



Online Voting Procedures

2023 HDSB SCHOOL TRUSTEE BY-ELECTION, WARDS 1 & 2

(IN ACCORDANCE WITH SECTION 42(3) OF THE MUNICIPAL
ELECTIONS ACT 1996) 2022 BURLINGTON MUNICIPAL ELECTION

ISSUED BY THE ELECTIONS OFFICE

CITY OF BURLINGTON | 426 Brant Street Burlington, ON L7R 3Z6

Last updated 5/2/2023

CONTENTS

PURPOSE	2
AUTHORITY	2
DEFINITIONS	2
APPLICATION	4
SECREC Y AND SECURITY	5
TESTING OF THE ONLINE VOTING.....	6
VOTER INFORMATION LETTER (VIL)	6
ONLINE VOTING REGISTR AION PROCESS	8
ONLINE VOTING PROCESS	9
DISRUPTION OF VOTING	10
TALLYING OF VOTES	11
DATA DESTRUCION.....	12
CANDIDATE AND SCRUITINEERS	12
RECOUNTS.....	12

PURPOSE

City of Burlington Council has adopted By-law 38-2022 to authorize the use of online voting as an alternative method for advanced voting for the 2022 Municipal Election and any subsequent by-elections pursuant to section 42(1) of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended (the “Act”).

The following procedures have been established in relation to the use of online voting in accordance with the requirements of the *Act* and through the authority of the City Clerk for the purposes of advanced voting.

AUTHORITY

1. In accordance with section 42(3) of the Act, the City Clerk is the authority responsible for the creation and implementation of these procedures and/or the delegation of powers and duties to Election Official(s) in relation to this procedural document.
2. The Clerk has the authority under section 12 (1) of the Act to update and revise these procedures, and updated versions of these procedures will be electronically mailed to all Candidates.

DEFINITIONS

3. In these Procedures,

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

“**Captcha Challenge**” is a type of challenge-response test used to ensure that the response is not generated by a computer.

“**Certified Candidate**” is a person whose nomination has been certified under Section 35 of the **Act**.

“**City**” refers to the City of Burlington

“**City Clerk**” refers to the person appointed under the **Act** to preside over the 2023 HDSB School Trustee By-election, Wards 1 & 2 **City**.

“**Declaration of Qualification and Acknowledgement of Offenses Statement**” refers to the declaration **Eligible Voters** must take prior to voting via the internet; it confirms they are eligible to vote in 2023 HDSB School Trustee By-election, Wards 1 & 2 and advises them of the penalties prescribed by the **Act**.

“**Decrypt**” refers to the act of deciphering or decoding data that has been encrypted.

“**Denial of Service Attack (DoS)**” is an action that prevents or impairs the authorized use of networks, systems, or applications by exhausting resources such as central processing units (CPU), memory, bandwidth, and disk space.

“**Disruption of Service**” refers to an unlikely disconnection that **Eligible Voter** may encounter during the **Online Voting** process. If a **Disruption of Service** occurs, the **Eligible Voter** must log back into the system and restart the voting process.

“**Early Voting Period**” refers to the period between 10:00 am EDT (Eastern Daylight Time) on Monday, May 15, 2023, and 5:00 pm EDT on Friday, May 19, 2023 during which time an **Eligible Voter** may cast a ballot via the internet in the 2023 HDSB School Trustee By-election, Wards 1 & 2.

“**Election Management Team**” refers to the **City Clerk** and designates in charge of ensuring the integrity of the configuration and the voting results, as well as guaranteeing the secrecy of the votes.

“**Election Official**” refers to a person designated by the **City Clerk** to assist in the conduct of the 2023 HDSB School Trustee By-election, Wards 1 & 2.

“**Eligible Voter**” is a person who, as of **Voting Day**, is:

- a) a resident of Burlington, Ward 1 or 2,
- b) or the owner or tenant of residential property in Burlington, Ward 1 or 2,
- c) or the spouse of such owner or tenant; and,
- d) a current English Public school board supporter; and
- e) is a Canadian citizen; and,
- f) is at least 18 years old; and,
- g) is not otherwise prohibited from voting.

“**Office**” refers to the race in which a candidate is registered to run as governed by the **Act** (i.e., School Board Trustee).

“**Online Voting**” refers to the process by which an **Eligible Voter** casts their ballot via the internet. In order to vote online, an **Eligible Voter** must access the official election website using the required security credentials.

“**Online Voting Provider**” refers to the vendor retained by the **City** to provide online voting services.

“**Over-Vote**” refers to the process by which an **Eligible Voter** selects more candidates than permitted for a particular **Office**. The **City’s Online Voting** system does not allow for **Over-Votes**.

“**Registration Code**” refers to the personal alphanumeric code randomly generated by the **City’s Online Voting Provider**. This code is used to register online to vote, and a new **Voting Code** will be provided to vote once registered.

“**Under-Vote**” refers to the process by which an **Eligible Elector** selects less than the permitted number of candidates for a particular **Office**. The **City’s Online Voting** system does allow for **Under-Votes**.

“**Voter Information Letter (VIL)**” refers to the letter containing election information sent by the City Clerk to all **Eligible Voters** in Burlington Ward 1 or 2 English Public School Support.

“**Voters’ List**” refers to the list of all **Eligible Voters** in Burlington prepared by the Municipal Property Assessment Corporation and revised by the City Clerk for use in the 2023 HDSB School Trustee By-election, Wards 1 & 2.

“**Voting Code**” refers to the personal numeric code randomly generated by the **City’s Online Voting Provider** for **Early Voting only**. This code is used by an **Eligible Voter** during the **Early Voting Period**.

“**Voting Day**” refers to the day on which the final vote is to be taken in the 2023 HDSB School Trustee By-election, Wards 1 & 2 (May 29, 2023).

APPLICATION

4. These procedures apply to the 2023 HDSB School Trustee By-election, Wards 1 & 2 conducted by the **City Clerk**. By-law 38-2022, passed under the authority of Section 42 of the **Act** authorizes the use of **Online Voting** in municipal elections. A copy of By-law 38-2022 is available from the Clerk’s Office.
5. In accordance with section 12 of the **Act**, the **City Clerk** may provide for any matter or procedure that is not otherwise provided for in the **Act** or regulation, and, in the **City Clerk’s** opinion, is necessary or desirable for conducting the election.
6. In accordance with section 42(4) of the Act, these procedures are consistent with the principles of the Act and prevail over anything in the Act, and the regulations made under it. These principles include:
 - a) the secrecy and confidentiality of the individual vote is paramount.
 - b) the election should be fair and non-biased.
 - c) the election should be accessible to all **Eligible Voters**.
 - d) the integrity of the process should be maintained throughout the election.
 - e) there should be certainty that the results of the election reflect the votes cast; and,
 - f) **Eligible Voters** and **Certified Candidates** should be treated fairly and consistently.
7. These procedures may be amended as deemed necessary by the **City Clerk**. Any amendment to these procedures shall be signed by the **City Clerk** and a copy of the revised procedures shall be provided to all **Certified Candidates** via electronic mail.
8. The **City Clerk** shall appoint **Election Officials** for the purposes of implementing

these procedures and may designate their titles and duties. Such appointments shall be in writing.

SECURITY AND SECURITY

9. The **City Clerk**, all **Elections Officials** and the **City's Online Voting Provider** shall maintain and aid in maintaining the secrecy of voting.
10. No person shall interfere or attempt to interfere with an **Eligible Voter** while in the process of accessing the **Online Voting** service or attempt to interfere in the voting process while using the **Online Voting** service unless expressly requested and authorized by the **Eligible Voter**.
11. No person shall obtain or attempt to obtain information about how an **Eligible Voter** intends to vote or has voted. Any **Election Official** requested by an **Eligible Voter** to assist them with voting is required to maintain the secrecy of the vote(s) cast by the **Eligible Voter** and shall vote according to the instructions and wishes of the **Eligible Voter**.
12. A predefined security protocol is adhered to during the entire 2023 HDSB School Trustee By-election, Wards 1 & 2 voting period; this protocol ensures access control to the status of the election is only available to the **City Clerk** and/or designate, and/or persons so authorized by the **City Clerk**.
13. The **City's Online Voting Provider** implements a unique and patented cryptographic protocol, which combined with physical and logical security measures, provides an electronic voting platform that meets the **City's** predefined security protocols and supports the principles of the **Act**.
14. Access to the voting system application is monitored and controlled through a series of system features and services both internally and through data center services provided by the **City's Online Voting Provider**.
15. Should a **Denial of Service** occur at any point during the election process, the **City's Online 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.
16. The **City's Online Voting Provider** offers no single point of failure. All servers are replicated and networking appliances, database and any component are duplicated to ensure there is no **Disruption of Service**.

17. Only **Eligible Voters** are entitled to vote in the election and have only one vote in the municipality regardless of how they select to vote.

TESTING OF THE ONLINE VOTING

18. Prior to the start of voting, the **City Clerk** or **Election Official** will conduct comprehensive testing of the **Online Voting Platform**.

19. The test(s) shall include:

- a) checking the wording of the script.
- b) attempting to use a **Voting Code** more than once.
- c) balancing a predetermined number of votes with those cast.
- d) matching **Voting Codes** to names, address, and ballot face
- e) checking the system which is used for activating **Voting Codes** throughout the testing process.
- f) deliberately entering the wrong information; and,
- g) any other functions as determined appropriate by the **City Clerk**.

20. At least one “mock election” using the names of **Certified Candidates** will be conducted. The **City Clerk** or **Elected Officials** will verify the results of the mock election using a pre-determined test file.

21. The following types of audit checks can now be performed:

- a) Ballot Accounting: The number of voters reported on the **Online Voting Platform** can be compared to the number of Card A ballots in the PDF file produced.
- b) Vote Comparison: The selections on an anonymous ballot receipt can be compared to its corresponding tabulatable ballot having the same anonymous Voter ID.
- c) Card Accounting. The jurisdiction uses the **Online Voting Platform** Admin Portal and the Audit Suite Portal to perform post-election audit tasks.

VOTER INFORMATION LETTER (VIL)

22. The **City’s Online Voting Provider** will generate a data file containing the list of **Eligible Voters**, each with a unique **Registration Code** for the **City Clerk** or **designate** to use in the preparation of the **Voter Information Letter (VIL)** to be sent to all **Eligible Voters**.

23. The **VIL** will include the election web site address and a **Registration Code** for use by an **Eligible Voter** to access the **Online Voting** system hosted by the **City's Online Voting Provider**.
24. Prior to **Voting Day**, the **City Clerk** or designate will send a **VIL** via Canada Post to each **Eligible Voter** whose name appears on the **Voters' List**.
25. Where an **Eligible Voter's** date of birth is missing or incorrect, they will have the option of calling or electronically mailing through the Contact Support button. If the Support Centre staff is satisfied by the **Eligible Voter's** identity, they must affirm an oral oath, and then their date of birth will be updated to allow the **Eligible Voter** to vote online.
26. Any **VIL** returned to the Municipality unopened will be held securely by the **City Clerk** or designate and destroyed as set out in the **Act**.
27. Any **VIL** returned to the **City** opened will be reviewed to determine if the **Registration Code** has been used, and if the **Registration Code** has not been used for all eligible races the **City Clerk** or their designate will disable the **Registration Code**. If the **Registration Code** has been used for all eligible races, the **Online Voting System** will have recorded this fact and the **Eligible Voter's** name will have been struck off the applicable **Voters List** that is generated at the end of the **Alternative Voting**.
28. Where an **Eligible Voter** notifies an **Election Official** concerning a lost **VIL**, or a **VIL** that was never received, the **Election Official** shall determine whether a **VIL** was mailed to the **Eligible Voter**.
29. Where a **VIL** was mailed to the **Eligible Voter** but was not received or was received but subsequently lost:
 - a) the **Election Official** shall confirm the qualifying and mailing address of the **Eligible Voter**.
 - b) the **Eligible Voter** shall satisfy the **Election Official** that they did not receive a **VIL** or did receive it and subsequently lost it; and,
 - c) the **Election Official** shall review the **Registration Code**, to ensure that it was not used. If the **Registration Code** was used the matter may be escalated to Online Voting Provider to verify if a vote was cast. If a vote was not cast, the Online Voting Provider will reset the **Voter Code**. If a vote was cast the elector will be advised to attend at an in person voting location.

30. Pursuant to section 26 of these procedures, the **Eligible Voter** shall be required to answer questions to the satisfaction of the **Election Official** prior to the issuance of a new **VIL**.
31. After successfully answering the questions from the **Election Official**, a new **VIL** will be issued to the **Eligible Voter**.
32. Between March 24, 2023, and May 25, 2023, **Eligible Voters** may be added to the **Voters' List** in-person City Hall Clerks desk. Any **Eligible Voter** added to the **Voters' List** after May 1, 2023, will be provided with a **VIL, from the City Clerk**. This will include their Registration Code.

ONLINE VOTING REGISTRAION PROCESS

33. **Eligible Voters** will be able to cast their ballot online in the 2023 HDSB School Trustee By-election, Wards 1 & 2 during the **Early Voting Period**, Monday May 15, 2023, at 10:00 am to Friday May 19, 2023, at 5:00 pm.
34. The voting site is hosted by the **City's Online Voting Provider** and is accessible through the link provided on the VIL.
35. Registration Period- open from Monday May 15, 2023, at 10:00 am to Friday May 19, 2023, at 3:00 pm. **Eligible Voters** will enter the site of the **City's Online Voting Provider** and will be required to register to vote.
36. The steps required to register are:
 - a) Enter the **Registration Code** in the specified field.
 - b) Enter the Date of Birth using the drop down selections for day, month, and year; select the preferred delivery method for the **Voter Code** (electronic mail or text message); and enter the electronic mail address or the cell phone number twice, (depending on the selected delivery method), the second time to confirm the electronic mail address or cell phone number.
 - c) Complete a **Captcha Challenge**.
 - d) Select the REGISTER button.
37. Once the registration has been submitted, the voting code is sent to the **Eligible Voter** via electronic mail or text message. To complete the registration process, the **Eligible Voter** selects the FINISH button.

38. The **Eligible Voter** is able to stay in the system and continue to vote using the **Voting Code** provided, or may come back at a later time with the URL and **Voting Code** received.

ONLINE VOTING PROCESS

39. Once the **Voting Code** is received by the **Eligible Voter** via electronic mail confirmation or text message confirmation, the **Eligible Voter** must click on the voting link provided in the electronic mail or text message to be directed to the voting website. The **Eligible Voter** must:

- a) enter their **Voting Code** in the specified field.
- b) enter their Date of Birth using the drop-down selections for day, month and year.
- c) successfully complete a **Captcha Challenge**.
- d) select VERIFY button.

40. Read the Offences, Penalties and Enforcement

Notice of Offences

Section 89 of the Municipal Elections Act 1996 provides that a person is guilty of an offence and liable, on conviction to a fine of not more than \$25,000. If the individual,

- a) votes without being entitled to do so;
- b) votes more times than this Act allows;
- c) votes in a voting place in which he or she is not entitled to vote;
- d) induces or procures a person to vote when that person is not entitled to do so;
- e) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
- f) having been appointed a voting proxy, votes under the authority of the proxy when the elector has cancelled the proxy, is no longer entitled to vote or has died;
- g) before or during an election, publishes a false statement of a candidate's withdrawal;
- h) furnishes false or misleading information to a person whom this Act authorizes to obtain information;
- i) without authority, supplies a ballot to anyone;
- j) delivers to the deputy returning officer to be placed in a ballot box a paper other than the ballot the deputy returning officer gave him or her;
- k) takes a ballot away from the voting place;
- l) at an election, takes, opens or otherwise deals with a ballot, a ballot box, or a book or package of ballots without having authority to do so;
- m) attempts to do something described in clauses (a) to (l).

Notice of Corrupt Practices:

Section 90 of the said Act provides that if, when a person is convicted of an offence under section 89, the presiding judge finds that the offence was committed knowingly, the offence also constitutes a corrupt practice and the person is liable, in addition to any other penalty, for imprisonment for a term for not more than six months.

Oath of Qualification

I solemnly affirm that I am on the Voters' List and that I have not already voted in the election now being held in the City of Burlington, I am a Canadian citizen, at least 18 years old, and a resident of the City of Burlington; or a non-resident owner or tenant of property in the City of Burlington or the spouse or same-sex partner of such and owner or tenant, and I am not prohibited from voting under any law.

- a) Select "I AGREE" and click PROCEED; or
- b) Click EXIT, this will exit the **Online Voting Platform**, but not strike off the **Voting Code**, the **Eligible Voter** can log in again and may choose to vote at a later date.

41. **Eligible Voters** who wish to decline their ballot and have it counted per Section 53 of the **ACT**, are able to do so, after agreeing to the **Declaration of Qualification and Acknowledgement of Offenses Statement** page by selecting the Option "I AGREE but decline to vote in this election" and clicking Proceed. A confirmation page will pop up with the message "Submit your ballot? You will not be able to make any changes to you're a ballot once you submit." Once submitted, their name will be struck off on the Voters' List, and they will be counted as voted.
42. Complete their ballot by following the instructions provided; and, once completed, **Eligible Voters** will be able to review their votes and/or change their selections for each **Office** as many times as required before casting their ballot.
43. An **Eligible Voter** will not be able to **Over-Vote** any **Office** but is able to **Under- Vote** or choose not to vote for a particular **Office**.

DISRUPTION OF VOTING

44. If at any time during the **Online Voting** process there is a **Disruption of Service** or the system times out, an **Eligible Voter** must log back into the system to restart or continue the voting process.

45. If an **Eligible Voter** is unsure if their vote was cast, they are able to contact support and Elections staff will review the status of the **Eligible Voter** in the online **Voters' List** program to determine if a vote was cast or not:
- a) If cast, the **Election Official** will confirm with the voter that their ballot was accepted.
 - b) if the status is NOT VOTED, the voter will be advised that the vote was not cast, and that the **Eligible Voter** should be able to re-enter the system and restart the voting process.
 - c) if **Eligible Voter** is not able to cast a vote, after contacting support, Elections staff will escalate to **Online Voting Provider**.
 - d) Once an **Eligible Voter** has cast their ballot, they are not able to re-enter the system.

TALLYING OF VOTES

46. Results from the **Early Voting Period** will be securely stored by the **City's Online Voting Provider** until release by the **Election Management Team** after 8:00 pm **Voting Day**.
47. At the close of the **Early Voting** the **Online Voting Provider** will close the polls to any new voters at 5:00 pm. If there are any **Eligible Voters** still logged in the system after a 15-minute grace period will be removed from the **Online Voting Platform**.
48. When the **Early Voting** polls close, the **Election Official** prints a PDF file that contains a number count for each **Office** race. This file is saved in a secure location until voting day. It will then be compared with the tabulation files on **Voting Day**.
49. Once polls have closed on **Voting Day** the tabulation process of the **Online Voting** results can be executed on the **Online Voting Platform**.
- a) At least two individuals appointed by the **City Clerk** act as the **Election Management Team** and log in to open the digital lockbox.
 - b) The tally process is executed on the **Online Voting Platform**, which:
 - i. Validates the identity of the voters that have cast the ballots and executes a process to dissociate the IDs of

- the voters of the actual ballots cast, and
- ii. **Decrypts** the cast ballots for tallying.
- c) As a result of the tally process, **Online Voting Platform** generates an election results file (for **Online Voting** only) in a .csv format.
50. At that time, results from **Online Voting** are available for **Election Officials** on the **Online Voting Platform** administration portal and can be electronically mailed to the **Election Management Team** and placed on a USB as a backup. The **Election Management Team** will verify the tally with the original report generated at the end of **Online Voting** for comparison. The results are not available to anyone else until the **City Clerk** decides that the results can be published.

DATA DESTRUCCION

51. All data related to **Online Voting** will be secured off-line for the required 120 days by the **City's Online Voting Provider** and shall be deleted following the rules and regulations as set out in the **Act** after that date has passed.
52. A Certificate of Destruction of all votes will be provided from the **Online Voting Provider** once approved by the **Clerk**.

CANDIDATE AND SCRUTINEERS

53. **Scrutineers** will not be able to scrutinize the voting process as it will be a remote process but may be present when the results of the remote process are tallied. However, it in no way releases electors, **Candidates**, and others from acting in accordance with the requirements of the **Act**.

RECOUNTS

54. Recounts will be conducted in a manner consistent with the provisions of the **Act** as amended.