



## **Procedures for Internet Voting**

### **2022 Municipal Election**

**Issued under the authority of the City Clerk.**

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**Procedures for Internet Voting**

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## Procedures for Internet Voting

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## **Procedures for Internet Voting**

### **1. Overview**

1.1. The *Municipal Elections Act, 1996*, S.O., 1996, c.32, as amended (the “Act”) gives the authority to the Clerk, as Returning Officer, to establish procedures and forms for voting and alternate voting methods within the municipality. The Act further gives authority to the Clerk to provide for any matter or procedure that is not provided for in the Act.

### **2. Application of Procedures**

2.1. These procedures are established pursuant to Subsection 42(3) of the Act, it being the case that by the adoption of By-law No. 160-2021, the City of Vaughan has authorized internet voting as an alternative voting method for Advance Vote and/or Voting Day.

2.2. These procedures shall apply to the 2022 Municipal Election.

2.3. These procedures only apply to the use of Internet Voting for the 2022 Municipal Election. The use of Tabulators shall be subject to the Procedures for the Use of Vote Tabulators.

2.4. Where these procedures do not provide for any matter, an election to which these procedures apply shall be conducted in accordance with the principles of the Act. These principles are generally recognized as being:

- a) The secrecy and confidentiality of individual votes is paramount;
- b) The election should be fair and non-biased;
- c) The election should be accessible to the voters;
- d) The integrity of the process should be maintained throughout the election;
- e) There is to be certainty that the results of the election reflect the votes cast;
- f) Voters and candidates should be treated fairly and consistently; and
- g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

2.5. The Clerk has the right to amend these procedures and shall circulate such amendments to candidates.

2.6. These procedures are subject to change in case of an emergency as prescribed in Section 53 of the Act.

### **3. Definitions**

In these procedures,

## Procedures for Internet Voting

“**Act**” means the *Municipal Elections Act, S.O., 1996, c.32*, as amended.

“**Ballot**” means an image of a Ballot on a computer screen of a Computing Device, including all the choices available to an elector and the spaces in which an elector marks a vote.

“**Ballot Box**” means a computer database in the system where cast internet Ballots are put.

“**Candidate**” means a person who has been officially nominated under section 33 of the Act.

“**Certified Candidate**” means a Candidate whose nomination has been certified by the Clerk under section 35 of the Act.

“**City**” means the Corporation of the City of Vaughan.

“**Clerk**” means the City Clerk or their designate.

“**Computing Device**” means an electronic device that may access the internet, including, but not limited to: a computer, laptop, tablet, or mobile device.

“**Designated Election Official**” means the person designated by the Clerk to perform certain election functions.

“**In-Person Voting**” means a Voter Assistance Centre established by the City which uses City-controlled Computing Devices.

“**Internet Voting System**” means the technology and software that records, processes, stores, and counts the Ballots cast.

“**Internet Voting System Provider**” means the vendor chosen by the City to provide the technology and software that records, processes, stores, and counts the Ballots cast.

“**Personal Identification**” means the identification required under the Act to provide proof of identity and residence of an individual to the satisfaction of a Designated Election Official.

“**Personal Identification Number (PIN)**” means a unique number or alphanumeric number assigned by the Internet Voting System Provider to each Voter to provide secure access to the voting system.

“**Preliminary List of Electors**” means a list of Voters for The City of Vaughan compiled by the Municipal Property Assessment Corporation (MPAC) and provided to the City between July 31 and September 1 of an election year, or as agreed upon by MPAC and the Clerk.

“**Scrutineer**” means an individual, appointed in writing by a Certified Candidate, to represent them during the voting process.

“**Voter**” means a person qualified to vote pursuant to the Act.

“**Voter Assistance Centre**” means a location designated by the Clerk to process In-Person Voting, assist Voters with the voting process, and provide a location for electors to have themselves added to the Voters’ List, or revise their existing information on the Voters’ List.

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“**Voters’ List**” means the Preliminary List of Electors, as corrected by the Clerk, under the provisions of Section 22 of the Act.

“**Voting Day**” means the fourth Monday in October of an election year. Voting Day for the 2022 Municipal Election is October 24, 2022.

“**Voting Period**” means the time between the first day and the last day for Voters to cast their Ballots by internet, October 6-20, 2022.

“**Voter Information Letter**” means a document addressed to a Voter that contains a Personal Identification Number (PIN) and other information such as a URL for voting, a list of Voter Assistance Centre locations and hours of operation, and a list of Candidates. Letters may be mailed individually, or hand-delivered as required.

### **4. Designated Election Officials**

4.1. The Clerk shall appoint election officials in writing for the purposes of implementing these procedures and may designate their titles and duties.

### **5. Ballots**

5.1. The Ballot for Internet Voting shall be an electronic ballot accessed by a Voter using the Internet Voting System that shall include the names of each Candidate listed in alphabetical order by surname or single name.

5.2. The Ballot shall include a Designated Voting Space next to each Candidate’s Name.

5.3. There shall appear on the Ballot instructions that direct the Voter how to mark their Ballot.

### **6. Secrecy and Interference**

6.1. The Clerk and the Internet Voting Provider shall maintain and aid in maintaining the secrecy of voting.

6.2. The Internet Voting Provider shall ensure that the Internet Voting System maintains and aids in maintaining the secrecy of voting.

6.3. No person shall interfere or attempt to interfere in the 2022 Municipal Election by obtaining or attempting to obtain:

a) a Voter ID Number and/or Voting PIN that belongs to another Voter; or

b) a Voter ID Number and/or Voting PIN when not eligible to do so because they are not a Voter or they have already voted.

6.4. No person shall interfere or attempt to interfere with a Voter while in the process of accessing the Internet Voting System or attempt to interfere in the voting

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process while using the Internet Voting System unless expressly requested and authorized by the Voter.

- 6.5. No person shall obtain or attempt to obtain information about how a Voter intends to vote or has voted.
- 6.6. Any Designated Election Official requested by a Voter to assist them with voting is required to maintain the secrecy of the vote cast by the Voter and shall vote according to the instructions and wishes of the Voter.

## **7. Security and Integrity**

- 7.1. The Internet Voting System provided by the Internet Voting Provider has undergone rigorous testing, including security testing, to ensure the integrity of the Election.
- 7.2. Access to the Internet Voting System is monitored and controlled through a series of system features and services both internally and through data centre services provided by the Internet Voting Provider.
- 7.3. The Internet Voting Provider offers no single point of failure for the Internet Voting System. All servers are replicated and all networking appliances, databases, and other components are duplicated to ensure there is no disruption of service.
- 7.4. The Internet Voting System includes various audit logs as determined by the Internet Voting Provider. To preserve the secrecy of the vote, none of the audit logs can be used to identify how a Voter remotely marked their Ballot.
- 7.5. Should a Denial of Service Attack occur or be suspected to occur at any point during the election process, the Internet Voting Provider will open an investigation to determine if it is an attack and take the required measures to mitigate the attack to ensure there is no disruption of service.

## **8. Voter Information Letter (VIL)**

- 8.1. The Voters' List Management Provider will provide the Voters' List data to the Internet Voting Provider for the preparation of the Voter Information Letter (VIL) to be sent to all Voters.
- 8.2. The Internet Voting Provider will prepare the Voter Information Letter under the direction of the Clerk.
- 8.3. The Voter Information Letter will include all of the information Voters will require to cast their vote using the Internet Voting System, including the URL for the Voting Site, a Voter ID Number, a PIN for use by a Voter to access the Internet Voting System, and any other information deemed relevant by the Clerk. The Voter Information Letter will also include information on how a Voter

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- can vote using Vote Tabulators according to the Procedures for the Use of Vote Tabulators.
- 8.4. Prior to the Voting Period, the Clerk will send a Voter Information Letter by mail to each Voter whose name appears on the Voters' List as of the date that the Voter Information Package is printed.
  - 8.5. Any undeliverable Voter Information Letters will be returned to the Clerk's attention by Canada Post and will be stored within a secure area.
  - 8.6. Where a Voter notifies a Designated Election Official concerning a lost Voter Information Letter, or a Voter Information Letter that was never received, the Designated Election Official shall determine whether a Voter Information Letter was mailed to the Voter.
  - 8.7. Where a Voter Information Letter was mailed to the Voter but was not received or was received but subsequently lost:
    - a) the Designated Election Official shall confirm the qualifying and mailing address of the Voter;
    - b) the Voter shall satisfy the Designated Election Official that they did not receive a Voter Information Letter or did receive it and subsequently lost it;
    - c) the Designated Election Official shall disable the PIN that was not received/lost and electronically mark the PIN as not being received/lost by the Voter;
    - d) the Voter shall be required to answer questions or otherwise verify their identity to the satisfaction of the Designated Election Official prior to the issuance of a new Voter Information Letter and/or their Voter ID Number and/or PIN; and,
    - e) after verifying their identity to the satisfaction of the Designated Election Official, the Voter will be issued a new Voter Information Letter and/or their Voter ID Number and/or PIN.
  - 8.8. Where a Voter's date of birth, or part of their date of birth, is missing on the Voters' List, they will have the option either updating the Voters' List online, in person at the Office of the City Clerk, or at a Voter Assistance Centre. If the Designated Election Official is satisfied by the Voter's identity, in accordance with the procedures in paragraph 8.7, the Designated Election Official will update the date of birth in the Voters' List Management System to allow the Voter to access the Internet Voting System to cast their Ballot.
  - 8.9. The Clerk will establish a process to deliver a Voter Information Letter and/or their Voter ID Number and/or PIN to any Voter added to the Voters' List during a period of time that is to be defined, where the Clerk has determined that it is not feasible to deliver the Voter Information Letter by Canada Post and still allow the Voter to vote before the end of the Voting Period. The process may include, at the Clerk's sole discretion, the delivery of VIL by electronic means such as email.

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### **9. Voter Assistance Centres**

9.1. Voters who attend the Voter Assistance Centres and are not on the Voters' List can be added to the List by completing the appropriate form(s) and providing the appropriate Personal Identification, and:

- a) Their names will be added to the Voters' List and they will receive a Voter Information Letter; and,
- b) They will be able to vote at a Voter Assistance Centre, if they choose to, during the Voting Period.

9.2. Voter Information Letters will be re-issued to Voters as follows:

- a) Where a Voter on the Voters' List, who has not yet voted, has lost their Voter Information Letter or did not receive it in the mail, or does not have access to it, he or she can attend a Voter Assistance Centre in order to receive a new one.
- b) A Designated Election Official will disable the Voter's lost PIN (if applicable) by generating a new PIN. Upon providing the appropriate Personal Identification to a Designated Election Official, an oath shall be taken by the voter and a new Voter Information Letter containing the new PIN shall be issued.

### **10. Scrutineers**

10.1. Scrutineers may be appointed, in writing by the Candidate, as stated under section 16 of the Act. If appointed, Scrutineers will be entitled to the following:

- a) Upon request and after producing the properly signed appointment of Scrutineer form and prescribing to the oath(s) of secrecy, they may attend a Voter Assistance Centre(s) during hours of operation to observe the process. Scrutineers who do not follow the instructions of the Clerk or Designated Election Official, or who attempt to interfere, influence or determine how an elector is voting, will be requested to leave the Voter Assistance Centre immediately. Their appointment will be revoked and they will not be permitted to re-attend a Voter Assistance Centre(s).
- b) To be present at the time and place where results are received by the Clerk.

10.2. A maximum of one scrutineer per candidate may be permitted at a Voter Assistance Centre.

### **11. Internet Voting Process**

11.1. Voters will be able to cast their Ballot using the Internet Voting System at

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any time during the Voting Period.

- 11.2. Voters may cast their Ballot via the internet by accessing the URL identified on their Voter Information Letter. Voters will be required to use their PIN and another unique identifier, such as their birthdate to access their Ballot.
- 11.3. Voters may access the internet remotely or by attending a Voter Assistance Centre.
- 11.4. Voters will be required to accept or decline the mandatory “Declaration of Qualification and Acknowledgement of Offences Statement” prior to accessing their Ballot.
- 11.5. When voting using the internet, Voters will be prompted to move from one voting screen to the next until all offices have been voted, with only one office appearing per voting screen.
- 11.6. The Internet Voting System will allow a Voter to review their selected Candidates prior to casting their Ballot.
- 11.7. Once a Voter, who is voting using the internet, has cast their Ballot, the Internet Voting System will confirm that their vote has been successfully submitted into the system.
- 11.8. Once the Internet Voting System receives a successfully submitted Ballot the Voter’s name will be struck off of the real-time electronic Voters’ List to indicate that they have cast their Ballot.
- 11.9. Once a Voter presses the final button (i.e. the “cast Ballot” or “submit Ballot” button) in the Internet Voting System and their Ballot is received, the system prevents any modification to the Ballot through strict security and access controls. The confirmed cast Ballot screen does not show which Candidates the Voter selected, and the Ballot selections are not stored or cached on the Voter’s computer. Once a Voter submits their Ballot, they will not be able to re-access or view their selections. No voter data, session ID or selections are stored on the voter’s computer or device.
- 11.10. Once a PIN has been used to cast a Ballot, it cannot be used again, and further access shall not be permitted to the Internet Voting System to vote again.
- 11.11. All Ballots cast will be placed in the Ballot Box by the Voting System Provider.

## **12. Internet Voting Process Under Extraordinary Circumstances - Blank Ballots, Declined Ballots, and Over Votes**

- 12.1. If the Internet Voting System detects a blank selection, the system will advise the Voter that the system did not identify votes for any offices on the Ballot.

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- 12.2. The system will provide the Voter with the opportunity to review and remark their selection for an office.
- 12.3. If the Voter prefers to continue, the system will accept and process a blank selection for an office.
- 12.4. If the Voter wishes to decline the entire Ballot (i.e. make no selections for any offices), the Internet Voting System will allow the elector to do so.
- 12.5. When voting using the Internet Voting system, the Voter will be prompted with a message when trying to over vote and will not be permitted to select more than the number of allowable Candidates for an office.

### **13. Disruption of Voting**

- 13.1. If, before the close of the Voting Period and before a Voter receives a message that their Ballot was successfully cast, there is a disruption of service or the system times out, the Voter may re- enter the Internet Voting System and continue the voting process. When the Voter re-enters the system, the elector will be required to re-enter their selection(s) for all offices.
- 13.2. If a Voter is unsure if their vote was cast, a Designated Election Official will review the status of the Voter to determine if a vote was cast or not:
  - a) if cast, the Designated Election Official will confirm with the voter that their Ballot was accepted; or,
  - b) if the status is 'not voted', the voter will be advised that the vote was not cast and that the Voter should be able to re-enter the system and restart the voting process.
- 13.3. The Designated Election Official referred to in paragraph 13.2 will be available during the Voting Period either by telephone during days and hours as determined by the Clerk, or at a Voter Assistance Centre.
- 13.4. Once a Voter has cast a Ballot they will not be able to re-enter the Internet Voting System.

### **14. End of Voting Period - October 20, 2022**

- 14.1. If a Voter that is in the Internet Voting System prior to 11:59 pm on October 20, 2022 and is voting from a place that is not a Voter Assistance Centre, and has not received a message that their Ballot was successfully cast by 12:15 am on October 21, 2022, the system will time out and the Ballot will not be cast.
- 14.2. Designated Election Officials shall, after permitting the last Voter to complete the voting process, close the Internet Voting System and turn off the technology.

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### **15. Testing and Auditing of the Internet Voting System**

- 15.1. Prior to the start of the Voting Period, the Clerk will conduct comprehensive testing of the internet voting platform.
- 15.2. The test(s) shall include:
  - a) Creating Test Voters in the Voters' List Management System.
  - b) Creating Voting PINs for the Test Voters;
  - c) Checking the system which is used for activating Voting PINs throughout the revision process;
  - d) Open the Voting using the Administrative Site;
  - e) Attempting to use a Voter ID Number and Voting PIN more than once;
  - f) Voting a predetermined number of voters;
  - g) Close the Voting and tabulate the votes using the Administrative Site;
  - h) Create and run reports using the Administrative Site;
  - i) Test, if applicable, the loading of the results in the Reports Tally System;
  - j) Balancing a predetermined number of votes with those cast;
  - k) Any other functions as determined appropriate by the Clerk.
- 15.3. Notwithstanding the generality of Section 15.2, the test shall include at least one "mock election" using the names of all Candidates. The Clerk will verify the results of the mock election using a pre-determined test file.
- 15.4. The Clerk will notify all Candidates of the date and time of the testing of the Internet Voting System and procedures.
- 15.5. The Clerk may appoint another person to audit the functioning of the Internet Voting System during the Voting Period. Any Audit of the system will be limited to those auditing functions already incorporated into the Internet Voting System.

### **16. Storage of Voting Results**

- 16.1. Results from the Voting Period will be securely stored and Encrypted by the Internet Voting Provider until release by the Clerk after the close of voting on Voting Day.

### **17. Voting Results**

- 17.1. Following the close of voting on Voting Day, the Clerk, witnessed by at least

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one other person designated by the Clerk, shall use the Internet Voting System to Decrypt the voting results according to the processes and procedures of the system established by Internet Voting Provider.

- 17.2. Results from Internet Voting will be combined with the results from the votes cast using Vote Tabulators in the City's tally and reporting system.

## **18. Unofficial and Official Vote Results Reporting**

- 18.1. The total of the votes from the Voting Period will not be made available until after the close of voting on Voting Day.
- 18.2. Results from Internet Voting will be combined with the results from the votes cast using Vote Tabulators in the City's tally and reporting system.
- 18.3. The Clerk will review, validate and publish unofficial vote results from the City's tally and reporting system to the City's website.
- 18.4. Official vote results will be made available to the public and Candidates by the Clerk in accordance with the provisions of the Act.

## **19. Recounts**

- 19.1. In accordance with the Act, a recount of Ballots cast by internet shall be conducted in the same manner outlined in Section 17 of these Procedures.

## **20. No Voting Proxy**

- 20.1. In accordance with Subsection 42(5) of the Act, the provisions of Section 44 of the Act, Appointment of voting proxy, shall not apply to internet voting in the 2022 Municipal Election.

## **21. Accessibility**

- 21.1. The Internet Voting System is compliant with WCAG 2.0 Level AA guidelines, which meet requirements of the Accessibility for Ontarians with Disabilities Act.
- 21.2. The Clerk shall have regard for the needs of Candidates and Voters with disabilities.
- 21.3. The Clerk shall ensure the Voter Assistance Centres are accessible to Candidates and Voters with disabilities.

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### **22. Emergencies**

- 22.1. In accordance with Section 53 of the Act, the Clerk may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the Act.
- 22.2. Upon declaring an emergency, the Clerk is authorized to make any arrangements they consider advisable for the conduct of the election.
- 22.3. The arrangements made by the Clerk, if they are consistent with the principles of the Act, prevail over anything in the Act and the regulations made under it.
- 22.4. If made in good faith, the Clerk's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- 22.5. The emergency continues until the Clerk declares that it has ended.
- 22.6. Pursuant to Section 53 of the Act, an emergency shall be declared in the event of a flood, fire, critical loss of internet, or power failure in the municipality.
- 22.7. In the event of an emergency, the Clerk shall, if possible, advertise this event on the City's website and through any other media the Clerk deems appropriate, and post notices to the extent possible, that the election has been delayed.
- 22.8. In the event of an emergency, the Internet Voting System Provider under direction from the Clerk, shall stop the Internet Voting System from accepting connections from the Internet, thus preventing the election from continuing, or starting, as the case may be.

### **23. Offences and Penalties**

- 23.1. In accordance with the Act, a person is guilty of an offence and liable, upon conviction, to a financial penalty if they:
  - a) Vote by internet without being entitled to do so;
  - b) Vote more than once in this election;
  - c) Induce or procure a person to vote by internet when that person is not entitled to do so;
  - d) Provide false or misleading information to a person whom this Act authorizes to obtain information;
  - e) Without authority, supply their Internet Voting information to anyone for the purpose of allowing them to vote;

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- f) Take, open or otherwise deal with Internet Voting information without having authority to do so;
- g) Directly or indirectly:
  - i. offer, give, lend, or promise or agree to give or lend any valuable consideration, in connection with the exercise or non-exercise of a Voter's vote;
  - ii. advance, pay or cause to be paid money intending that it be used to commit an offence referred to in clause (i), or knowing that it will be used to repay money used in that way;
- h) give, procure or promise or agree to procure an office or employment in connection with the exercise or non-exercise of a Voter's vote;
- i) apply for, accept or agree to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of a Voter's vote; and
- j) attempt to do any of the above.

### **24. Mail Tampering – Criminal Offence and Prosecution**

- 24.1 The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
- 24.2 In order to ensure the integrity and confidence of the internet voting process, the Clerk will investigate or cause to be investigated all complaints about possible mail tampering as it relates to election-related documents provided to Voters by the Clerk.

**Effective Date:** June 1, 2022