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Item No. 9.1.5
Audit & Finance Standing Committee
November 18, 2015

TO: Chair and Members of Audit & Finance Standing Committee

Original Signed

SUBMITTED BY: _____

Richard Butts, Chief Administrative Officer

DATE: November 4, 2015

SUBJECT: 2016 Municipal and School Board Election

ORIGIN

The Election Office has commenced planning for the 2016 Municipal and School Board elections, and direction from Council regarding methods of voting is required in order to proceed with election planning.

LEGISLATIVE AUTHORITY

Audit & Finance Standing Committee Terms of Reference section 3.8, which states “to review and make recommendations on proposals coming to Halifax Regional Council outside of the annual budget or tender process including but not limited to:

- New Programs or services not yet approved
- Programs or services that are being substantially altered
- Proposed changes in operating or budget items
- Committing of funds where there is insufficient approved budget, or,
- New or increased capital projects not included in the approved budget
- Increases in project budget due to cost sharing
- Creation or modification of reserves and withdrawals not approved in the approved budget

Halifax Charter, Section 120(6) - The Municipality may maintain other reserve funds for such purposes as the Council may determine; and the Halifax Regional Municipality Reserve Policy - No reserve funds will be expended without the CAO’s recommendation and Council approval.

Municipal Elections Act (MEA) of Nova Scotia, Section 146A(1) states “A council may by by-law authorize voters to vote by mail, electronically or by another voting method”. Further in 146A(3) “The by-law may provide for:

(ca) voting by telephone, via the Internet or by any other electronic means, including a combination of different electronic means;

(cc) additional hours and dates for voting at an advance poll, including permitting voting twenty-four hours per day over a period of days”

Municipal Elections Act (MEA) of Nova Scotia, Section 30(1) – “By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer (c) use any permanent register of electors established and maintained for use in a federal or provincial election”

Municipal Elections Act (MEA), Section 4(1) “The council shall appoint a returning officer, who may be the clerk, another municipal employee or another person who is not a municipal employee, to conduct all regular and special elections required under this Act.”

Municipal Elections Act (MEA) of Nova Scotia, Section 114(4) stipulates”An advance poll shall be held on

(a) Tuesday, the fourth day before ordinary polling day; and

(b) one other day fixed by council, by resolution, which shall be either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day”

Council may opt to delegate the authority to fix the 2nd advance poll dates to the returning officer as per Section 114(4A) of the MEA.

Municipal Elections Act (MEA), Section 4(1C) - “The council may delegate its powers of appointment (*of Returning Officer and Assistant Returning Officer*) pursuant to this Section to the clerk or chief administrative officer.”

Municipal Election Act (MEA), Section 139(1A) “The council may delegate its authority to make, revise and amend the tariff of fees and expenses and provide for a method of rendering and verifying accounts for payment pursuant to subsection (1) to the clerk or chief administrative officer.”

Municipal Election Act (MEA), Section 139(3) All reasonable and necessary fees and expenses incurred under this Act shall be paid by the clerk out of the funds of the municipality upon the production of proper accounts, within the limits specified in the tariff or specially authorized by council, and such sums shall be sums required for the ordinary lawful purposes of the municipality. *R.S., c. 300, s. 139; 2011, c. 68, s. 20.*

RECOMMENDATION

It is recommended that the Audit & Finance Standing Committee recommend that Regional Council:

1. Authorize the withdrawal from Q313 Municipal Elections Reserve to fund municipal and school board election expenses incurred in A125 Elections. Withdrawal amounts not to exceed \$2,200,000.
2. Refer the recommendations in regard to the conduct of the 2016 Municipal and School Board elections to Regional Council for their consideration:

It is recommended that Halifax Regional Council:

1. Adopt Option 1, as outlined in Appendix A of this report, as the method of voting in the 2016 Municipal and School Board Elections, which is to utilize both e-voting and in-person polls for a shorter period of time during the entire period of advanced polling and retain in-person polls with paper ballots only on Election Day.

Direct the use of the provincial electors' list for the purpose of conducting the 2016 municipal and school board elections with the Halifax Regional Municipality, effective January 2, 2016.

2. Appoint the proponent, as outlined in the private and confidential staff report to be provided to Regional Council, as Returning Officer for the 2016 Municipal and School Board Elections in the Halifax Regional Municipality effective January 2, 2016.
3. Delegate duties and responsibilities as provided for under the Municipal Elections Act as follows:
 - a. To the Returning Officer: Set the date for the second day of advanced polls
 - b. To the Municipal Clerk: Appoint Assistant Returning Officer (s) as required
 - c. To the Municipal Clerk: Make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment.

BACKGROUND

Section 146A of the Municipal Elections Act (MEA) provides Regional Council with the legislative authority to select the method and system of voting. Council's role is to approve voting method(s), the election budget, and election by-law (if required for electronic voting) and the method use to prepare the voters list (enumeration or use of the provincial voters' list). In accordance with the Act Regional Council is also responsible for appointment of the Returning Officer.

In accordance with the MEA, the Returning Officer is responsible for all matters related to the conduct of the election including, setting the dates of advanced voting and voting procedures, division and location of polls and any other matters that ensure voting is conducted and reported in a fair and accurate manner and in compliance with the legislation.

Authorities

Under the MEA Regional Council may delegate to the Clerk (or CAO) the oversight of administrative matters related to the election such as the appointment of Assistant Returning Officer/s and the setting the table of rates of pay (for election workers) and administration of payment. This delegation has been of previous practise of Regional Council. In addition, the Returning Officer is generally delegated to set the date for-the 2nd day of advanced voting.

Use of the Provincial List of Electors

The municipality has used the provincial list of electors for conducting municipal and school since amalgamation. The provincial electors list provides the starting point for the municipal electors list and goes through both a series of verifications and a voter revisions period to ensure the list of electors is as accurate as possible.

Appointment of Returning Officer

The Act outlines that the Returning Officer may be: the municipal clerk, another municipal employee or another person appointed by Regional Council. All three (3) approaches have been used in the delivery of municipality and school board elections in Nova Scotia.

Method(s) of Voting

Prior to 2008 the municipality conducted the election through the use of in-person paper ballots during two (2) days of advanced voting and on polling day (Election Day).

In 2007, following extensive discussion, Regional Council directed that electronic (internet & telephone voting) be introduced in the 2008 municipal and school board elections.

A description of the voting methods and voter participation rates from previous municipal and school Board elections since 2008 is outlined in the table below:

Election	Format	Results
2008 Municipal and School Board Election	<ul style="list-style-type: none"> • Electronic Voting available for 4 days prior to the beginning of the Advanced Poll • In person advanced polls with traditional paper ballots conducted for two (2) advanced polling days with no reduction in the number of advanced in-person polls • In person with traditional paper on Election Day 	<ul style="list-style-type: none"> • 36.2% overall voter participation • 28.4% of voters cast votes electronically • The largest number of electors were age 40-79 (76.35% of votes cast); 11.8% of these votes were cast electronically
2009 District 06 Special Election	<ul style="list-style-type: none"> • Electronic Voting available from 1st day of advanced polls through close of poll on election day • Both electronic and paper ballots available at advanced Polls and election day • 1 in-person polling location only 	<ul style="list-style-type: none"> • 35.2% overall voter participation • 74.2% of voters cast their vote electronically • The largest turnout of electors were ages 40-89 (69.37% of votes cast); 45.06% of these votes were cast electronically
2012 Municipal and School Board Election	<ul style="list-style-type: none"> • Electronic Voting only available through 13 days of advance polls • In person paper ballots only available at election day • 37.5% reduction in number of election day in-person polling locations from 2008 	<ul style="list-style-type: none"> • 36.93 % overall voter participation • 60.18% of voters cast their vote electronically

In addition, electronic voting has been in place for Ontario municipal and school board elections since 2002 and in a number of other national jurisdictions since 2000. With appropriate implementation and

electoral oversight, electronic voting has proven to be a well-received method of conducting municipal and school board elections in both Nova Scotia and Ontario.

Election Reserve

The Election reserve (Q313) was established following the 2000 Municipal and School Board elections in recognition of the requirement for the municipality to provide stable and regular funding of elections and to even-out the expenditures which occur every four (4) years. The election reserve is funded through an annual contribution from the operating budget and by the payment received from the Department of Education for the conduct of the school board elections.

DISCUSSION

Authorities

It is recommended in regard to the administration of the election that Halifax Regional Council delegate the authorities provided for under sections 4(1C), 114(4)(b), 139(1A) and 139(3) of the Municipal Elections Act.

- To the Returning Officer: Set the date for the second day of advanced polls
- To the Municipal Clerk: Appoint Assistant Returning Officer (s) as required
- To the Municipal Clerk: Make, revise and amend the tariff of fees and expenses and provide for the method of rendering and verifying accounts for payment.

Setting the period for advanced electronic voting is done through the By-law A-400 – Alternative Voting By-law and will be considered by Council during the By-law process.

Method(s) of Voting

The Election Office has undertaken a review of the previous voting methods (as outlined above) as well as conducting a review of the 2013 Ontario municipal elections and a public consultation carried out in April of this year. Following that review a number of options for the voting approach and methods were considered in more detail:

In summary the options examined were:

- 1) To conduct the election in a manner similar to 2012 using electronic voting only for the advanced voting period and In person paper ballots only on polling day.
- 2) To modify the use of electronic voting in some manner and continue with in person paper ballots only on polling day. Based on the feedback provided, two (2) options for modification were considered:
 - a. To continue to use electronic voting during advanced voting, but for a shorter period of time, and to ADD a limited number of In-person advanced polls.
 - b. To continue to use electronic voting but require a three (3) part verification of voters and registration for participation in electronic voting and ADD in-person advanced polls.
- 3) To return to in-person polls only for both advanced voting and polling day and address the issues of accessibility and convenience by ADDING a number of in-person options such as “vote anywhere ” during advanced polls and extended advanced voting days, similar to the approach taken by both Elections Nova Scotia and Elections Canada during the most recent elections.

A more detailed overview of the options, including costs, is provided as Attachment A of this report. The option of continuing electronic voting through to ordinary polling day was considered but is not presented as, due to the size of the municipality and number of polling locations on election day, that approach substantially increases both the costs and risks associated with the conduct of the election and is not recommended for a full municipal and school board election at this time.

In light of the review and analysis staff recommend that:

Halifax Regional Council adopt Option 1, as outlined in Appendix A of this report, as the method of voting in the 2016 Municipal and School Board Elections, which is to utilize both e-voting and in-person polls for a shorter duration during the entire period of advanced polling and retain in-person polls with paper ballots only on Election Day.

This option is recommended as it provides access to the most number of voters and aligns closely with principles previously adopted by Regional Council in regard to the conduct of elections which include:

- Security and auditability of the solution – the integrity of the voting process is paramount
- Alignments with NS regulatory requirements
- Increases voter accessibility (all areas and all demographics in HRM)
- Aligns with experience in other jurisdictions
- Has broad public acceptance
- Provides value for money

Should Council wish to consider other alternatives the Election Office has prepared budget estimates for a number of alternative approaches for delivering the election as provided for in Attachment A of this report. All options provided comply with the legislative requirements for conducting Municipal and School Board Elections and are within the projected 2016 election budget outlined in this report and available within the Municipal Election Reserve (Q313).

Use of the Provincial Voters' List

As noted in the background section of this report, the municipality has used the provincial list of electors for conducting municipal and school since amalgamation. The provincial electors list provides the starting point for the municipal electors list and goes through both a series of verifications and a voter revision period prior to use in the municipal and school board elections.

The only other option available to the municipality under the MEA is to conduct a full enumeration. Estimates for conducting an enumeration range from \$1.25 to \$1.6 million with the quality and integrity of any enumeration being solely dependent on field work carried out during an enumeration. Enumeration is estimated to take 3-4 months and would need to be conducted over spring/summer to have the list available for the revisions period required under the MEA, with electors continuing to move during that period.

The municipality has developed a strong working partnership with Elections Nova Scotia (ENS). Elections Nova Scotia's data management plan is well understood by both ICT and the Elections office and any issues or concerns are addressed promptly. It is expected that the provincial electors list will be provided by ENS at the latest date possible (May/June 2016) to ensure the highest degree of accuracy of the list. With the checks, balances and verifications undertaken by the municipality and the voter revisions period provided for under the Act, the Election Office has confidence that the list will be as accurate as possible at the time of the election and is the best, most accurate source of voter information available to the municipality and is provided at no cost under the data sharing agreement with Elections Nova Scotia.

Staff therefore recommend that:

Halifax Regional Council direct the use of the provincial electors' list for the purpose of conducting the 2016 municipal and school board elections with the Halifax Regional Municipality, effective January 2, 2016.

Appointment of Returning Officer

As noted in the background section of the report, The MEA outlines that the Returning Officer may be: the municipal clerk, another municipal employee or another person appointed by Regional Council. Previously the Municipal Clerk or another employee from the Office of the Municipal Clerk has served as Returning Officer. Careful consideration was given to how best to approach the 2016 election in recognition of both the growing complexity and time requirements associated with conducting the Municipal and School Board elections with twenty-seven (27) different matters, four (4) sets of voter eligibility criteria, in a municipality the size of Prince Edward Island, with nearly half the population of the province and the transition currently taking place in the Office of the Municipal Clerk. In light of those considerations an "Expression of Interest" was put forward to conduct a search for a qualified individual to take on the Legislative Responsibility as Returning Officer for the 2016 Municipal and School Board Elections.

It is recommended that:

Halifax Regional Council appoint the proponent, as outlined in the private and confidential staff report to be provided to Regional Council, as Returning Officer for the 2016 Municipal and School Board Elections in the Halifax Regional Municipality effective January 2, 2016.

Withdrawal from the Election Reserve

The objectives outlined by Halifax Regional Council for considering electronic voting solutions were:

- Increasing access to voters within HRM (all areas & all demographics in HRM)
- Impacting voter participation rates
- Improved speed of tabulation and reporting
- Value for money in achieving those desired outcomes

Those objectives continue to guide the decisions and priorities of the HRM Elections Office for the general conduct of all municipal and school board elections.

The costs for addressing those principles and conducting an election have increased over the past four (4) elections (2000, 2004, 2008, 2012) primarily driven by:

- a) increased number of electors within the municipality
- b) increases to postage costs,
- c) providing increased accessibility to voters
- d) complexity and resources required to conduct elections. Specifically:
 - Cost of polling locations and staff (advanced & polling day) - 25-35% of election costs
 - Training of 1,400-1,800 election staff– up to 10% of election cost and increasing.
 - Cost of producing and mailing voter notification letters- 20% of election costs and growing (estimated 327,615 eligible electors in 2016 - an increase of 37.5%)
 - Voter communication/advertising- legislatively required and informational advertising to inform the electorate – 5-10% of Election costs
 - Increasing voter access/accessibility – whether through electronic voting, "vote anywhere" or other means – 20-28% of election costs

In addition, as demonstrated in the 2012 elections, expectations regarding the speed of election reporting are high and, as noted in the 2012 Election review report, improvements were necessary. The Election Office has addressed this through the rebuild of the HRM Election System. In collaboration with Elections Nova Scotia, ICT and outside partners the Elections Office have built and will be implementing a system by which results can be directly reported and overseen by the Supervising Deputy Returning Officers from the polling locations on hand-held devices, and transmitted directly to the election office for verification and posting. The system has been very well received during user acceptance testing and will be fully field tested during the upcoming Special Election. In addition, a robust backup and contingency plan will also be in place. These systems come at a cost. These costs reflect and support the important electoral

principles and objectives outlined above.

In light of these principles, objectives and expectations the budget for conducting the 2016 Municipal and School Board Elections, regardless of the approach to voting methods directed by Regional Council, is projected to be \$2.2 million dollars or \$6.70 per eligible voter.

The 2016 budget represents an increase of 37.5% over the 2012 election budget of \$1.6 million. The projected cost per voter for conducting municipal and school board elections in Halifax, with a larger number of events, candidates and reporting requirements, continues to be lower than the cost per voter associated with conducting both federal and provincial elections.

Level of Government	Cost per Elector	Reference
Federal Election (2011)	\$12.00	Report of the Chief Electoral Officer of Canada on the 41st general election of May 2, 2011
Provincial Election (2013)	\$8.71	Annual Report of the Chief Electoral Officer 2013–2014

As outlined in the financial implications section of this report, there are sufficient funds in the Election Reserve (Q313) to cover the projected budget.

In accordance with the provisions of the Education Act of NS, the municipality is required to be reimbursed by the Department of Education for the costs associated with running the school board elections and negotiations will commence with the Department once a decision is taken in regard to voting methods and budget for the 2016 municipal elections. The municipality received \$500,000 for costs associated with school board elections in 2012 and, with an increased number of voters and budget in 2016; it is the expectation of the Elections Office that costs for conducting school board elections keep pace with those increases.

Cost efficiencies and value for money will be driven through the process. Any areas for savings that do not jeopardize the election process will also be driven through the system. Final election costs will be determined based on a number of factors such as facility rentals and per diem rates for election day staff, number of eligible electors, as well as other factors such as postage rates, and will be within the budget of \$2,200,000.

It is therefore recommended that the Audit and Finance Standing Committee recommend that Halifax Regional Council:

Authorize the withdrawal from Q313 Municipal Elections Reserve to fund municipal and school board election expenses incurred in A125 Elections. Withdrawal amounts not to exceed \$2,200,000.

FINANCIAL IMPLICATIONS

Q313 - Municipal Election Reserve - Financial Summary

Projected balance March 31, 2016 (includes approved contribution requests to date)	\$ 1,577,000
Add: Projected Contributions for 2016/17 (pending council approval)	\$ 400,000
Add: Anticipated Department of Education payment	\$ 592,000
Withdrawal: 2016 Municipal and School Board Election costs	\$ <u>2,200,000</u>
Projected balance March 31, 2017	\$ 369,000

As part of its ongoing review of reserves, Finance will examine the Q313 Municipal Elections Reserve to ensure that its objectives and wording are consistent with 2014-015-ADM (Reserve Funding Strategies).

COMMUNITY ENGAGEMENT

During the 2015 Citizen Engagement initiative the election office received input featuring a wide range of topics. All of the suggestions were considered and the following table outlines some of the changes we are making:

Suggestion	Action
Reach People Where They Are	<ul style="list-style-type: none"> • Stronger communication with residents using traditional and non-traditional avenues • More voting options during Advance Voting <ul style="list-style-type: none"> ○ Polling Stations in high traffic areas ○ Continue to offer e-voting ○ Offer Vote Anywhere for in-person voting
More Informal Conversations with Voters, Potential Candidates & other Interested Parties	<ul style="list-style-type: none"> • Increase activity on Social Media • Attend Community Group meetings to listen and answer questions • Provide the public with more channels to ask questions and find information on the election
Engage People in Tangible Ways Whether or Not They Can Vote	<ul style="list-style-type: none"> • Hiring Election Staff <ul style="list-style-type: none"> ○ Require 1500 staff members to work at polls ○ Does not need to be voting age. We employ staff aged 16 years + ○ Does not require Canadian Citizenship to work.

ALTERNATIVES

Council may direct methods that comply with the Municipal Elections Act for delivering a Municipal and School Board Election.

Alternative Options 2-4 are outlined in Appendix A of this report.

These are not the recommended alternatives as they either decrease convenience/access to voters or increase risk to conducting an election.

ATTACHMENTS

Appendix A – Voting Method Option Descriptions

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Lori McKinnon, Election Coordinator, 902.490.6810

Original Signed

Report Approved by:

Cathy Mellett, Municipal Clerk, 902.490.6546

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Financial Approval by:

Bruce Fisher on behalf of Amanda Whitewood, Director of Finance & ICT/CFO,
902.490.6308

Appendix A

Voting Method Option Descriptions

Description	Comments	Opportunities	
RECOMMENDED			
<p>OPTION 1</p> <p><i>BOTH</i> Electronic voting and in-person¹ polls <i>for the entire period of advanced polls</i></p> <p>Paper ONLY for Election Day Polls</p>	<ul style="list-style-type: none"> Advanced voting will be BOTH in person paper ballots and Electronic voting Advance Electronic Poll will be for a shorter period of time than 2012 (6 days) In person Paper Ballot only on Election Day 	<ul style="list-style-type: none"> Polling location staff required: 1400 Plus Projected Budget: \$2,200,000 	<ul style="list-style-type: none"> Offers the greatest voting access to electors Municipal voters have familiarity with the Electronic voting methods and use them. Recognizes challenges in recruiting & training larger numbers of election workers Electronic voting provides opportunity for those who may not otherwise be able, to cast their ballot independently using tools familiar to them.

¹ In-person poll refers to voters casting a paper ballot

Appendix A

Voting Method Option Descriptions

Description	Comments	Opportunities
ALTERNATIVES		
<p>OPTION 2</p> <p>Electronic voting ONLY for Advance Polls</p> <p>Paper ONLY for Election Day Polls</p>	<ul style="list-style-type: none"> Advanced voting Electronic ONLY for a shorter period of time than 2012 (6 days) In person Paper Ballot Advance Polls NOT offered (same as 2012) In person Paper Ballot ONLY on Election Day 	<ul style="list-style-type: none"> Assumption: 60% of voters will use electronic voting Polling location staff required: 1400 Plus Projected Budget: \$2,200,000
<ul style="list-style-type: none"> Municipal voters have familiarity with the alternative voting methods and use them. Electronic Voting was the preferred method of voting in 2012 Recognizes challenges in recruiting & training larger numbers of election workers Electronic voting provides opportunity for those who may not otherwise be able, to cast their ballot independently using tools familiar to them. 		

Voting Method Option Descriptions

Description	Comments	Opportunities	
ALTERNATIVES			
<p>OPTION 3</p> <p>Voters must pre-register for Electronic Voting</p> <p>BOTH Electronic voting and in-person² polls for the entire period of advanced polls</p> <p>Paper ONLY for Election Day Polls</p>	<ul style="list-style-type: none"> • Difference over Option 2 is that Voters which wish to vote electronically must pre-register for Electronic Voting (Markham Ont. model) • Advanced voting Electronic ONLY for a shorter period of time than 2012 (6 days) • In person Paper Ballot Advance Polls NOT offered (same as 2012) • In person Paper Ballot ONLY on Election Day 	<ul style="list-style-type: none"> • Adds an additional step to electronic voting choice • Assumption: Based on the Markham Ont. Experience participation in electronic voting will drop from current 60% to approximately 20% of voters using that method. • Polling location staff required: 1400 Plus • Projected Budget: \$2,200,000 	<ul style="list-style-type: none"> • Municipal voters have familiarity with the alternative voting methods and use them. • Recognizes challenges in recruiting & training larger numbers of election workers • Electronic voting provides opportunity for those who may not otherwise be able, to cast their ballot independently using tools familiar to them.

² In-person poll refers to voters casting a paper ballot

Appendix A

Voting Method Option Descriptions

Description	Comments	Opportunities
ALTERNATIVES		
OPTION 4 Paper Ballot ONLY for Advance and Election Day Polls	<ul style="list-style-type: none"> • Paper Ballot ONLY for Advance and Election Day Polls • Voter Access is provided through increased number of advanced polling days and locations • Electronic Voting NOT Offered 	<ul style="list-style-type: none"> • Polling location staff required: 1700 Plus • Will present challenges with the recruitment and training of large numbers of election workers. • Feedback from the Accessibility Community is that this method does not provide the same opportunities to cast a ballot independently • Projected Budget: \$2,200,000
<ul style="list-style-type: none"> • Consistent with voting methods used in other levels of government 		