



STAFF REPORT

SUBMITTED BY: Chris Frotten

DATE: January 9, 2024

SUBJECT: 2024 Municipal Election – Report 1

STRATEGIC OBJECTIVE: N/A

ORIGIN

Planning has begun for the 2024 Municipal and CSAP Elections (Election). Council direction is required in certain areas to proceed.

BACKGROUND

The *Nova Scotia Municipal Elections Act* (Act) is the main statute governing all elections for municipal councils and the CSAP. The Act (s. 10) stipulates that the election of councillors shall be held on the third Saturday in October in the year 2000 and on the third Saturday in October in every fourth year thereafter. October 19, 2024, is the date of the next municipal election.

The 2020 Municipal Election was held on October 17, 2020, using paper balloting only. A total of 13 candidates were nominated for election. Voter turnout was approximately 43.5% and the election resulted in 1 new member of the 5-member Council.

There are a number of legislative requirements of the *Act* regarding the election, and this report seeks Council direction on these matters.

DISCUSSION

Appointment of Returning Officer

Section 4 of the *Act* requires Council to appoint a Returning Officer to conduct the Election by March 15, 2024. The Returning Officer is responsible for all matters related to the conduct of the municipal and CSAP Election (election), including voting procedures, division and location of polling stations, and any other matters that ensures voting is conducted and reported in a fair and accurate manner and in compliance with the legislation. The Returning Officer may be the Clerk, another municipal employee, or another person who is not a municipal employee. Staff is recommending that another person who is not a

municipal employee, be appointed as the Returning Officer. This position would be advertised, and an official appointment would be made in February.

List of Electors

Subsection 30(1) of the Act requires, by April 15, 2024, Council to decide to either use the provincial list of electors from Elections Nova Scotia or conduct an enumeration.

Council has decided to use the provincial list of electors for past elections and Staff is recommending continuing this practice. The information is provided by Elections Nova Scotia. Before the data can be provided by Elections Nova Scotia, the Act requires a data sharing agreement be signed with Elections Nova Scotia and Council. If Council directs the use of the preliminary list of electors, staff will bring forward the draft agreement with Elections Nova Scotia to Council for approval.

Advance Polls

Section 114(4) of the Act provides for an advance poll on Tuesday, the fourth day before regular poll (October 15). Council must select one other day or delegate its authority to select the first advanced poll to the Returning Officer. The choices are either Thursday, the ninth day before ordinary polling day (October 10) or Saturday, the seventh day before ordinary polling (October 12). In addition, our Alternative Voting By-Law allows for advance polling to be any other day or days set by resolution of Council no sooner than the eleventh day before Ordinary Polling Day.

Delegation - Assistant Returning Officer

The Act allows Council to appoint one or more Assistant Returning Officers. An Assistant Returning Officer assists the Returning Officer in carrying out their duties and acts in the place of the Returning Officer when the Returning Officer is absent or at their request. Since 2011, the Act has allowed Council the option to delegate its authority to appoint one or more Assistant Returning Officers and we recommend that delegation of authority to the Returning Officer.

Delegation – Tariff of Fees

The Act requires a tariff of fees be set. The tariff sets the amounts that are paid for various positions, such as a deputy returning officer, and a poll clerk. Since 2011, the Act allows Council the option to delegate its authority to make and amend the tariff of fees and we recommend that delegation of authority to the Chief Administrative Officer.

Electronic Voting

In April 2023, an Alternative Voting By-Law was passed (attached), which allows for alternative voting methods for municipal elections, such as voting by telephone or via the internet or a combination thereof.

As explained in a report presented to Committee of the Whole in November 2022 (attached), electronic voting is becoming increasingly popular as the technology advances and improves. Provincially, other units started going paperless in the 2016 election and in 2020, 41 municipalities used electronic voting in some

way – 68% of those offering electronic voting only. Other municipal units have also started their 2024 planning, and most are recommending electronic options to their respective Council's. There are different formats in which you can provide electronic voting. For example, some use it during advance polls only while others provide both paper and electronic voting methods simultaneously.

This year, there is a concern provincially with the anticipated lack of potential election staff. It is expected that finding workers will be extremely difficult and certainly the pay rates would need to be significantly higher than in previous years to meet current market demands.

For the reasons listed above, it is recommended that the 2024 Municipal Election be conducted using a hybrid model (paper and electronic).

Implementing a hybrid voting model for the first time, which will combine electronic voting and a paper option, offers a balanced approach that addresses the concerns and preferences of a diverse electorate. This approach aims to gradually transition towards modern technology while ensuring inclusivity and maintaining the trust and familiarity associated with traditional paper ballots.

Based on lessons learned from the past elections, Staff recommends implementing electronic voting exclusively for advance polls and switching to paper ballots only on ordinary polling day. This recommendation is driven by a combination of practical considerations, security considerations, and a desire to accommodate different voter preferences.

Implementing both systems at the same time may require more physical space at polling stations and additional resources, such as power sources and technical support, leading to increased logistical demands. Voters may be confused when faced with two different voting methods on the same day. Finally, having both electronic and paper systems available on the same day increases the potential points of vulnerability for election interference or fraud.

To gain a better understanding of how electronic voting works, attached is a brochure from Intelivote Systems Inc. regarding the 2024 municipal election. Although they may not be the chosen vendor to provide electronic voting services, they have been the leading vendor in Nova Scotia for the last few elections and their brochure provides valuable information.

The proposed schedule under this model would be the following:

- September 10, 2024 – Nomination Day
- October 10, 2024 to October 18, 2024 – Advance Polling Period – 100% electronic (internet and phone)
- October 19, 2024 – Ordinary Polling Day – 100% paper

Candidates Deposit

Section 51(1) of the Act states that every nomination paper shall be accompanied by a deposit of \$200. That said, Council may by by-law specify that a lesser deposit, or no deposit, shall be required. Staff recommends that Council comply with the Act and Bylaw #149 (Respecting Deposits by Candidates at an

Election) with no changes as there needs to be some commitment to potential candidates to the election process to make the process a serious one.

Notice of Preliminary List

Section 34(1) of the Act requires the availability of the preliminary list of voters to be advertised in newspapers circulating in the Municipality.

Section 34(4) outlines other mechanisms to notify voters but is only necessary if directed by Council. The other mechanisms include:

- a. Distributing flyers to households
- b. Mailing cards to voters
- c. Providing for other advertisements as directed by Council

Date of Final List

Section 38 of the Act refers to a date selected by Council on which the amended list of voters is finalized. Decisions on the final list must be done in time to allow the lists to be printed. With use of electronic voting, the lists are available electronically and printed lists would not be necessary.

BUDGET IMPLICATIONS

In an election year, we typically budget approximately \$25,000. This includes expenses related to the Returning Officer, election workers, hall rentals, polling station supplies and ballots. Implementing a hybrid model is not expected to increase costs as there will be fewer polling stations on ordinary polling day, thus less election workers will be hired and not as many spaces will have to be rented for polling stations.

LEGAL IMPLICATIONS

The 2024 Election is legislatively required under the *Nova Scotia Municipal Elections Act* (<https://nslegislature.ca/sites/default/files/legc/statutes/municipal%20elections.pdf>)

PUBLIC CONSULTATION/COMMUNICATIONS

The Municipality completed a robust citizen engagement initiative during the 2020 regular election. Public engagement activities for 2024 have already commenced and a robust communications strategy will be developed.

RECOMMENDATION

It is recommended that Council authorize Staff to conduct the 2024 Municipal Election as outlined in the recommended motions below.

SUGGESTED MOTION

1. That Council give authority to the Chief Administrative Officer to determine the Tariff of Fees and Expenses for the 2024 Municipal Election.
2. That Council give authority to the Returning Officer to appoint Assistant Returning Officer(s).
3. That Council agree to utilize alternative voting methods (internet and phone) from a to be determined vendor for the 2024 Municipal Election.
4. That Council set the dates for the advance polling period from Thursday, October 10, 2024, to the end of October 18, 2024, by electronic voting only. With Ordinary Polling Day being conducted using paper ballots only.
5. That Council agrees that in addition to the methods mandated by the Municipal Elections Act to notify the public of the preliminary list of electors and revision methods, that it be left to the discretion of the Returning Officer to determine additional notification mechanisms that will improve the accuracy of the electors' lists.
6. That Council authorizes election staff to continue to amend the electors' list database in conjunction with the electronic voting system up to and including Ordinary Polling Day, being October 19, 2024.
7. That Council authorizes the use of the Nova Scotia permanent registry of voters provided by Elections Nova Scotia as the preliminary list of electors for the 2024 Municipal Election for the Municipality.

ALTERNATIVES

These recommendations are per the Act and therefore there are few alternatives.

- Council may decide to complete enumeration instead of using the elector data from Elections Nova Scotia, but that would not be recommended due to time and costs associated with completing enumeration.
- Council may choose to conduct the election 100% electronically or 100% paper.
- Council could choose to also delegate its authority to decide advance polls.

ATTACHMENTS

- By-Law 42 Alternative Voting By-Law
- November 2022 Electronic Voting Staff Report
- Intelivote Brochure – 2024 Municipal Election



Alternative Voting By-law By-law No. 42

Part 1 Purpose

1.1 The purpose of this by-law is to identify Alternative Voting methods for municipal elections.

Part 2 Definitions

2.1 **“Act”** means the Municipal Elections Act, 1989 R.S.N.S. c. 300, as amended;

2.2 **“Advance poll”** means:

2.2.1 the Tuesday immediately preceding Ordinary Polling Day; and

2.2.2 one other day fixed by the Council by resolution that is either Thursday, the ninth day before Ordinary Polling Day or Saturday, the seventh day before Ordinary Polling Day;

2.2.3 Any other day or days set by resolution of Council no sooner than the eleventh day before Ordinary Polling Day.

2.3 **“Alternative polling days”** means any dates fixed by a resolution of Council for Alternative Voting.

2.4 **“Alternative Voting”** means voting by telephone or via the internet and includes a combination of telephone and internet voting;

2.5 **“Ballot box”** means a computer database in the system where cast internet ballots and telephone ballots are put;

2.6 **“Candidate”** means a person who has been nominated as a candidate pursuant to the Act;

2.7 **“Council”** means the Council of the Municipality of the District of Barrington;

2.8 **“Election”** means an election held pursuant to the Act, including a school board election, a special

election, and a plebiscite;

- 2.9 **“Election Officer”** means an “election official” under the Act;
- 2.10 **“Elector”** means a person:
- 2.10.1 qualified to vote pursuant to the Act and the Education Act; and
 - 2.10.2 entitled to vote on advance polling days for an election pursuant to this By-law;
- 2.11 **“Final list of electors”** means the final list of electors completed pursuant to the Act;
- 2.12 **“Friend voter”** means a friend who votes for an elector pursuant to this By-law;
- 2.13 **“Internet ballot”** means an image of a ballot on an internet enabled digital device screen, including all the choices available to an elector and the spaces in which an elector marks a vote;
- 2.14 **“Kiosk”** means an internet connected electronic device, such as a computer or tablet, which can be utilized to offer Alternative Voting at a convenient location;
- 2.15 **“Municipality”** means the Municipality of the District of Barrington;
- 2.16 **“Ordinary Polling Day”** means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- 2.17 **“PIN”** means the Personal Identification Number issued to an elector for Alternative Voting on alternative polling days or on the Ordinary Polling Day;
- 2.18 **“Proxy voter”** means an elector who votes by a proxy pursuant to the Act;
- 2.19 **“Regular election year”** means 2024 and every fourth year thereafter;
- 2.20 **“Returning Officer”** means a Returning Officer appointed pursuant to the Act;
- 2.21 **“Seal”** means to secure the ballot box and prevent internet and telephone ballots from being cast;
- 2.22 **“Special election”** means a special election held pursuant to the Act, including a special election for a vacancy on a school board;
- 2.23 **“Spoiled ballot”** means an internet ballot or telephone ballot that has not been clearly marked for any candidate;
- 2.24 **“System”** means the technology, including software, that:
- 2.24.1 records and counts votes; and

2.24.2 processes and stores the results of Alternative Voting during advance polling days;

2.25 **“System Elections Officer”** means:

2.25.1 a person who maintains, monitors, or audits the system, and

2.25.2 a person who has access to the system beyond the access necessary to vote by Alternative Voting.

2.26 **“Telephone ballot”** means:

2.26.1 an audio set of instructions which describes the voting choices available to an elector; and

2.26.2 the marking of a selection by an elector by depressing the number on a touch tone keypad.

Part 3 Alternative Voting Permitted

3.1 Subject to this By-law, Alternative Voting may be permitted on advance polling days and on the Ordinary Polling Day where Council has passed a resolution permitting one or more forms of Alternative Voting for an Election. Such resolution shall specifically state whether, in addition to Alternative Voting, there will be voting by paper ballot. Where Council does not authorize voting by paper ballot the provisions of the Act with respect to paper ballot voting shall not apply.

3.2 The Municipality may elect to use Alternative Voting on the Ordinary Polling Day and make available the equipment to use Alternative Voting at any poll.

3.3 In the event the Municipality elects to use Alternative Voting on the Ordinary Polling Day, the Municipality shall ensure that the equipment to use Alternative Voting is available at any poll.

3.4 Where voting by Internet Ballot is permitted through the unsupervised use of a personal computing device voting must also be permitted by some other means, such as by Telephone Ballot and/or paper ballot, on each advance polling day and on Ordinary Polling Day.

3.5 Not fewer than 60 days before the Ordinary Polling Day, the Returning Officer is directed to establish procedures and forms for the conduct of voting in accordance with the by-law and to provide a copy of the procedures and forms to each candidate for election.

Part 4 Notification of Electors

4.1 The Returning Officer shall cause notice of advance polling days to be published in a newspaper circulating in the Municipality and to also be posted on the Municipal Website.

4.2 The notice of advance polling days shall:

4.2.1 identify the advance polling days for Alternative Voting;

- 4.2.2 inform electors that Alternative Voting is permitted during advance polling days.
- 4.3 The notice may include any other information the Returning Officer deems necessary to comply with the Act or this By-law.

Part 5 Form of Telephone and Internet Ballots

- 5.1 A telephone ballot and internet ballot shall:
 - 5.1.1 identify by the title “Election for Councillor”;
 - 5.1.2 identify candidate names or names by which they are commonly known, with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and
 - 5.1.3 warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates”, as the case may be.
- 5.2 No title, honour, decoration or degree shall be included with a candidate’s name on an internet ballot or telephone ballot.

Part 6 Oath

- 6.1 Any oaths that are authorized or required shall be made in the form required by the Act.

Part 7 Electors

- 7.1 No person shall vote by Alternative Voting unless:
 - 7.1.1 the person’s name appears on the final list of electors on the date for the final list of electors to be completed pursuant to the Act;
 - 7.1.2 The person’s name does not appear on the final list of electors and:
 - 7.1.2.1 the person appears before the Returning Officer during normal business hours during advance polling days; and
 - 7.1.2.2 the person swears an oath in the prescribed form to the Act.

Part 8 Proxy Voting

8.1 There shall be no voting by proxy by Alternative Voting.

Part 9 Kiosk Voting

9.1 The Returning Officer may establish a Kiosk at the Municipal Office during normal business hours that fall within the Alternative Polling Days. The Returning Officer shall also establish a Kiosk at locations the Returning Officer deems appropriate during the Alternative Polling Days. The dates, times and locations of this Kiosk will be established and published thirty (30) days prior to the commencement of the Alternative Polling Days.

Part 10 Friend Voting

10.1 A friend voter shall only vote for an elector by Alternative Voting if:

10.1.1 an elector is unable to vote because the elector is blind, the elector cannot read, or the elector has a physical disability that prevents them from voting by Alternative Voting; and

10.1.2 the elector and the friend appear in person before the Returning Officer and take the prescribed oaths.

10.2 A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent or spouse of the candidate.

10.3 The elector shall take an oath in the prescribed form providing that they are incapable of voting without assistance.

10.4 The friend of the elector shall take an oath in the prescribed form that:

10.4.1 the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent or spouse of the elector;

10.4.2 the friend will mark the ballot as requested by the elector; and

10.4.3 the friend will keep secret the choice of the elector.

10.5 Where the elector requests assistance, the Deputy Returning Officer or Returning Officer may act as a friend of the elector but shall not be required to take the oath referred to above.

10.6 The Deputy Returning Officer, Returning Officer or Poll Clerk shall enter in the log book:

10.6.1 the reason why the elector is unable to vote;

10.6.2 the name of the friend; and

10.6.3 the fact that the oaths were taken.

Part 11 Voting

11.1 The system shall put internet ballots and telephone ballots cast by an elector in the virtual ballot box.

Part 12 Seal

12.1 The system shall seal the virtual ballot box at the close of Ordinary Polling Day.

Part 13 List of Persons Who Voted

13.1 Following the close of Ordinary Polling Day, the system shall generate a list of all electors who voted by Alternative Voting, and this list shall be delivered to the Returning Officer within 24 hours.

Part 14 Counting

14.1 At the close of Ordinary Polling Day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during advance polling days and on Ordinary Polling Day.

14.2 In counting the votes that were cast for each candidate during advance polling days and on Ordinary Polling Day, the system shall not count spoiled ballots.

Part 15 Tallying of Spoiled Ballots

15.1 At the close of Ordinary Polling Day, the system shall tally the number of spoiled ballots that were cast during advance polling days and on Ordinary Polling Day and the tally shall be delivered to the Returning Officer.

Part 16 Recount by System

16.1 In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

16.2 If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by Alternative Voting.

- 16.3 If the regenerated count and the initial count do not match, the Returning Officer shall:
- 16.3.1 direct one final count be regenerated by the system of the votes cast by Alternative Voting, and
 - 16.3.2 attend while the final count is being regenerated.
- 16.4 The regenerated final count pursuant to this by-law shall be the final count of the votes cast by Alternative Voting.

Part 17 Recount by Court

- 17.1 For a recount, the judge shall only consider the final count by the system, as determined by this by-law, of the total number of votes that were cast by Alternative Voting for each candidate.

Part 18 Secrecy

- 18.1 An election officer and system election officers shall maintain and aid in maintaining the secrecy of the voting.
- 18.2 Every person in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

Part 19 Severability

- 19.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

Part 20 Prohibitions

- 20.1 No person shall:
- 20.1.1 use another's person's PIN to vote or access the system unless the person is a friend voter;
 - 20.1.2 take, seize, or deprive an elector of his or her PIN; or
 - 20.1.3 sell, gift, transfer, assign or purchase a PIN.
- 20.2 No person shall:

- 20.2.1 interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
 - 20.2.2 interfere or attempt to interfere with Alternative Voting; or
 - 20.2.3 attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.
- 20.3 No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

Part 21 Offences and Penalty

- 21.1 A person who:
- 21.1.1 violates any provision of this By-law; or
 - 21.1.2 permits anything to be done in violation of any provision of this By-law;
- is guilty of an offence.
- 21.2 A person who contravenes subsection (1) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars (\$5,000.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term of two years (2) less a day, or both.
- 21.3 In determining a penalty under subsection (2), a judge shall take into account:
- 21.3.1 the number of votes interfered with; and
 - 21.3.2 any potential interference with the outcome of an election.
- 21.4 Pursuant to Section 146A of the Act:
- 21.4.1 the limitation period for the prosecution of an offence under this By-law is two (2) years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and
 - 21.4.2 The Remission of Penalties Act, 1989 SNS c.397, as amended, does not apply to a pecuniary penalty imposed by this By-law.

Municipal Clerk's Annotation for Official By-law Book

Date of first reading:	February 28, 2023
Date of advertisement of Notice of Intent to Consider:	March 8, 2023
Date of second and final reading:	March 28, 2023
*Date of advertisement of Passage of By-law:	April 5, 2023
Date of mailing to Minister a certified copy of By-law:	April 5, 2023

I certify that Council adopted By-law No. 42 "Alternative Voting By-law" on March 28, 2023 and published as indicated above.

Lesa Rossetti,
Municipal Clerk

Date

*Effective Date of the By-law unless otherwise specified in the text of the By-Law.



STAFF REPORT

SUBMITTED BY: Chris Frotten

DATE: November 14, 2022

SUBJECT: Electronic Voting

ORIGIN

The next municipal elections will be held on Saturday, October 19th, 2024. In preparation, Staff is requesting direction from Council on whether electronic voting will be an available method in future elections.

BACKGROUND

Council's role in elections is to appoint a Returning Officer, approve the use of electors list, approve the electoral mechanism, election budget, election by-law and ensure that the method and system of voting are able to deliver fair elections and accurate results. Section 146A of the Municipal Elections Act bestows municipal councils with the legislative authority to select the method and system of voting.

Today, citizens can use the Internet to conduct their banking, make purchases and donations, sign petitions, renew and apply for government licenses and pay their taxes. The power of the Internet to transform the nature of traditional service delivery, particularly to improve communication and access to information, has raised interest in its uses to enhance the accessibility of the electoral process as well.

Its ability to create new participative spaces as well as expand existing ones suggests it has the capacity to improve accessibility to voting for many electors. Furthermore, the Internet's influence on other aspects of elections and government, such as campaigning, fundraising, membership recruitment, protest, lobbying and access to information for media and citizens, signifies that it now has an increasingly important relationship with electoral politics and will likely continue to have a considerable impact on the character of democracy in nations worldwide.

The newly emergent concept of electronic democracy suggests it may be useful to further explore the potential of the Internet to improve the electoral process for parties, groups, election administration, and of course, citizens. At the same time however, there remain many concerns surrounding the notion of Internet voting, primarily related to public confidence and trust in the security of the voting process. The goal of this report is to assess the considerations involved in the potential introduction of electronic voting in the next municipal election.

DISCUSSION

The term electronic voting is a blanket term used to describe an array of voting methods that operate using electronic technology. The following section discusses the benefits and risks associated with Internet voting in general, primarily concentrating on remote Internet voting.

Benefits

Proponents of electronic voting make several arguments in favour of its implementation. These are related to technology, social issues and election administration. First, electronic voting has the potential to make the **voting process easier** and **more accessible** for electors. This is especially true for remote Internet voting and telephone voting given that ballots can be cast from any computer with an Internet connection or any working telephone. These latter methods substantially lower the cost of voting for many electors by creating many more access points from which they are able to vote. There is the potential to eliminate long line-ups at polling stations and better address accessibility issues for persons with disabilities, those suffering from illness, those serving in the military or living abroad, those away on personal travel, snowbirds and other groups of citizens such as single parents who may find it difficult to visit a traditional polling station. Additionally, remote methods of Internet voting afford electors the opportunity of being able to **vote at any time**, a feature that further enables electors' ability to cast a ballot.

With regard to special populations of electors, Internet and telephone voting may also be methods of engaging those voters who are considered the hardest to reach, particularly **young people** aged 18 to 30. These electors are most familiar with the technology, are the most frequent reported users and would likely benefit the most from the extension of remote types of electronic voting. Internet and telephone voting seem to be especially useful ways of engaging young people away at university and who are not registered to vote in that particular constituency.

Internet and telephone voting could allow **greater secrecy** for special populations of electors with disabilities (including visually or hearing impaired). By voting electronically and therefore unassisted, these electors are afforded a greater degree of anonymity when casting a ballot. Enabling secrecy for these groups enhances the equality of the vote.

Enhancing accessibility and creating more participatory opportunities for electors holds promise to positively impact **voter turnout**. Generally, the academic literature addressing electronic voting and turnout decline presents inconclusive results concerning whether the extension of on-line voting has a positive effect on electoral participation. Cases in which remote methods were implemented have produced mixed results. Though some areas in Canadian municipalities that have reported some instances of increased turnout. The length of time remote Internet voting options remain in place appears to be related to increases in both its use and in voter turnout.

Related to administration, Internet and telephone voting are claimed to produce **faster and more accurate election results**. Internet and telephone voting systems are said to deliver a faster official ballot tabulation process and are alleged to be more accurate than other types of counting which are sometimes

criticized for error. In addition, fewer election facilities, election workers and election supplies are required, thus reducing the burden of choosing fair locations and searching for workers.

Over the long term all types of Internet voting have the potential to be **less expensive** to operate and execute than traditional paper ballots which require setting up and staffing polls. However, the start-up costs for machines or kiosks can be very high.

Finally, all types of Internet voting and telephone voting have the potential to improve the overall quality of ballots cast by reducing or eliminating ballot errors and by creating better informed electors. There can be **no ballot errors**, and, if the legal structure in a jurisdiction requires the option to **spoil a ballot** or allows for protest votes, a button can be added in some programs to give electors the option to cast a protest vote (or decline to vote). Furthermore, depending on the architecture of the Internet voting system, there is the possibility for additional information to be displayed regarding candidates and their policy positions in conjunction with the on-line vote. This would provide voters with basic information about the candidates and party platforms, and therefore better informing them to vote.

Drawbacks and Risks

Those opposed to, or skeptical of, electronic voting point to several drawbacks and perceived risks that are associated with types of Internet voting and telephone voting methods. The most prominently cited risk relates to **security**. Threats of computer viruses or hacker-orchestrated 'denial of service' attacks are most commonly mentioned as problems that could compromise an election and public confidence in electronic voting. This concern is most prevalent with regard to the security of personal computers. In light of this, the maintenance of **ballot secrecy** is presented as an issue when using computers that are unprotected, located in public places, or which may be susceptible to virus attacks. Other potential technical problems or issues include power outages or malfunctions in Internet connectivity as well as the possibility of servers shutting down or crashing. The reliable recording and storage of votes is also an important consideration.

Problems with **access** are raised. The material on remote Internet voting discusses the potential for a "digital divide", which can occur in two ways. There is a digital divide between those who have home computers with Internet connections and those who do not. Second, there may be a digital divide between those who have faster access and those who have slower connections and hence lower quality access. People with higher incomes are more likely to be able to afford access. Furthermore, access is often less expensive and of higher quality in urban areas. Those with lower incomes and who live in rural areas are at a disadvantage. Therefore, the extension of Internet voting has the potential to create divides with respect to many socio-economic variables, namely income, education, gender, geography and race and ethnicity. These potential divides could be problematic for participation and representation.

It is said that remote Internet and telephone voting present greater opportunity for **fraud** and **coercion** or vote-buying. Fraud occurs when someone votes on another's behalf without their permission, whereas coercion or vote-buying takes place when a voter is pressured by others to vote in a way that he or she would not have otherwise. Both present problems for ballot integrity since it is important that every vote cast be tallied as the voter intended. There is additional opportunity for fraud in electronic voting systems

if voter notification cards, which contain unique passwords required to cast a ballot, are intercepted. In the case of ballots not cast in person it is more challenging to verify a voter's identity. Remote voter authentication can be a problem since it may be difficult to confirm that the person voting is actually who he or she claims to be. While digital signatures and passwords can help, they are not foolproof and could potentially be shared.

The issue of **voter education** is cited as a concern. A lot of time and money must be invested to ensure that the public is aware that electronic voting is an option and that voters are able to understand and use the on-line system to cast a ballot. Without correct marketing and advertising it will be difficult to engage electors.

Privatization is a concern when electoral administrators cede control to a hired firm. Contracting elections out to private companies to run the electronic operations has negative implications for some people, and hence has the potential to negatively impact public confidence and trust in government and elections.

Finally, perhaps the most significant social concern is the threat of **disintegration of social capital** or civic life. The proliferation of electronic election services has the power, some say, to alter the nature of electoral participation by causing more electors to vote alone instead of at a polling place with others. This threatens to erode civic life, local social networks and groups related to elections.

BUDGET IMPLICATIONS

In 2020, our election costs totalled \$27,779. This included everything needed to administer the election, such as supplies, materials, polling station rentals and election workers. The only cost not tabulated would be time spent by other municipal staff on the election.

Based on our costs related to election workers and polling station rentals during the last election and the estimated cost of electronic voting (which is calculated on a per elector basis), using electronic voting would be practically cost neutral.

LEGAL IMPLICATIONS

Section 146A of the Municipal Elections Act bestows municipal councils with the legislative authority to select the method and system of voting.

PUBLIC CONSULTATION/COMMUNICATIONS

N/A

RECOMMENDATION

There is no doubt there are many benefits but still some drawbacks to the use of electronic voting. Those in favour of Internet and telephone voting argue that they provide improved levels of accessibility that can increase voter turnout and reach people who would not vote if required to attend a physical voting

site. By the very nature of services being offered, improved access to voting for many electors is an acknowledged benefit. Even with the recent successes observed in the municipal elections in Nova Scotia in 2012, 2016 and 2020, where a significant percentage of electors voted by phone or on the web, some saw increased voter turnout, but this was not the experience for all municipalities.

While most would agree that online voting is consistent with our increasingly online society, questions of how to maintain the security, validity, and integrity of our elections are still remain.

That being said, in 2020, 26 municipalities across the province offered Internet or telephone option to voters, compared to 20 in 2016. Electronic voting is becoming increasingly popular as the technology advances and improves. There are also different formats in which you can provide electronic voting to try and mitigate the drawbacks and risks. For example, some use it during advance polls only while others provide both paper and electronic voting methods.

In the end, the reality is that all electoral mechanisms carry a certain amount of risk. It is the responsibility of the Returning Officer to manage these risks as best they can. It is also incumbent upon electors not to engage in prohibited activity or corrupt practices respecting the vote.

The question is whether the risks of electronic voting are an acceptable trade-off for increased accessibility and convenience? Based on our research, the improved security and reliability of the systems and the growing use of electronic voting in our region, province and country, I would say the answer is yes. I therefore recommend that Council approve the use of electronic voting as a means of voting in our Municipality.

SUGGESTED MOTION

Move to recommend to Council to approve the use of electronic as a means of voting in the Municipality and direct staff to draft a by-law regulating its use.

ATTACHMENTS

- Section 146A of the Nova Scotia Municipal Elections Act
- 2020 AMANS Electronic Voting Presentation
- Online resources:
 - https://electionsnovascotia.ca/sites/default/files/2013_AR_appendix_InternetVoting.pdf
 - <https://www.municipalworld.com/feature-story/internet-voting/>
 - https://www.elections.ca/res/rec/tech/ivote/comp/ivote_e.pdf

(b) if no person is expressly required to administer it, then before the clerk, returning officer, registrar of voters, revising officer, deputy returning officer, a judge, barrister, notary public, justice of the peace or a commissioner for taking affidavits.

(2) The oath shall be administered without fee or reward. R.S., c. 300, s. 146.

Vote by mail or other voting method

146A (1) A council may by by-law authorize voters to vote by mail, electronically or by another voting method.

(2) The by-law referred to in subsection (1) shall provide for the system of voting for any election that occurs after the date stated in the by-law or the date the by-law takes effect, including

- (a) the notification of electors;
- (b) the form of the ballots where applicable;
- (c) the swearing in and voting on election day;
- (d) the method of counting the ballots or votes; and
- (e) the rejection of ballots or votes.

(3) The by-law may provide for

- (a) the contents of voters kits;
- (b) the places where voting can occur or ballots can be delivered instead of mailing, if applicable;
- (c) the process for sorting, storing or cataloguing any ballots received;
 - (ca) voting by telephone, via the Internet or by any other electronic means, including a combination of different electronic means;
 - (cb) the method of recounting the ballots or votes;
 - (cc) additional hours and dates for voting at an advance poll, including permitting voting twenty-four hours per day over a period of days;
 - (cd) the appointment and duties of an auditor to audit and monitor the performance of the system of voting;
 - (d) any matter or thing necessary to effectively conduct the election, including matters or things under Sections 75, 76, 77, 78, 79 and 86.

(3A) Where an auditor is appointed under the by-law, the auditor shall, before entering upon the duties of the office, take the oath in the form prescribed by the regulations.

(4) Not fewer than sixty days before ordinary polling day, the returning officer shall establish procedures and forms for the conduct of voting in accordance with the by-law and provide a copy of the procedures and forms to each candidate for election.

(5) Where a by-law under this Section is in effect, the provisions of this Act respecting the matters dealt with by the by-law apply only if the by-law so specifies.

(6) Notwithstanding subsection (5), where a by-law provides for voting via the Internet through the unsupervised use of a personal computing device, the by-law must also permit voting by some other means on each advance polling day and on ordinary polling day.

(7) A by-law made pursuant to this Section may provide for the creation of offences and may

(a) impose a fine not exceeding ten thousand dollars or imprisonment for a maximum term of two years less a day, or both;

(b) impose a minimum fine;

(c) provide for imprisonment, for not more than one year, for non-payment of a fine.

(8) The *Remission of Penalties Act* does not apply to a pecuniary penalty imposed under a by-law made pursuant to this Section.

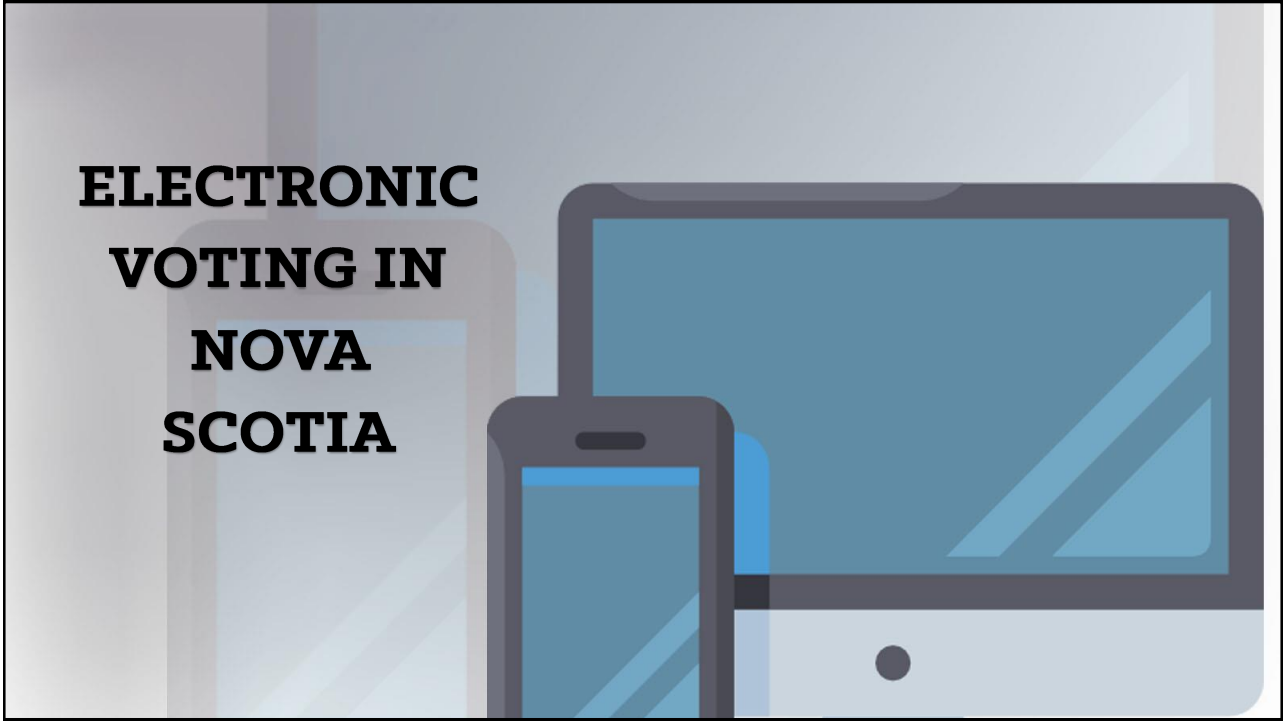
(9) The limitation period for the prosecution of an offence under a by-law made pursuant to this Section is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed. 2003, c. 9, s. 41; 2007, c. 46, s. 24; 2008, c. 24, s. 2; 2011, c. 68, s. 23; 2015, c. 47, s. 25.

Oath of councillor

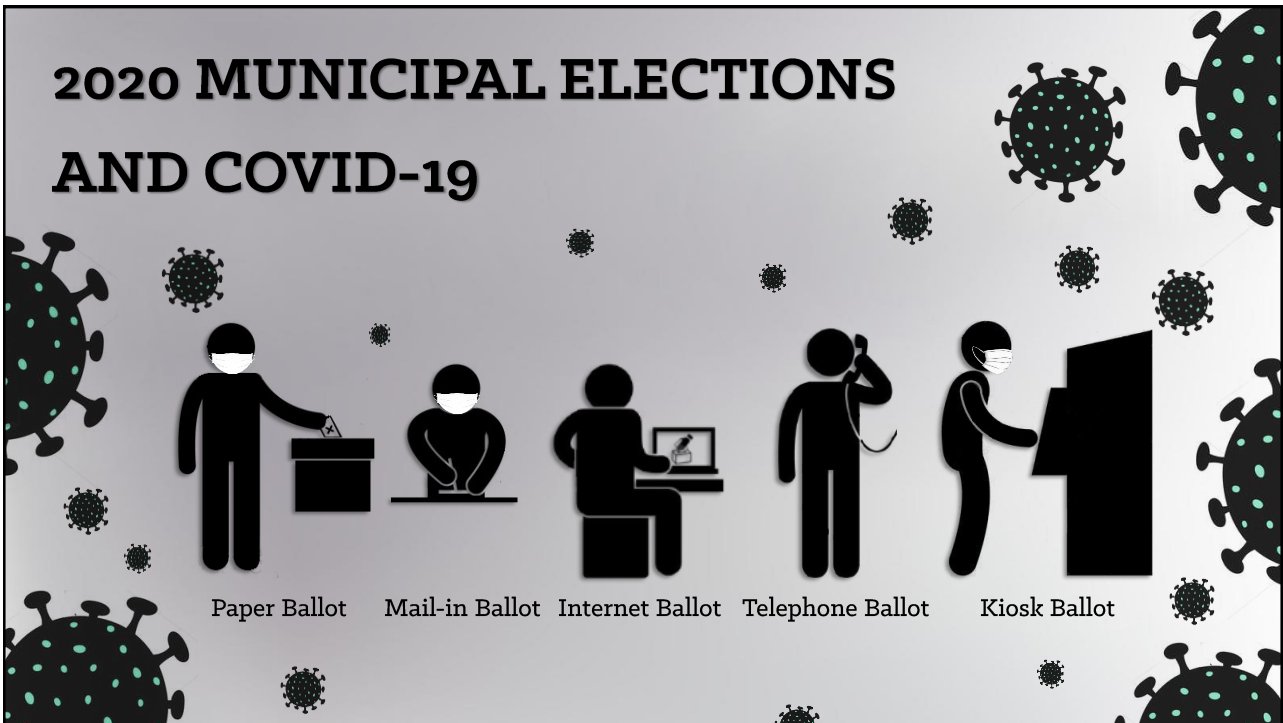
147 (1) A councillor shall, before entering upon the duties of his office, be sworn by taking the oath of allegiance and of office in prescribed form.

(2) The oath shall be administered by a judge, justice of the peace, the mayor or warden, or the clerk.

(3) The clerk shall enter a certificate of the taking of the oath in the minutes.



1



2

THE NOVA SCOTIA EXPERIENCE



3

HOW HAS E-VOTING BEEN IMPLEMENTED IN NS?

Municipalities with an Electronic Voting Option, 2016 Municipal and School Board Elections

	Municipality	Advance Vote	Election Day
1	Berwick	eVote	eVote
2	Digby (Town)	eVote	eVote
3	Middleton	eVote	eVote
4	Truro	eVote	eVote
5	Yarmouth (Town)	eVote	eVote
6	Antigonish	Paper, eVote	Paper, eVote
7	Argyle	Paper, eVote	Paper, eVote
8	Bridgewater	Paper, eVote	Paper, eVote
9	Clare	Paper, eVote	Paper, eVote
10	Digby (Mun)	Paper, eVote	Paper, eVote
11	Kentville	Paper (Sr. Fac.) eVote	Paper (Sr. Fac.) eVote
12	Shelburne (Town)	Paper (Sr. Fac.) eVote	Paper (Sr. Fac.) eVote
13	Stewiacke	Paper, eVote	Paper, eVote
14	Windsor	Paper (Sr. Fac.) eVote	Paper (Sr. Fac.) eVote
15	Cape Breton	eVote	Paper
16	Chester	eVote	Paper
17	Halifax Regional	Paper, eVote	Paper
18	Lunenburg (Mun)	eVote	Paper
19	New Glasgow	eVote	Paper
20	Pictou (Mun)	eVote	Paper
21	Pictou (Town)	eVote	Paper
22	Stellarton	eVote	Paper
23	Victoria	eVote	Paper

4

WHAT IS COUNCIL'S ROLE IN ELECTIONS?

- Authorize voters to vote by mail, electronically or by another voting method via By-Law
- Approve election budget
- Approve use of elector lists
- Appointing Returning Officer



5

THE REALITIES OF E-VOTING



6

E-VOTING IS ACCESSIBLE AND CONVENIENT

- Surveys of non-voters indicate that being too busy, out of town or ill/disabled is a reason that they did not vote.



7

E-VOTING IS POPULAR AMONG VOTERS

2008



2012



2016



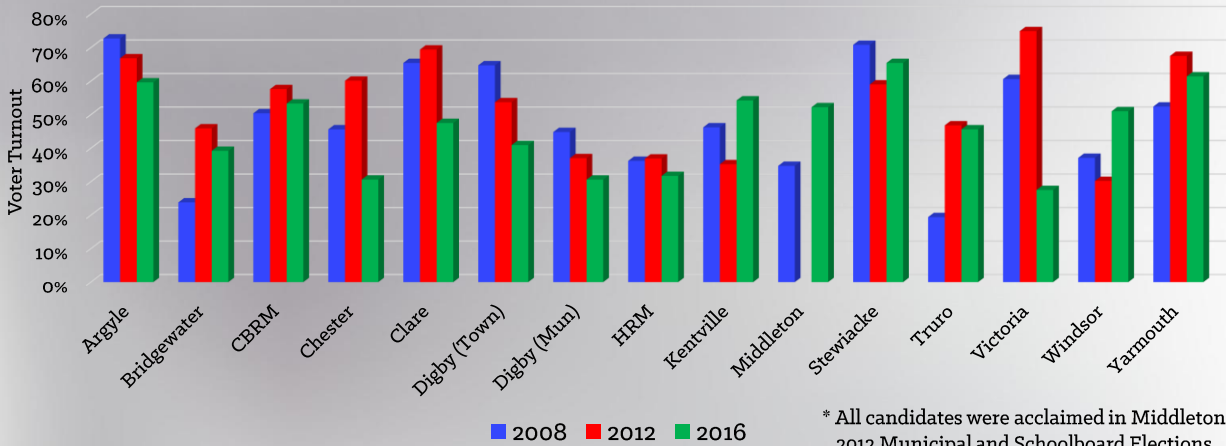
- Post-election surveys indicate that a voter who has cast an electronic ballot will **continue to vote electronically** in future elections.



8

E-VOTING IS NOT THE SOLE SOLUTION TO DECLINING TURNOUT

Voter Turnout, 2016, 2012 and 2008 Municipal and Schoolboard Elections



9

PERCEIVED VULNERABILITIES



10

INCREASED VOTER FRAUD

- Voter fraud is **extremely rare** in Canada. Almost all multiple voters suffer from some form of mental dementia, usually as a result of advanced age or substance abuse.

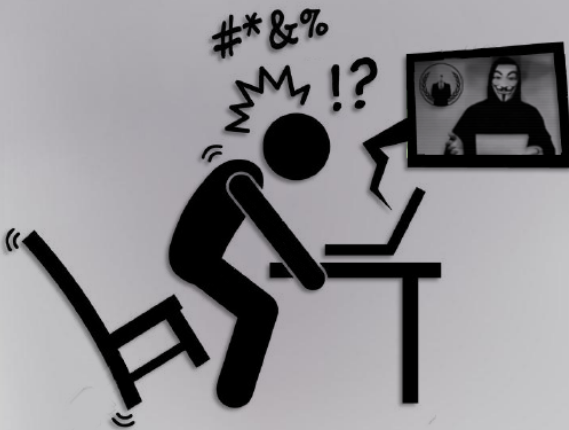


11

TECHNOLOGICAL THREATS

- “There has been **no evidence** of vote tampering or rigging in a **public election** using Internet voting”

(Elections BC, 2011: 27)



12

THE DIGITAL DIVIDE

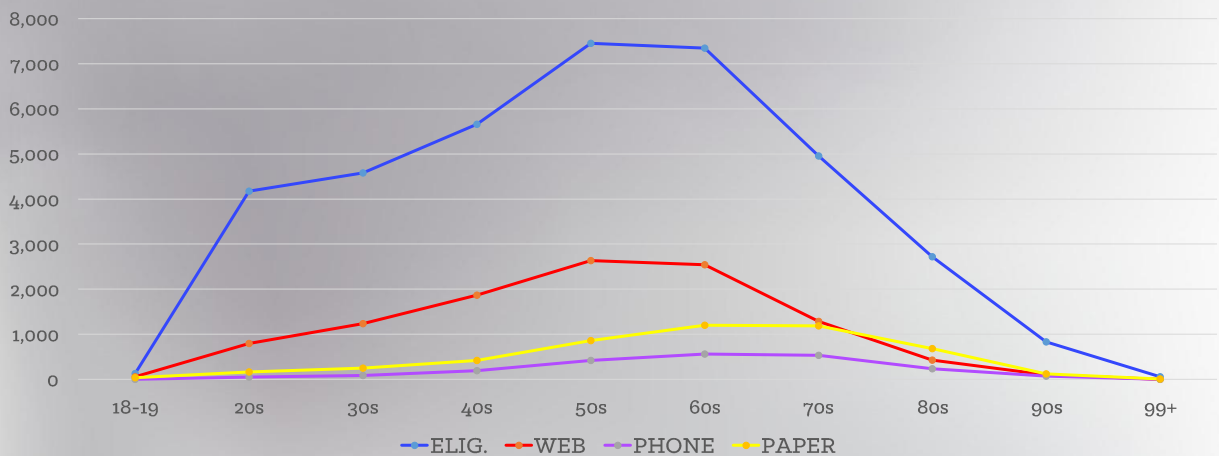
- The digital divide based on age, income and level of internet use is **narrowing** in Nova Scotia.



13

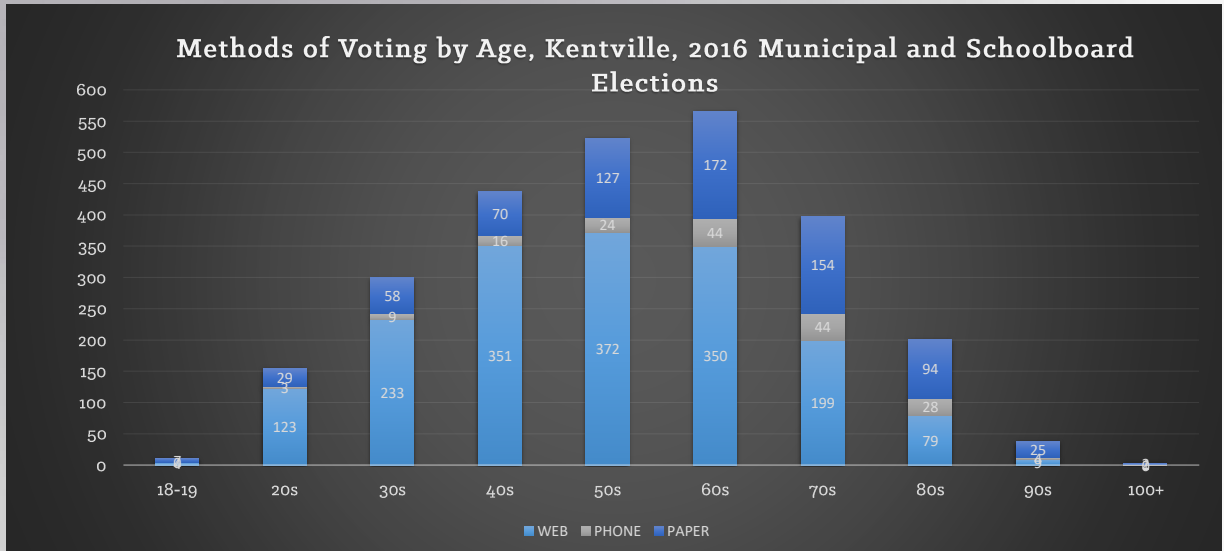
THE DIGITAL DIVIDE CONT.

Type of ballot cast, by age group, Antigonish Town, Argyle, Bridgewater, Clare, Digby Mun, Kentville, Shelburne Town, Stewiacke, and Windsor 2016 Municipal and Schoolboard elections



14

THE DIGITAL DIVIDE CONT.



15

DO THE RISKS OUTWIEGH THE BENEFITS?



- “No electoral mechanism (electronic or paper) can ever be **absolutely secure** from every possible offense or risk”.

(Elections Canada, 2013: 25)

16

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2024 Municipal & School Board Elections

Your 2024 eVoting supplier

*Project management coupled with established processes and procedures is delivered by a team of **experienced** information systems professionals and electronic elections experts, providing clients with the best in-class solution.*

Intelivote’s consulting services assist election officials in all aspects of the election cycle.

PRE-ELECTION

Intelivote’s team of election experts assist electoral administrators in the planning and configuration of eVoting elections including Elector List management, legislative compliance, and voting communication development.

Providing training and education to election personnel on all aspects of Internet and telephone voting ensures a successful voter experience and is included in Intelivote’s base services.

Intelivote delivers expert guidance on remote voting assistance locations and paper voting integration with the eVoting experience.



ELECTION PERIOD

The eVoting period encompasses eVoting activity via Internet and telephone, candidate campaigning, and voter communication management provided by trained HelpLine agents, all facilitated by a suite of election tools and modules.

Voters can participate remotely or by using a Kiosk at a local voter assistance location.

Intelivote performs continuous monitoring of election progression, and election official modules provide on-demand reports available with real-time information.



POST-ELECTION

Following the eVoting period, electronic voting results are available within minutes. Election results are official and verified by third party auditors.

Access to a library of modules following the election allows for Elector List finalization and final reporting, practical for team debrief sessions and record keeping for future elections.

Election data is also translated into comprehensive election statistics by the Intelivote team to demonstrate various trends from the election activity.



Modules

Some of the many online module features we offer:

CEO

The CEO module allows election officials to observe vital information in the election as it progresses. Information on voter participation rates, and ballot level reporting can be delivered on a real-time basis.

Event Statistics	
Eligible Voters:	1,811
Total E-Votes:	210
Total Manual:	91
Participation Rate:	16.6%

Race Participation	Voted By WEB	Voted By PHONE
Mayor	114	33
District 1	69	20
District 2	45	13

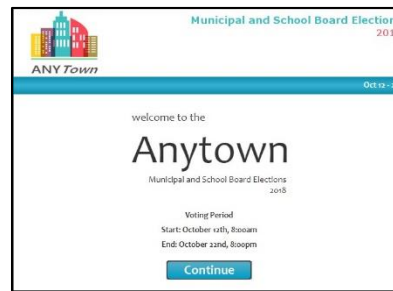
Auditor

Authorized individuals acting in an audit role can validate critical components of the event while it is being conducted. Audit activities include verification that consistent and timely access was provided to voters and election officials during the event.



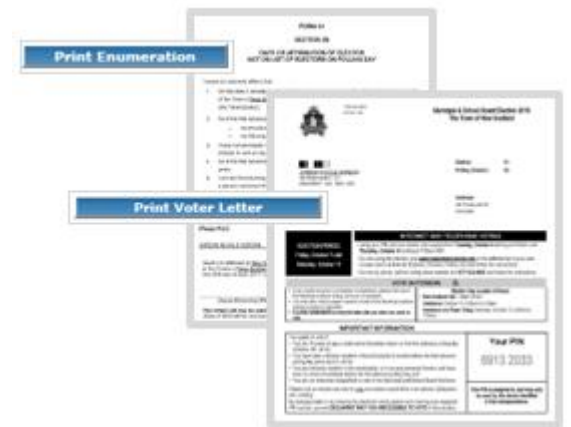
Voter Help

Voter assistance in a web-based solution allows the election support agents to assist voters with any question they might have in relation to their vote activity or eligibility.



Enumerator

Managing your List prior to an election during a revision period, or during the election itself, you can add eligible electors or verify voters in minutes with our easy-to-use voter information screen.



Candidate

Candidates can identify their supporters and ensure they have cast their ballots. Save time and energy that you can more effectively direct to your campaign.

ABBAS, HUSAM ADD <input type="checkbox"/> 332 ALBERT ST ANYTOWN, CA XS43LE	ABBAS, SHEILA ADD <input checked="" type="checkbox"/> 2446 ALDER ROAD ANYTOWN, CITY WSK9AS
ABBAS, JANICE ADD <input type="checkbox"/> 1941 GUMMOW COURT ANYTOWN, CITY F1K9AS	ACHESON, MILDRED ADD <input type="checkbox"/> 221 DEVON ST ANYTOWN, CA XS43AL

Services

Some of the many services we provide:

Project Management

Intelivote's consulting services delivered through the preparation and planning phases of the election cycle aid in ensuring the successful delivery of the eVoting experience to voters and admin alike.

Voter Data



Intelivote has partnered with Elections Nova Scotia (ENS) for over 15 years for list and data management. Ensuring that the information associated with each eligible elector is being properly managed, including updating information like name changes, address changes, or changes to Ward or District fields, is done through the various Intelivote modules (Voter Help or Enumerator) elections officials have access to.

For those municipalities that use ENS Data, any changes made during the revision period in the system will be uploaded to the Intelivote system, ensuring the most current data is available.

During the election any changes to any aspect of a voter profile, (deceased, address, or name change, etc.) is being logged in the system and once the election is over, the data is uploaded back to ENS ensuring that all the information that might have been impacted during the election, is successfully electronically updated by linking the Intelivote and ENS systems and securely updating the ENS version of the data to keep it current for future use.

Voter Communications



Intelivote has an integration process and relationship with partnered print-house Doculink that has been in place and successfully used for over ten years, producing Voter Instruction Letters for more than 3 million voters.

Municipal Elector List data that is used to create the Voter Instruction Letter for each eligible elector is uploaded to Doculink, and the letters are printed during a production schedule managed and coordinated by Intelivote ensuring they arrive by the scheduled date.

The eVoting Solution

Engagement

Increasing voter participation through multiple channel voting methods, and through interactive information sessions and voter education on Internet and Telephone voting.



Accessibility

Offering disabled persons the option to vote from any location and allowing the use of more than one method, translates through to an increase in the opportunity for disabled persons to vote without any assistance. This offers all voters the same level of independence and privacy.



Security

Intelivote delivers high-speed high-bandwidth data capability, and scalable IVR (telephone) port availability, further demonstrating the commitment to ensuring an election with maximum performance, communications path diversity, application redundancy and high survivability.



Election officials' mandate often includes containing election costs, but most importantly, managing administrative time/effort, and providing overall management for an election. These requirements are among the key objectives and benefits available through the implementation of Intelivote's eVoting solution.

Your 2024 eVoting supplier

Intelivote has delivered 113 Nova Scotia Municipal and Special Elections (by-elections) for Municipal clients, including:



Intelivote

has delivered thousands of electronic elections for many organizations such as municipal governments, Provincial and Federal government agencies, associations, political parties, and international unions.

