedure was affected by a declared emergency under the *Municipal Elections Act*. As the result of an English Language Separate School Board Trustee (English Separate) ballot error in the Municipality of Shuniah, the Returning Officer directed the Clerks for all other municipalities that encompass the Thunder Bay Catholic District School Board to seal and secure all ballots related to the

English Separate race. No information or results were to be shared publicly with candidates or scrutineers until the Municipality of Shuniah resumed its election.

Instead of printing a hard copy of results at the polls, poll managers were directed to return the vote tabulators, with the memory cards inside, for printing at the Returning Office where the English Separate results could be sealed and secured separately before the results of other races were released. This process, while necessary to protect the outcome of the Thunder Bay District School Board Election created a bottleneck, which delayed the release of results. As each tabulator was delivered to the Returning Office, the results were printed by the Deputy City Clerk, who redacted the English Separate results. The memory cards were then removed from the tabulator and loaded into a results computer, which was a stand-alone computer not connected to the internet or any networks. The memory cards were read by the results computer, then the data for all races, except English Separate, was downloaded and displayed. That display was compared to the hard copy results tape as a verification step before results were posted online.

The above noted process was completed for each of the seventeen (17) tabulators.

The process of receiving internet voting results began with an Election Officer logging into the administrative portal of the voting site using a district password and creating an encrypted report with voting results. As there were 22,587 internet ballots, each with up to fifteen (15) votes for various races, the process took several minutes. When the encrypted report was complete, it was saved onto a USB memory stick and transferred to the results computer to be decrypted. Again, this process took several minutes. Finally, the results were transferred to a USB memory stick and uploaded to a third computer, which posted the results online.

Post-Election Survey

Following the election, voters and stakeholders were invited to take part in a post-election survey in an effort to improve the administration of future elections. Survey questions sought to gather data relative to voter information letters, usage of the voter help line, reach of promotions, and reasons eligible voters chose not to vote.

104 individuals participated in the survey. The following are some key results:

- 93% of respondents voted.
- Reasons for not voting were evenly distributed between: not on voters list, did not know who to vote for, did not think it would make a difference, forgot, disability and accessibility.
- 89% of respondents received a VIL, 11% did not.
- For those who received their VIL, 99% had correct information.
- Of the 1% with incorrect information, 100% called the voter helpline to revise their VIL.
- 80% heard or saw election related promotion prior to Election Day.

- Social media was the most-recalled promotion channel, approximately 36% more than any other method of promotion.

Integrity of the Election

Adhering to principles of the *Municipal Elections Act, 1996*, Administration was, first and foremost, dedicated to delivering a fair and non-biased election to which all eligible electors have access and the ability to vote. Procedures were established to achieve that objective while also maintaining the secrecy of the ballot.

Technology played a key role in delivering the election, from sharing information via tbayvotes.ca, to management of the voters' list, to providing secure voting whether ballots were cast remotely on the internet or in person with electronic vote tabulators.

The internet voting system and tabulators were thoroughly tested prior to deployment so that voters, candidates and administrators could depend on the technology to maintain the integrity of the process throughout the election. The steps to verify the system included:

- Penetration testing of internet voting systems
- Logic & accuracy testing of online ballots
- Logic & accuracy testing of all electronic vote tabulators

The Returning Officer has full confidence that the technologies deployed in the 2022 Municipal & School Board Elections performed as designed and is certain that the election results reflect the votes cast. The only challenge that was experienced on the launch of advance voting period was identified as a procedural irregularity with 27 voters in the McKellar Ward receiving an incorrect internet ballot intended for voters in the Red River Ward. This computer programming error was identified in short order, the online voting system was paused in order for the correction to occur by the city's vendor. Information was shared with the media and the public relative to this anomaly. Should the McKellar Ward or Red River Ward races have been decided by 27 votes or less a by-election would have been required. Both races resulted in higher margins and the procedural irregularity while unfortunate was inconsequential to the outcome.

Elections are meant to unite communities in the search for democracy, and to establish the framework for governance for municipal decision making for the next four years. Elections across Canada are becoming fraught with accusations of corruption. False information spread on social media and attacks on public servants have become commonplace. It is disappointing to report that Thunder Bay was not immune from allegations against the Returning Officer and Election Staff, including accusations of fraud or corruption, and disrespectful language extended in person, via email and on social media. Returning Officers are aware of the scrutiny that exists in their role carrying out the principles of the *Municipal Elections Act*. Much of their work is prescribed by that legislation and they are required work for the best benefit of voters to access their democratic right to register their vote. While the 2022 election brought

forward new stressors and challenging interactions with both candidates and voters, the integrity of the election and the staff was paramount.

Going forward in 2026, it is anticipated that the climate may continue to provide these challenges. Further training and support for election staff may be necessary in the area of de-escalation tactics, continuing to protect staff from violence in the workplace, and zero tolerance for inappropriate and disrespectful behaviour.

FINANCIAL IMPLICATION

The Council approved budget for the 2022 Municipal & School Board Elections was \$653,538. Actual expenditures totaled \$695,773, resulting in a negative variance of \$42,235. Unforeseen supply chain issues, particularly related to voting equipment costs, was the main cause of the variance. The annual transfer of funds to the Election Expense Reserve Fund has been increased in anticipation of similar issues in 2026.

CONCLUSION

Every election, Administration strives for improvements based on feedback from voters, candidates, stakeholders and staff, as well as best practices from other municipalities and lessons learned in prior elections.

Goals for 2026 include:

- Offer an in-person candidate information session for certified candidates after Nomination Day.
- Explore more ways to promote VIL revisions prior to Election Day to reduce the number of revisions at the polls.
- Provide more opportunities and ways to vote in an effort to increase voter turnout.
- Develop enhanced training for poll staff to include more accessibility and customer service training, and the addition of de-escalation training.

BACKGROUND

An election review report is not legislatively required, however it has become best practice of some Returning Officers in Ontario municipalities, including Thunder Bay.

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REPORT SIGNED AND VERIFIED BY

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05/08/2023