

Subject: Overview of 2020 Ward One By-Election**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2020-0138, Overview of 2020 Ward One By-Election, for information.

Background:

One Ward One Councillor seat became vacant on April 13, 2020 with the unexpected death of Councillor Mike Ciolfi. The seat was declared vacant at the Regular Meeting of Council held on May 4, 2020. After considering various available options, Council resolved to fill the Ward One Vacancy through a By-Election.

Subsequently, through the adoption of By-law #4246(2020), the By-Election date was established for Tuesday, September 15, 2020. Said By-law also provided for the introduction of an On Demand Special Ballot to permit a vote by mail process for individuals impacted by the ongoing COVID-19 pandemic.

The purpose of this report is to provide an overview of the By-Election as it pertains specifically to the process, and to outline the successes achieved to address in-person voting during a worldwide pandemic.

Analysis:**Novel Coronavirus, COVID-19:**

On March 17, 2020, pursuant to Ontario Order in Council 518/2020 (O.Reg.50/20), in accordance with Section 7.0.1 of the *Emergency Management and Civil Protection Act*, 1990, an emergency was declared throughout Ontario. The Town of Pelham declared an emergency on April 3, 2020. Finally, the Clerk, who is responsible for the conduct of the municipal election, declared an emergency in accordance with Section 53 of the *Municipal Elections Act*, 1996, having been of the opinion that circumstances arose that were likely to prevent the election being conducted without special arrangements being incorporated to directly address the ongoing pandemic.

Incorporating New Procedures:

Recognizing that municipal by-elections are mandated to be conducted in the same manner as the previous municipal by-election while also taking into consideration special procedures that would be required to address pandemic-related concerns, the Clerk declared an Emergency pursuant to Section 53 of the *Municipal Elections Act*, 1996 (The Act). This provided the appropriate mechanism to allow such special voting options including an On Demand Special Ballot to be undertaken. This Declaration remains in place and the Clerk intends to maintain the Declaration until such time as the period for a judicial review of the election has concluded, in the event that a recount is ordered through the courts. Keeping this declaration in place allows all measures undertaken as they relate to the pandemic to be incorporated into any recount, should one be ordered.

Some of the new procedures adopted included, but are not limited to: additional election personnel positions; providing one-time use pens to each elector to reduce touch points and cross-contamination potential; the use of a fully electronic and integrated voters' list to avoid potential for cross-contamination on a paper list; using one entrance and a separate exit from each voting place; providing additional personal protective equipment to election personnel including acrylic sneeze guard barriers, masks and face shields; marking the voting place floors to delineate physical distancing requirements; eliminating individual "polls" and allowing electors to use a single line service method, which reduced line-ups and wait times substantially; and, aggressive cleaning processes throughout the polling place between electors. In addition, once a voter received a ballot, they were directed to alternate voting screens to ensure physical distancing, and each voting booth was cleaned between electors. Many of these initiatives will be incorporated into all future municipal in person elections given the success achieved, most notably reduced wait times because of the single-line access and electronic voters list.

Persons with mobility concerns were greeted at the entrance and escorted to a nearby accessible voting booth to expedite their voting experience. This worked especially well at Fire Station #2 in Fenwick, as the Revisions Clerk processed all voters needing additional assistance from the central lobby of the building. We received very positive feedback for this initiative and will incorporate it in as many polling places as possible for future elections.

Central Queue Using "Next Available Deputy Returning Officer:



Health Assessment Questioning Station at Polling Place Entry:



Ontario By-Elections During Pandemic:

The Clerk's Department worked closely with elections personnel from various municipalities in Ontario that were also amidst a by-election period, namely the City of Windsor, the City of Cambridge, the City of Ottawa and most recently the Township of Bradford-West Gwillimbury. Windsor, Cambridge and Ottawa concluded their voting on October 5th. Bradford West Gwillimbury will conclude in early December. Interestingly, voter turnout in Ottawa was 23.97%, Windsor saw a 27% turnout and in Cambridge, 1,231 electors voted.

While each of the aforementioned municipalities adopted very similar procedures in many respects, Pelham and Ottawa were the only two that proceeded with special

mail-in or on demand voting opportunities. Windsor and Ottawa also introduced curbside voting where voters remained in their vehicles, much like a drive-thru setting.

Pelham's approach to address electors who may have been impacted by the virus was targeted to ensure curbside or porch drop methods were available to all voters. Electors who may have been directly impacted by COVID-19, such as being in isolation or quarantine, were all provided different opportunities to cast a ballot including the traditional Proxy Voting, as well as the new On Demand Special Ballot process which allowed electors to vote by mail. While only twenty (20) electors took advantage of the On Demand Special Ballot process, staff expect to incorporate this option in future municipal-wide elections to offer more voter engagement opportunities. Further, by initiating this type of hybrid vote by mail option, Clerks staff had the opportunity to test the process on a smaller scale, with great success so as to be confident in the approach for the future.

Consultation with Public Health:

In order to take every step necessary or desirable to conduct the election during a pandemic, the Clerk's Department relied heavily on the Region of Niagara Public Health Department to review procedures and policies, as well as polling place layouts, as they related to the COVID-19 changing landscape. The success of the in-person voting experience is largely attributed to having had the health department staff available for consultation throughout the planning stages. On the recommendation of Public Health, electors who were experiencing symptoms of COVID-19 were to be directed to contact the Health Department and not enter the voting place. Clerk's staff was prepared to follow-up with a porch drop voting opportunity to ensure that no eligible elector who wanted to vote was turned away from the polling place.

Nominations:

Nominations opened on Tuesday, June 16th and concluded on Friday, July 31st at 2:00 p.m. In total, seven qualified candidates were certified by the Clerk once nominations closed. Ballots were immediately ordered to allow for testing procedures to be conducted prior to any voting opportunities for electors. While one candidate indicated a desire to withdraw from the by-election, such request was not received within the legislated timelines set by The Act and as such, all seven candidates appeared on the ballots. The Clerk does not have the authority to remove a name from a ballot or to advertise to electors that a candidate has withdrawn unless the candidate becomes deceased, or is no longer eligible to hold the seat such as moving out of the municipality.

Election Personnel:

Considerations relating to the ongoing pandemic weighed heavily when determining the number of election personnel to be hired in order to facilitate a safe voting experience for all stakeholders. Given that there was potential for one entire polling station to be required to self-isolate after either of the Advance Vote dates, one full back-up team was recruited and trained, remaining on stand-by and ready to step in if required. Additional polling station election officials were hired to specifically address pandemic-related matters such as poll station cleaning, physical distance monitoring and health assessment administration. While there were times when two jobs could have been managed by one person, the voter turnout could not be accurately predicted and it was decided to plan for a “worst case” scenario. Election personnel indicated that they felt safe during the voting experience and were comfortable with the approach taken.

Advance Voting:

In order to make every attempt to manage the number of people present in a polling place at any one time, two Advance Poll dates were established, with two separate locations opened on each of these dates. Under normal circumstances, one Advance Vote date at one location would be scheduled for a by-election.

Managing Crowds:

In an attempt to spread out the number of electors attending a voting place at any one time, Voter Notification Letters suggested that electors with “even house numbers” vote on one date, and “odd house numbers” vote on the second Advance Vote date. In reviewing the voter turnout by municipal address, this approach enjoyed a 75% success rate where electors voted on odd/even dates. At no time were the polling stations unmanageable in terms of the ability to limit people present and adherence to physical distancing requirements. The number of electors who chose to cast their ballots during an advance vote date totaled 449 of the 1,157 who voted.

Voter Experience:

The Clerk's Office and polling station staff received very positive feedback from electors, indicating their support of the initiatives undertaken to protect their safety. Overall, Pelham experienced a voter turnout of 26.95% which is an improvement over the 2011 By-Election which had a turnout of 22%. A copy of the certified election results is appended to this report.

Financial Considerations:

The costs associated with delivering the Ward One By-Election totalled \$25,704. The costs include Voter List Management, Election Personnel, Ballot and Memory Card programming and printing, equipment rentals, voter notification letters and postage, advertising and polling station supplies.

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Communication and Engagement

The initiatives undertaken to deliver this By-Election during a pandemic were all aimed at ensuring the safety of the public and communicating with eligible electors to ensure they were aware of these initiatives.

Consultation:

This report was prepared by the Town Clerk/Returning Officer. Consultation throughout the election planning stages continued with Niagara Region Public Health and Ontario Municipalities also conducting By-Elections.

Other Pertinent Reports/Attachments:

Certified Election Results.

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