

Recommendation Report Summary

SUBJECT: 2026 Municipal Election preparation and selection of alternative voting methods

TO: Committee of the Whole

FROM: Legal and Legislative Services
Legislative Services

Report Number: LLS-13-25

Wards Affected: all

Date to Committee: February 10, 2025

Date to Council: February 18, 2025

Recommendation

Approve the use of optical scan vote tabulators for in-person voting throughout advance polls and on election day, and that internet voting be authorized for advance voting in the 2026 Municipal election; and

Approve the draft by-law substantially in the form attached as Appendix A to legislative services report LLS-13-25, being a by-law to authorize the use of optical scan vote tabulators and internet voting as an alternative voting method for the 2026 Municipal Election, and any by-elections held during the 2026-2030 term of council.

Executive Summary

Purpose of report:

- This report is seeking Council approval for the use of optical scan vote tabulators for in-person voting opportunities and the use of internet voting as an advance voting method for the 2026 municipal election.

Key findings:

- The 2022 Municipal Election had a 27.6% voter turnout where 39,217 electors voted out of 142,218 eligible.
- 14,980 electors voted online, up by 12.5% from 13,123 in 2018.
- In the 2022 municipal election, internet voting was available for 10 days from October 11th to Oct 20th.

- 64% of the post-election survey respondents indicated they voted online, and of those, 96% found the process to be easy and convenient.
- Section 42 of the *Municipal Elections Act, 1996*, S.O. (MEA) requires that Council pass a by-law on alternative voting methods no later than May 1, 2026. While this is a legislated deadline, staff require approvals for planning and procurement activities.
- Staff recommend offering the current Council-approved voting methods, optical scan tabulators for in-person voting and internet voting for advance voting, for the 2026 Burlington Municipal Election.

Implications:

- Staff are looking to extend the contract with the City's current vendor for the provision of tabulators and internet voting. Notice of extension of contract must be given by March 31, 2025.

Recommendation Report

Background

The next municipal election will be held on October 26, 2026. Municipal and school board elections are held every four years and are administered by the City Clerk as the Returning Officer, pursuant to the *Municipal Elections Act, 1996, S.O. 1996, C.32. (MEA)*. Elections are planned and conducted in a manner that reflects and upholds the principles of the MEA, generally recognized as follows:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the voting process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast;
- voters and candidates shall be treated fairly and consistently; and
- the proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

The *Municipal Elections Act, 1996* permits municipalities to utilize alternative voting methods and vote-counting equipment for its municipal elections. To authorize alternative voting methods and the use of optical scan tabulators, Council must pass a by-law by May 1, 2026. Although this is a legislated deadline, more lead time is required for planning and procurement activities. Staff are looking to extend contracts with the City's current vote tabulator and internet voting vendors and recommend that the same alternative voting methods are approved for the 2026 municipal election. Notice of contract extension must be provided by March 31, 2025.

In December 2021, the contract was awarded to Voatz Inc., for internet voting services along with Election Systems & Software (ES&S) for optical scan tabulators. Voatz provided a secure and accessible system for casting and reconciling votes. The City of Burlington worked with other municipalities using the same vendor in a consortium approach to conduct third-party security risk assessments to ensure that this was a secure and trusted method of voting.

The use of optical scan tabulators has become a generally accepted vote counting method in Ontario municipal elections over the last several years and has been used at the provincial level of government. It allows for efficient vote counting, secret and confidential voting process

and accurate and non-biased vote count. The system is precise, easy to use for both electors and poll officials, and capable of generating results quickly after the close of polls.

Internet voting was successful and well received by the residents in the 2022 municipal election. 14,980 electors voted online, up from 13,123 in 2018. This was a 12.5% increase in total votes cast by internet voting. The post-election survey indicated that majority of respondents voted online and found the process to be convenient and easy to use. Additionally, most respondents indicated that the City should continue to offer online voting in future elections.

Analysis

Staff recommend that Council approve the use of optical scan vote tabulators for in-person voting and internet voting as an advance voting option as alternative voting methods for the 2026 municipal election. A more thorough analysis is provided below.

Benefits:

Internet voting is convenient, helps reduce barriers and increases accessibility of the process, eliminates spoiled ballots, and provides an accurate ballot count. Coupled with the use of optical scan vote tabulators at in-person voting locations on election day, it allows for quick and accurate results reporting.

Considerations:

Staff recommend using internet voting as an advance voting option to ensure a positive voter experience both for those voting online as well as in-person at the polls. For the 2018 municipal election, over fifty municipalities experienced significant voting slowdowns, and system time outs for at minimum 90 minutes on voting day. Several municipalities used emergency provisions in the *Municipal Elections Act, 1996*, to extend the voting period, in some cases by 24 hours. In 2018, the City of Burlington experienced slowdowns after the close of polls on election day. In 2022, there was a delay in the posting of unofficial results due to service slowdowns in elector strike offs, whereas the voting process as an advance voting method experienced no delays.

During the 2022 municipal election, during the internet voting period, staff provided voting support throughout the 10-day period from 8:45 a.m. to 8:00 p.m. via email and telephone. This was a very resource-heavy activity to ensure that support was available for voters who wished to cast their ballots online. Supporting and managing two different voting methods on election day may pose a challenge with already limited resources and staffing, affecting the team's ability to provide outstanding customer service to both electors voting online as well as in-person. Further, any issues or delays in online voting may require extension of the voting period, delaying both unofficial and official results reporting.

Additional Information:

Utilizing online voting as an advance voting method until Friday prior to election day, allows staff to reconcile voter strike-offs, produce contingency voter lists for the polls, as well as produce voter lists with strike offs for candidates. These are both critical activities: a contingency plan for voting day, and an important campaign activity for candidates. Having the strike-off lists allows candidates to focus their efforts leading up to election day on ensuring that they get their supporters who have not yet voted out to the polls.

Community Engagement and Communications:

The post-election survey conducted in 2022 provided insight into the voter experience. Survey responses and additional information on the 2022 election is available in the [CL-07-23](#) 2022 post-election report. Survey results indicated strong support for the use of online voting for future municipal elections in Burlington.

For the 2026 municipal election, staff will once again work closely with the Communications team to develop a comprehensive communications and engagement plan for the election focusing on the availability, accessibility and security of online voting. The election team will also create online voting guides for electors to further improve the online voter experience and to assist in the process, with the goal of encouraging more voters to utilize this method of voting.

Recommendation Details

Staff recommend using internet voting as an advance voting option as it provides a secure and accessible way for electors to cast their ballot from anywhere and at any time during the 10-day internet voting period. It is the approach used successfully in 2022 and voters in Burlington are familiar with the process. Although expanding internet voting to election day may provide more convenience, the risks outweigh the benefits. Any voting slowdowns or system timeouts may require the Clerk to utilize emergency powers to extend voting hours delaying election results. Supporting two different voting methods will require significantly more staff to support the voting processes and could significantly impact the voting experience both at the polls and online. Anyone not registered to vote, would still be required to go to a voting location to be added to the voter's list on election day where they could vote right there and then. For access and convenience, Burlington employs the "vote anywhere in your ward" system, meaning that electors do not have to go to an assigned voting location, but can vote at any of the voting locations in their ward.

Key Dates & Milestones

Critical dates include:

- March 31, 2025 – last day to provide notice of contract extension to tabulator and online voting vendors.
 - May 1, 2026 – legislative deadline to pass a by-law to authorize alternative voting methods.
 - October 26, 2026 – election day, last day to vote for the 2026 municipal election.
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Implications

At this time staff are looking for approval of the recommended alternative voting methods and the alternative voting by-law as included with this report. This by-law is required for staff to proceed with procurement and contract extensions.

The cost of the 2022 alternative voting methods was \$194,541. Costs for the 2026 municipal election are expected to include inflationary increases and any change orders to the statement of work with the vendors.

The source of funding for the election is the reserve fund with an annual contribution of \$160,000.

References

- [CL-13-22](#) 2022 Municipal Election – administrative approvals
 - [CL-07-23](#) 2022 Post-election report
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Strategic Alignment

- ☐ Designing and delivering complete communities
 - ☒ Providing the best services and experiences
 - ☐ Protecting and improving the natural environment and taking action on climate change
 - ☒ Driving organizational performance
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Appendices:

- A. Draft Alternative Voting By-law

Draft By-laws for Approval at Council:

- Alternative Voting By-law
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Notifications:

Name

Title

Contact Info.

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.