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ADMINISTRATIVE REPORT

Report Date: April 27, 2011
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Meeting Date: May 3, 2011

TO: Vancouver City Council
FROM: Chief Election Officer
SUBJECT: Use of Online Voting in 2011 Local General Election

RECOMMENDATION

- A. THAT Council approve in principle, pending approval of the Minister of Community, Sport and Cultural Development, the use of internet voting, on a pilot basis, for an advance voting period for the upcoming municipal general election in November 2011.
- B. THAT Council direct the Director of Legal Services to prepare an appropriate by-law to enable internet voting.
- C. THAT the Vancouver School Board be notified formally of the implementation of internet voting.

CITY MANAGER'S COMMENTS

The City Manager submits the foregoing for approval.

COUNCIL POLICY

On January 20, 2011, Vancouver City Council approved the following:

THAT the City Clerk report to Council on the feasibility of conducting an online voting pilot in the 2011 municipal elections or, if 2011 is not feasible, what the earliest date for a pilot would be.

PURPOSE

This report is to obtain Council approval in principle for using internet voting on a pilot basis for an advance voting period for the upcoming municipal general election in November 2011.

BACKGROUND

On January 20, 2011, Vancouver City Council approved the following:

THAT the City Clerk report to Council on the feasibility of conducting an online voting pilot in the 2011 municipal elections or, if 2011 is not feasible, what the earliest date for a pilot would be.

Staff are now returning to Council to report on the feasibility of conducting an online voting pilot in the 2011 municipal election.

A. Current State - City of Vancouver Elections

Historically, the City of Vancouver uses in-person or and mail-in voting when conducting general elections, by-elections, and referendums. A paper ballot is used and ballots are read and tabulated by optical scanners located in each of the 130+ voting stations. The scanners are standalone and not connected by a network to one another.

In addition to voting on the day of the local election, the City of Vancouver provides a number of special opportunities for voter participation in its municipal elections and referenda. Hospital voting is provided to those in hospital or care homes, mail ballots are provided to those physically incapable of coming to a voting facility, and curbside voting is offered to those who have mobility challenges but are capable of getting to the voting facilities. While this has increased accessibility, it is resource intensive.

As well, several opportunities to advance vote in designated advance voting facilities are provided. In 2008, the restrictions on who can advance vote were relaxed thus expanding access to advance voting to all those eligible to vote.

To date, the City of Vancouver has not pursued the use of online voting as an alternative method for voting at local elections.

B. Experience in Other Municipalities

In the past decade use of the internet has grown exponentially. 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. Its ability to create new participative spaces and expand existing ones suggests that it has the ability to improve accessibility to voting.

Canada is one of the more technologically advanced countries in the world and is among those with the highest percentage of households having access to a home computer and the internet. British Columbia has the highest per capita use of the internet in the country.

To date, there have been many instances where internet voting has been used in elections in Canada - all of which have been at the municipal level. The first experiences with electronic voting by the internet occurred in 2003 in over ten municipalities in Ontario - the largest of which occurred in the town of Markham (population nearly 300,000). The number of municipalities using internet voting for elections in Ontario has grown and, in 2010, over 40 municipalities in Ontario used online voting in conducting their general election. In addition, in 2008, Halifax and three other Nova Scotia municipalities incorporated internet voting as an alternative voting method. In 2009, Halifax implemented an expansion of that approach in a by-election.

In our discussions with municipalities already engaged in online voting, the following benefits were cited:

- Increased accessibility for persons with disabilities, those suffering from illness, youth, and other citizens who may find it difficult to visit a traditional voting station
- Increased opportunities for participation as internet voting creates more access points from which electors can vote
- Increased convenience as electors have the opportunity to vote at any time
- Potential to be less expensive to operate and execute than traditional paper ballots which require setting up and staffing polls
- Elimination of long line-ups
- Flagging of ballot errors
- Positive impact on voter turnout

Online voting is not without challenges and risks. The most commonly cited are the possibility of:

- Stolen voter packages or personal identification numbers
- Difficulty in verifying voter identification
- Pressure on electors to vote a certain way if in the presence of others
- Hacks or viruses attacking the system and altering election results
- Technical difficulties or server malfunctions
- Inaccuracies on the voters' list, resulting in one elector receiving a personal identification number intended for another elector
- Limited access to the internet or limited understanding on the part of some electors

Markham, Peterborough, and Halifax have now used internet voting in a number of consecutive elections. With respect to Markham, they have used online voting for advance voting in three general elections. In 2003, just over 7,000 of the 150,000 registered voters voted online during an advance voting period. By 2006, this figure grew to almost 11,000. In 2010, over 16,000 registered voters voted online during the advance voting period. This represented 23% of total votes cast in 2010. Voter turnout has increased to almost 38% of those eligible to vote. Prior to the use of online voting in Markham, voter turnout was typically around 30%.

Halifax has used online voting for an advance voting period in 2008 and a special by-election in 2009. In the 2008 general election, the overall turnout was 37%. The previous election had a notably higher voter turnout (48%), however, the ballot included a controversial province-wide plebiscite on Sunday shopping. Notably, the municipal officials were sufficiently pleased with the 2008 pilot project that, in 2009, they conducted another remote online and telephone voting trial as part of a special by-election. This time the option to vote using the

internet or telephone from remote locations was continuous from the first advance voting opportunity through to and including election-day. This is the first instance in Canada where remote internet voting was an option throughout the entire voting period. Voter turnout was 35 percent. This represented a 12 to 25 percent increase in turnout when compared to three previous by-elections.

All three municipalities view the addition of internet voting as a success. The introduction of internet voting was very well received by the public in all three communities and is something residents would like to see continue.

Closer to home, in February 2011, the Provincial Liberal leadership election made use of online and telephone voting. Approximately 92,000 liberal members were eligible to vote. While issues arose as a result of the late delivery of personal identification numbers by mail, 62.4% of voted. This use of online voting made the current Premier of British Columbia the first premier elected using online voting. More recently, the Provincial NDP used online and telephone voting in addition to in-person voting for their leadership election.

All municipalities and provincial parties who have used online voting have contracted with a third party to conduct online voting. Each, in reviewing online voting proposals received from third parties, established a number of standards around security, accessibility, and functionality. In terms of security, varying methods are used to increase security for voter authentication. To date, no municipality or political party has had the election procedure or the results challenged as a result of using online voting.

DISCUSSION

Upon reviewing the impact and success of internet voting in BC for party leaderships and in other municipalities in Ontario and Nova Scotia, and upon reviewing the vendor landscape, staff believe that online voting should be pursued on a pilot basis for the upcoming local general election. Most larger municipalities initially implemented online voting as a pilot during the advance voting period. Staff believe that this is a prudent approach and will provide many benefits to electors while minimizing risks. As such, staff recommend the use of online voting, on a pilot basis, for an advance voting period for the upcoming municipal general election in November 2011.

While the Vancouver Charter does not specifically allow the City of Vancouver to use electronic voting, Legal Services staff are of the opinion that the Charter can be reasonably interpreted to authorize Council to adopt a by-law to allow for internet (online)voting. However, in order to establish remote online voting, the by-law would have to be approved by the Minister of Community, Sports and Cultural Development.

Should Council approve the pursuit of online voting in principle, staff will prepare a draft either a new by-law amend the existing Elections By-law to enable the use of online voting. As indicated above, Ministerial approval of the by-law is required in order for the City of Vancouver to implement online voting for the upcoming general election in November 2011. Staff will pursue Ministerial approval of the draft by-law.

The City of Vancouver also conducts the general election for the Vancouver School Board at the same time as the municipal election. With Council approval of the pursuit of online voting, staff will inform the School Board that the City intends to use online voting during a defined advance voting period for the School Board as well as the City of Vancouver should Ministerial approval be obtained. Preliminary discussion at a senior staff level has indicated that this will not present any significant issues for the School Board.

Concurrently, staff will establish the scope and list of requirements (security, functionality, and accessibility) necessary to engage the services of a provider of online voting firm.

FINANCIAL IMPLICATIONS

No financial implications at this time. Staff are optimistic that funding can be found within the existing operating budget for City Clerk's and the Election Budget. However, in the event that existing operating funds are insufficient for these services, staff will return to Council to inform Council of the cost and request funding, if appropriate.

LEGAL IMPLICATIONS

Council will have to either adopt a new by-law, or amend the Election By-law, to enable electronic voting procedures. The separate by-law or amendments will address issues such as procedures for how to vote and count votes, the form of ballot, voter authentication, definition of the "Voting Place" and the role of the scrutineers in an electronic environment. Any new by-law, or amendments to the Election By-law will require the approval of the Minister of Community, Sport and Cultural Development.

PERSONNEL IMPLICATIONS

There are no personnel implications.

CONCLUSION

This report recommends that Council approve in principle the use of internet voting on a pilot basis for an advance voting period for the upcoming municipal general election in November 2011.

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