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Date	Febi	ruary 8, 2022	Report No. 2022-16	
То		Chair and Members Committee of the Whole – Planning and Administration		
From	Tan	rector of Clerk's Services		
1.0	Type of	Report		
		•	Consent Item Item For Consideration	[] [x]
2.0	Topic Complia	•	ection Planning, Legislation Updat e Plan and Corporate Use of	e,

3.0 Recommendation

None]

A. THAT Report 2022-16 titled "2022 Municipal Election Planning, Legislation Update, Compliance Audit Committee Plan and Corporate Use of Resources in an Election Policy Update" BE RECEIVED; and

Resources in an Election Policy Update [Financial Impact -

- B. THAT the Clerk BE DELEGATED THE AUTHORITY to solicit and select Members of the Municipal Election Compliance Audit Committee, and prepare the necessary By-law for presentation in advance of the October 1, 2022 deadline; and
- C. THAT the necessary By-law to amend By-law 70-2010, Being a By-law to adopt various City of Brantford Policies, by repealing and replacing Council Policy 004 (Use of Corporate Resources for Election Purposes) as attached as Appendix A BE PRESENTED to City Council for adoption.

4.0 Executive Summary

The 2022 Election Update Report provides details in regards to the preparations

that are currently underway for the 2022 Municipal Election. The major sections within the report include updates on voting hours and locations, accessibility and environmental considerations, and municipal election compliance committees. This report is intended to provide an update on the status of election preparation, provide an overview of the Municipal Elections Act updates and related provisions, as well as recommend changes to the Use of Corporate Resources Policy to establish improved language as it relates to the use of certain types of resources during the election period.

5.0 Purpose and Overview

The purpose of this report is to provide an update regarding the 2022 Municipal Election planning as well as advise of changes that will be in effect from amendments made to the Municipal Elections Act, 1996 ("MEA") through Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 and Bill 254, Protecting Ontario Elections Act, 2021.

This report will further provide the following:

- 1. Voting methods, advance voting hours and voting location plans along with other election details; and
- 2. Municipal Compliance Audit Committee plan and Clerk delegation; and
- 3. Council Policy 004 (Use of Corporate Resources for Election Purposes) update and suggested revisions.

6.0 Background

Municipal and School Board Elections are complex projects that require significant resources and advanced, detailed planning in order to adhere to legislative requirements and meet the needs of both candidates and electors. In Ontario, municipal elections are governed by the MEA which sets out the administrative rules and election cycle timetable, as well as matters including but not limited to, voter and candidate eligibility, methods of voting, campaign finance rules, compliance, enforcement and penalties.

The last Municipal Election occurred on October 22, 2018 and included the offices of:

- 1. Mayor (at large);
- 2. City Councillor (2 per ward, 5 wards);

3. School Board Trustee for the following:

- a. Brant Haldimand Norfolk Catholic District School Board (English Separate)
- b. Grand Erie School District Board (English Public)
- c. Conseil Scolaire Catholique Monavenir (French Separate) -Acclaimed
- d. Conseil Scolaire Viamonde (French Public)

The next Municipal Election is to occur on October 24, 2022.

7.0 Corporate Policy Context

Through this report, Clerk's staff are recommending updates to Corporate Policy-004, Corporate Use of Resources.

In drafting this report, Staff also considered Corporate-029 – Employee Code of Conduct as well as Corporate-012, Corporate Purchasing Policy.

8.0 Input From Other Sources

In preparing this report, Clerk staff conducted a literature review and consulted stakeholders from the 2018 Municipal Election as well as other City Departments including Legal, CAO and Mayor's office, Purchasing and Public Works. Intra-City collaboration will be a continued priority as election planning proceeds.

9.0 Analysis

9.1.1 GENERAL INFORMATION

Voting Methods for 2022 – In-person and Online Voting

During the 2022 Municipal Election voting period, Brantford electors will be able to cast their ballots through online voting or in person at traditional polling locations (either in the advance voting period or within their ward locations on voting day). Online voting, an alternative voting method, was previously approved for the 2022 Municipal Election through Municipal Code Chapter 169 – Voting, Machines, Recorders and included within the City's agreement with Dominion Voting Services to provide services as our online voting vendor.

2018 - Online Voting Service Disruption

During the 2018 Municipal Election, electors using the online voting system experienced significant delays around 6:00 p.m. on Voting day which limited the online ballot casting until approximately 7:45 p.m. This was due to a system wide bandwidth issue that affected our online voting supplier, Dominion Voting Systems, and had multiple cities impacted. In response to the outage, the City used its Emergency Powers under the MEA to extend voting by one hour to allow electors to travel to a poll and cast their ballots in person or use online voting once the service resumed. Staff have met with Dominion and received confirmation from the supplier that they have changed how they monitor and deploy their systems to prevent a reoccurrence of this issue in 2022. Dominion's letter of assurance has been attached as Appendix B to this report. Staff support the use of online voting for the 2022 Election.

2022 Communication Plans

To ensure that all electors have an opportunity to be well informed on Election details and to have the best information to support casting their ballot using their preferred voting method, a communications campaign will be undertaken. This campaign will include nomination/candidacy details, voter's list revision opportunities and will inform electors of the voting process including how to vote, where to vote and when to vote. This communication campaign will involve traditional communication avenues including newspaper and bulletins as well as multiple communications across social media platforms. Clerks staff are working with the City's Communication Department to develop a full communication plan.

A key part of a successful election is ensuring candidates for the elected offices clearly understand their responsibilities during the election period. Clerks staff will prepare Candidate Information Packages for candidates that will explain their legal duties and responsibilities as well as provide practical information about the election process. The Election Team will also host a Candidate Information Session for those wanting more information as they consider running for elected office. Both the session and the package will aim to ensure that all candidates have access to necessary knowledge and paperwork needed to run for office.

The Municipal Elections Act, 1996 (MEA) is a provincial law that governs how municipal elections are conducted across Ontario. Since the last election, amendments have been made to the MEA through the passage of Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 and Bill 254, Protecting Ontario Elections Act, 2021. As well, the MEA creates legal standards around questions on the ballot, nominations, election financing, advertising and

corrupt practices. A brief synopsis of these topics can be found in the "Municipal Elections Act Amendments" document attached as Appendix C.

9.1.2 PLANNING FOR 2022

While all 444 municipalities in Ontario are required to conduct their elections in accordance with the MEA, it does not mean that all policies and procedures there is one uniform election program for all municipalities to follow. City Clerk's staff have undertaken the planning for the 2022 election, giving consideration to the scope and scale of Brantford's own governance framework - a Mayor elected at large and ten Council Members elected, two per electoral ward with approximately 68,000 eligible electors. The work plan is customized to reflect the local experience, building service improvements in each election. In 2022, staff will pay particular attention to the need for additional communication throughout the election period to residents regarding polling locations and alternative voting methods.

The MEA requires the Clerk to prepare and conduct municipal elections every four years, granting the Clerk various authorities to ensure independence in the process. While the MEA requires Clerks to perform election duties in a manner consistent with the principles of the legislation, the courts have also established the following for the conduct of the election:

- Secrecy and confidentiality of the voting process is paramount;
- Election shall be fair and must not favour one candidate over another;
- Election shall be accessible to voters:
- Integrity of the process shall be maintained throughout the election;
- Proper majority vote decides the election achieved by ensuring, so far as is reasonably possible, that valid votes be counted and invalid votes be rejected; and
- Voters and candidates shall be treated fairly and consistently.

In planning for the 2022 election, staff will build on the experience from the 2018 election, identify where service improvements can be made for the next election, and ensure those improvements are reflected in the work plan and the election budget.

Of note, the following planned improvements are included in the 2022 election program:

- Continue with expanded opportunities to vote online. In 2022 Online Voting will run from October 3rd, 2022 to the close of polls on Election Day (October 24th);
- Conduct voting location external assessments after hours to ensure proper lighting and individualized internal assessments which include an Accessibility audit;

- Deployment of voter communication through multiple platforms and formats and locations (i.e. Community Centres, Brantford Public Library);
- Seek expanded opportunities for voters to add or amend their records beyond City Hall;
- Further implementation of an online information portal for Candidates including their legislated access to elector information;
- Recommend changes to the Use of Corporate Resources policy to improve clarity;
- Implementation of a revised training program for the over 350 hired election workers that includes both in-person and virtual opportunities; and
- Continued support of automating the voter strike-off list which introduces a choice for the elector to vote anywhere within their ward.

9.1.3 2022 ELECTION CALENDAR

Compliance of the legislative deadlines in an Election year is critical. Below are some key dates to note for the election:

Details	Date(s)
Nomination Period Begins	May 2, 2022
Nomination Period Ends –	August 19, 2022 at 2:00pm (previously July
Nomination Day	22 nd)
Procedures - Voting and Vote-	May 1, 2022 (Previously December 31st in
Counting Equipment/Alternative	the year prior to an election)
Voting Methods	
Election Day	October 24,2022
Term of Office	November 15, 2022 – November 15, 2026

For a more fulsome review off all key dates in regards to the 2022 Municipal Election, please see the AMCTO Election Calendar attached as Appendix D.

9.1.4 VOTING DATES AND TIMES

The MEA has been revised to place the responsibility to determine voting dates and times, outside of the prescribed Voting Day (October 24) with the City Clerk. The requirement to enact a By-law for advanced voting dates, hours of voting on Voting Day (beyond the prescribed time), and for roaming polls has been removed from the MEA and is now a transfer of authority from Councils to the Clerk. The updated language is provided below for reference.

The voting period for the 2022 Municipal Election is planned to commence on October 3, 2022 (online voting to begin) and cover until October 24, 2022. This allows for 21 days of voting opportunities for the electors. More specific details are further outlined by voting method below.

Online Voting

Similar to 2018, the Election team is planning a commencement of the online voting as the first method. The current plan is launch online voting on October 3rd at 10:00am and continue until October 24th at 8:00pm, ending simultaneously with in-person voting.

Advanced Polls - In-person Voting

Advanced polls are planned to be run from Wednesday October 12th through Saturday the October 15th at two locations within the City. These polls will be open from 10:00 a.m. until 6:00 p.m. and provide an opportunity for electors to cast their ballots before Election Day. Specific locations have not yet been determined, but effort will be made to choose locations on each half of the City, providing equitable opportunity for electors during the advanced voting period. In past elections locations such as the Civic Centre, Wayne Gretzky Sports Centre, and Branlyn Community Centre have been utilized.

Roaming Polls – In-person Voting – Residents Only

Electors residing in long term care homes, institutions for the infirm and retirement homes within the City of Brantford will have the opportunity to cast their ballots at their residence facilities. The Election team will work with these residences to schedule voting opportunities between October 4th and October 7th, 2022. These scheduled appointments will occur between 10:00 a.m. and 6:00 p.m. This practice is consistent with actions taken in 2018 and work towards the goal of improving the 2022 election.

Roaming voting has also been expanded in previous years to include certain high resident population apartment complexes such as Brant and Lorne Towers. The election team is evaluating the success of this voting deployment as an expanded service opportunity and the ability to execute this same service in 2022.

Election Day Polls - In-person Voting

On October 24, 2022, Municipal Election Day, polling locations will be open from 10:00 a.m. until 8:00 p.m. at approximately 24 locations across the City. In 2018, efforts were undertaken to deploy the ability for electors to vote at any polling location located within their Ward. For example, a Ward 1 elector could vote at any of the polling locations located in Ward 1. This program was very successful and the team will be deploying this model once again. To do this, the City uses

an automatic strike off function to ensure an accurate record of who has voted is maintained. This list syncs with the online system and all other voting locations to reduce voter fraud opportunities and communicate to candidates, in real time, voting activity. All electors who are in line to vote at 8:00 p.m. will have the opportunity to cast their ballot.

Summary of Voting Dates and Times

Voting dates and times are planned as follows:

Method	Dates and Times
Online Voting	October 3 rd at 10:00 a.m. through to October 24 th at 8:00 p.m.
Advance Voting Polls – In-person	October 12 th to October 15 th
	10:00 a.m. to 6:00 p.m. daily Operated at 2 locations within the City (TBD)
Advance Voting Polls –	October 4 th to October 7 th
Roaming	
	Times to be determined with the various locations across the City for Residents of the facility.
Voting Day	October 24 th
	10:00 a.m. to 8:00 p.m.
	Various locations within each Ward. Locations will operate in a Vote Anywhere in Your Ward model.
	Roaming locations will also be attended for a second time on this day.

Municipal Election Act, 1996 – Clerk Delegation – Voting Locations and Times

Below are the relevant sections of the *Municipal Election Act, 1996* which address the Clerks powers and obligations in relation to voting dates and times.

Advance vote

43 (1) Before voting day, each local municipality shall hold an advance vote on one or more dates. 2016, c. 15, s. 32.

Same

- (2) Subject to subsection (3), the clerk shall establish,
 - (a) the date or dates on which the advance vote is held;
 - (b) the number and location of voting places for the advance vote; and
 - (c) the hours during which the voting places shall be open for the advance vote, which may be different for different voting places. 2016, c. 15, s. 32.

Same

(3) The advance vote shall not be held more than 30 days before voting day. 2016, c. 15, s. 32.

Number and location of voting places

45 (1) The clerk shall establish the number and location of voting places for an election as he or she considers most convenient for the electors.

Hours of voting, location

46 (1) On voting day, voting places shall be open for the electors to vote from 10 a.m. until 8 p.m. 1996, c. 32, Sched., s. 46 (1).

Reduced voting hours, institutions and retirement homes

(3) Despite subsection (1), the clerk may establish reduced voting hours with respect to a voting place described in subsection 45 (7) that is only for the use of residents of the institution or retirement home. 2016, c. 15, s. 35 (2).

9.1.5 MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE (MECAC) – Clerk Delegation Recommendation

Establishing a MECAC is a mandatory requirement under the MEA for all municipalities and school boards. It is an independent, statutory body that receives/addresses complaints about a campaign's election finances. The City must establish the MECAC for the 2022-26 term prior to October 1, 2022.

The Committee is activated when a compliance audit is requested by an elector who is entitled to vote and who believes on reasonable grounds that a candidate or third party advertiser has contravened the Act relating to campaign finances. The MEA prescribes the responsibilities and powers of the MECAC, which are restricted to assessing each request for a compliance audit and determining whether a compliance audit is required as well as reviewing the compliance audits that are conducted. The City of Brantford's Municipal Code Chapter 26 - Boards - Advisory Committees Duties - Functions further outlines the roles and responsibilities of the Committee.

In 2018, The City of Brantford, The County of Brant, Norfolk County and Haldimand County worked on a joint MECAC operation which served the areas well, met the legislative requirements of the MEA and reduced costs for the overall operation under a shared resource model (Report CS2018-058). The respective area Clerks have begun joint efforts for the 2022 Election and it is recommended that Council support the joint operation once again. Staff are recommending that the authority to select the successful applicants be delegated to the Clerk with the names of the successful applicants embedded into a By-law to be presented directly to City Council to confirm said appointments. The Committee, like in 2018, would ideally be comprised of members from each jurisdiction, drawing from a larger pool of potential candidates with the required skill set to perform their legislated duties. Further, as appointments are not required to be received by the Appointments Committee of Council as per Municipal Code Chapter 26, the delegation to the Clerk facilitates the creation of the Committee.

Following the 2018 election, no requests for compliance audits have been received for the City of Brantford. However, the Committee was utilized in other jurisdictions that participated in the joint MECAC.

9.1.6 ELECTION – CORPORATE USE OF RESOURCES POLICY – Updates Recommended

The MEA includes a mandatory requirement for all municipalities and school boards to establish a policy prior to April 30th 2022 on the use of municipal and board resources during an election. The City of Brantford is already in compliance with this requirement; as a policy was established for the 2014 Municipal Election. The purpose of the policy is to ensure that Candidates, Members of Council, City Employees and Advertisers do not use municipal and board resources to undertake election and campaign related activities.

Staff have reviewed the Policy and are providing for revision suggestions within this report. The following chart outlines the summary of recommended additions to the Policy:

TYPE OF ADDITION	SUMMARY OF ADDITION
Additions to adopt language in the Use of Corporate Resources Policy to align with the Municipal Elections Act, 1996.	 The City of Brantford cannot make a contribution, including money, goods and services, to any candidate, registered third party, or in support of or opposition of a question on the ballot during an election.

Additions and edits relating to City of Brantford Staff	 Employees of the City of Brantford may not engage in election related activity while wearing clothing which identifies them as City employees except when a part of regular duties. City Employees must not engage in campaign related activities that creates a real or perceived conflict of interest. City of Brantford employees are not permitted to participate in campaign related activities during traditional working hours unless they are on a lieu time, flex day or vacation leave. Employees may engage in election related activities if those activities are separate from their official positions and duties, so long as not in contravention of the Employee Code of Conduct.
Additions related to use of facilities and property.	 Members of Council, candidates, registered third party advertiser or its agents, and City Staff can use a City facility if: The facility is rented using funds from the campaign account; The facility is not being used as a polling location at the same time; Campaign material is removed from the facility at the end of the rental period; Campaigning at the doors of tenants in City owned apartments buildings is as permitted within the MEA. Language clarification surrounding the use of general City imagery with a focus on permitting general use provided the City's logo, crest, Coat of Arms or slogan.
Clarification on the use of City owned parking lots or roadway parking with campaign-related material affixed to vehicle.	 Members of Council, candidates, registered third party advertisers or its agents, and City Staff can use a City owned parking lot temporarily or use onstreet parking or free parking temporarily so long as the vehicle is: Not otherwise immovable; Not in contravention of other applicable bylaws that govern activities (i.e. sign by-law, parking, etc).

A revised Policy including the full recommended changes noted as tracked changes is attached to this report as Appendix A.

9.1.7 ELECTION ACCESSIBILITY

In previous municipal elections, including 2018, the City made accessibility devices available in an effort to mitigate potential barriers to voting. Devices included a handheld touch pad, "yes/no" paddles and a sip and puff machine. These devices gave the voter the opportunity to listen to an audio ballot with candidate options read out over headphones. A voting station specific for the needs of handicapped individuals was set up at City Hall for Voting Day and at both of the operated advance polls, and will be included again in the 2022 election plan.

Following the 2018 election, staff met with the City's Accessibility Committee to review the election program and incorporate feedback for future elections. Accessibility is enhanced in the 2022 election work plan by including the automation of the strike off list which will permit voters to attend any voting location within the ward, extending the time period for on-line voting and providing greater voting location opportunities for those who vote at the roaming polls.

With regards to voting places, Clerk's staff plan to undertake a comprehensive review of the physical environment for each voting place. This review involves the completion of a detailed accessibility checklist. Each review includes the evaluation of features such as elevators, ramps, handrails, lighting and door widths. Staff provide for assessment details for each location on the Election Website to inform electors of any concerns with locations that are utilized. All voting locations used in the municipal election must be accessible.

9.1.8 RECOUNT POLICY

The MEA permits municipal councils and school boards to adopt a policy with respect to the circumstances in which the municipality requires the Clerk to hold a recount. Under such a policy, a close vote recount would automatically be conducted if the original count fell within the policy parameters, as defined by Council, without the need for a request by an elect or involvement by the Court. Staff do not recommend an independent policy at this time and suggest utilizing the language outlined within the MEA as the governing process should a recount be necessary.

9.1.9 COVID-19 IMPACTS

The 2022 Municipal Election will be the first Brantford Municipal Election held since the beginning of the Covid-19 pandemic. It is very likely that the Election will be impacted by COVID-19 restrictions and the need for enhanced safety measures. Given this reality, Clerk's staff are continuously evaluating election plans with the impacts of Covid-19 in mind.

There is very few areas of election planning that are not impacted by the pandemic including staffing, supplies, voting locations, electors and candidates. Consideration of these impacts has been, and continues to be, considered while planning the 2022 Election.

The post pandemic election will require all the traditional staffing supports plus the possible need for additional staffing supports to sanitize polling locations and screen electors. Election worker training will be developed so that it can be delivered in person or online, depending on the pandemic conditions at the time. If training is provided in person, larger spaces that allow for distancing will be utilized. Other measures such as masking and smaller group sizes may be used to follow public health guidance at the time and the delivery of training safely and effectively.

Electors will have the option to cast their ballot online, allowing electors to vote without visiting a polling location. The City will enhance communications reminding electors of their ability to vote online and acknowledge its public health benefits. An increase in online voting will reduce demand at in-person voting sites, leading to a reduction in risk of Covid-19 transmissions. For those voting in person, all voting sites will follow the current public health guidance at the time of the election. Electors who reside in long term care homes and retirement homes are able to cast their ballots in their residence. Election teams who visit these residences may be required to wear personal protective equipment and meet additional Covid-19 requirements.

The Clerks department has included additional expenses that may arise for pandemic impacts including personal protective equipment like masks and gloves, screen dividers and sanitizing agents in the election budget.

Overall, Covid-19 has impacted elections in predictable and unpredictable ways. The Elections team will continue to consider Covid-19 impacts in its planning and work with partners to implement measures that will improve the safety of the 2022 Municipal Election.

10.0 Financial Implications

There are no direct financial implications associated with this report. The City Clerk budgets annually for the costs associated with conducting the Municipal and School Board elections as well as the initial costs of the Compliance Audit Committee operations. Any costs that may result from additional meetings or decisions of the Committee (i.e. auditor, legal advice) are unknown at this time. Should any audits or legal proceedings be undertaken as a result of a Committee

decision, those costs will be drawn from the City's existing Election Reserve Account.

11.0 Climate and Environmental Implications

In consultation with the City's Climate Change Officer, the City has considered the Environmental and Climate Impacts for the 2022 Municipal Election. In reviewing the City's list of polling stations, after reviewing historical voter turnout rates per polling location, we were able to reduce our polling locations from 26 polls to 24 polls City Wide, resulting in a decreased environmental impact.

The use of online voting will further lessen our carbon footprint by reducing the need for electors to travel to polling stations.

Some training sessions for election workers and information sessions for Candidates will be held online for accessibility, safety and environmental reasons. Switching to a hybrid delivery system will reduce the need for election workers and candidates to travel to and from meeting locations, thus reducing the environmental impact these training sessions have.

Staff are considering environmental and climate implications in the execution of the 2022 Municipal Election and are hopeful we will reduce our carbon footprint.

12.0 Conclusion

The City Clerk's Office is responsible for administration of the Municipal and School Board Elections, a resource and time intensive process for approximately 68,000 eligible voters.

Preparation for the Municipal and School Board Election are well underway. Clerks staff, authorized by the MEA and following best practices, have begun selection of voting locations, voting hours and voting methods. Electors will be able to cast their ballots online throughout the Election period, and may vote in person during the Advanced Polls or Election Day.

It is the responsibility of the City Clerk to ensure that the upcoming election is accessible and secure. The Election team work with our City colleagues, local partners and suppliers to ensure accessibility and security and that election requirements under the MEA are being met. These include a communications plan to inform electors about their voting options, the use of accessibility tools to help electors with accessibility concerns vote, and location site visits to ensure locations can accommodate election staff and voters safely.

City staff have also undertaken a review of Policy – 004 Use of Corporate Resource Policy which prohibits Candidates, Members of Council, Third-Party Advertisers and City Staff from using corporate resources for election related activities. These changes will strengthen the impartiality and neutrality of the City throughout the election period.

Overall, staff is well underway in their preparations for the 2022 Municipal Election, to be held on October 24, 2022.

Tanya Daniels,

City Clerk / Director of Clerk's Services

Prepared By:

Emma Vokes, Supervisor of Licensing, Admin Services and Elections Keaton Scarff, Election Assistant

Attachments:

Appendix A: Use of Corporate Resources Policy – Tracked Changes

Appendix B: Letter from Dominion Voting Services

Appendix C: Municipal Elections Amendment Summary Document

Appendix D: AMCTO Election Calendar

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required [x] yes [] no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk [] yes [x] no

Is the necessary by-law or agreement being sent concurrently to Council? [x] yes [] no