



Town of Aurora Procedures for the Use of Internet Voting

These are the certified Rules and Procedures for the use of Internet Voting in the 2022 Municipal Election for the Town of Aurora.

A handwritten signature in black ink, appearing to read "McR", is written over a horizontal line.

Michael de Rond
Town Clerk/Returning Officer

TOWN OF AURORA

MAY 30, 2022

1. OVERVIEW

The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended (the “Act”) in subsection 42(3) requires that the Clerk establish procedures for any voting and vote-counting equipment authorized by by-law. The Council of the Corporation of the Town of Aurora passed By-law Number 6362-21 authorizing the use of voting and vote-counting equipment, such as voting machines, voting recorders and optical scanning vote tabulators, as well as internet voting for the 2022 municipal election.

Section 12 of the Act also gives the Clerk, as Returning Officer, the authority to provide for any matter or procedure for which there is otherwise no provision in a statute or regulation, but which is, in the Clerk’s opinion, necessary or desirable for conducting the municipal election.

2. APPLICATION OF PROCEDURES

- (1) These procedures apply to the 2022 municipal election in accordance with subsection 42(3) of the Act.
- (2) Where these procedures do not provide for any matter, an election to which these procedures apply will be conducted in accordance with the principles of the Act. These principles are generally recognized to include the following:
 - (a) The secrecy and confidentiality of individual votes is paramount;
 - (b) The election should be fair and non-biased;
 - (c) The election should be accessible to the voters;
 - (d) The integrity of the process should be maintained throughout the election;
 - (e) There is to be certainty that the results of the election reflect the votes cast;
 - (f) Voters and candidates should be treated fairly and consistently; and
 - (g) A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

- (3) The Clerk has the right to amend these procedures at any time and will circulate such amendments to candidates and post on the Municipal website.
- (4) These procedures are subject to change in the case of an emergency as prescribed in section 53 of the Act.

3. DEFINITIONS

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.

“Declaration of Qualification” refers to the declaration eligible voters must take prior to registering to vote via the internet that confirms they are eligible to vote in Aurora as prescribed by the Act.

“Declaration of qualification and acknowledgement of offences statement” refers to the declaration registered internet voters must take prior to voting via the internet; it confirms they are eligible to vote in Aurora and advises them of the penalties prescribed by the act.

“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.

“Designated voting place” is a specific, physical location designated by the Returning Officer in accordance with Section 45 of the Act for in-person voting.

“Disruption of service” refers to an unlikely disconnection that an eligible voter may encounter during the internet voting process. If a disruption of service occurs, the eligible voter must log back into the system and restart the voting process.

“Eligible Voter” is a person who, as of voting day, is: a) a resident of Aurora or the owner or tenant of land in Aurora, or the spouse of such owner or tenant; and, b) is a Canadian citizen; and, c) is at least 18 years old; and, d) is not otherwise prohibited from voting.

“Early voting period” refers to the period between October 14-23, 2022 where Internet Voting is available.

“Election management team” refers to the Returning Officer 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 Returning Officer to assist in the conduct of Aurora’s 2022 municipal election, and may include a Managing Deputy Returning Officer, Deputy Returning Officer, Technical Deputy Returning Officer, Revision Returning Officer, Information Returning Officer, and/or other Election Official.

“Encrypt” refers to the act of ciphering data using a secret code so as to be unintelligible to unauthorized parties.

“Internet voter registration period” refers to the period during which an eligible voter may register to vote via the internet.

“Internet Voting” refers to the process by which a registered internet voter casts his/her ballot via the internet. In order to vote via the internet, a registered internet voter must access the official election website using the required security credentials.

“Internet voting provider” refers to the Town of Aurora’s internet voting provider Dominion Voting Systems

“Internet Voting Registration Process” refers to the process through which an eligible voter may register to cast his/her ballot in the 2022 municipal election over the internet.

“Office” refers to an office election to which is governed by the act (i.e. mayor, councillor, school board trustee).

“Over-vote” refers to the process by which a registered internet voter selects more candidates than permitted for a particular office. The Town’s internet voting system does not provide for over-votes.

“Personal passcode” refers to the alphanumeric pass code personally created by an eligible voter as part of the internet voting registration process.

“Registered internet voter” refers to an eligible voter who has completed the internet voting registration process and is therefore eligible to cast his/her ballot in Aurora’s 2022 municipal election using the internet voting system.

“Returning Officer” means the person appointed under the Act to preside over the 2022 municipal election for the Town of Aurora.

“Voter Notification Card” refers to the card with information containing election information to be sent by the Returning Officer to all eligible voters.

“Voters’ List” refers to the list of all eligible voters in Aurora prepared by the municipal property assessment corporation and revised by the Returning Officer for use in the 2022 municipal election.

“Voters’ list management provider” refers to Datafix Limited.

“Voting Day” refers to the day on which the final vote is to be taken in the 2022 Municipal Election (October 24, 2022).

“Voting pin” refers to an numeric code which is one (1) of the two (2) credentials required by a registered internet voter in order to obtain access to the internet voting site.

“Voter ID” means the 13 digit ID code sent to each eligible elector on their VNC. The elector uses this code to obtain their PIN

4. SECRECY AND INTERFERENCE

- (1) The Returning Officer and the Town's internet voting provider shall maintain and aid in maintaining the secrecy of voting.
- (2) No person shall interfere or attempt to interfere with an eligible voter while in the process of accessing the internet voting service or attempt to interfere in the voting process while using the internet voting service unless expressly requested and authorized by the eligible voter.
- (3) 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 him or her in 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.

5. SECURITY AND INTEGRITY

- (1) A predefined security protocol is adhered to during the entire 2022 municipal election period; this protocol ensures access control to the status of the election is only available to the Returning Officer and/or designate, and/or persons so authorized by the Returning Officer.
- (2) The Town's internet 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 Town's predefined security protocols and supports the principles of the Act.
- (3) Access to the voting system application is monitored and controlled through a series of system features and services both internally and through data centre services provided by the Town's internet voting provider.
- (4) Should a denial of service attack occur at any point during the election process, the Town's internet 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.
- (5) The Town's internet voting provider offers no single point of failure, all servers are replicated, networking appliances, database and any component is duplicated to ensure there no disruption of service.

6. VOTER NOTIFICATION CARD (VNC)

- (1) The Town's voters' list management provider will generate a data file containing the names of eligible voters for the Returning Officer to use in the preparation of the voter notification card (VNC) to be sent to all eligible voters.
- (2) The VNC will include the election web site address and a voting registration ID for use by an eligible voter to access the internet registration program hosted by the Town's internet voting provider.
- (3) During September, 2022, the Returning Officer will send a VNC via Canada Post to each eligible voter whose name appears on the voters' list.
- (4) Any undeliverable VNC's will be returned to the Returning Officer's attention by Canada Post and will be stored within a secure area.
- (5) Where an eligible voter notifies an election official concerning a lost VNC, or a VNC that was never received, the election official shall determine whether a VNC was mailed to the eligible voter.
- (6) Where a VNC was mailed to the eligible voter but was not received by the eligible voter or was received but subsequently lost:
 - (a) The election official shall confirm the qualifying and mailing address of the eligible voter; and,
 - (b) The eligible voter shall satisfy the election official that he or she did not receive a VNC or did receive it and subsequently lost it; and,
 - (c) The election official shall reissue the VNC
- (7) Pursuant to these procedures the eligible voter may be required to answer questions to the satisfaction of the election official prior to the issuance of a new VNC.
- (8) After successfully answering the questions from the election official a new VNC will be issued to the eligible voter.
- (9) In September – October of 2022, eligible voters may be added to the voters' list; any eligible voter added to the voters' list during this time will be provided with a VNC by the Returning Officer. This will enable him/her to register to vote via the internet if they so choose.

7. INTERNET VOTING REGISTRATION PROCESS

- (1) An eligible voter may only vote once in Aurora regardless of the number of properties he/she may own and/or lease.

- (2) A registered internet voter may cast their ballot via the internet during the early voting period only.
- (3) An eligible voter who wishes to register to vote via the internet is required to access the election website and enter their Voter ID number as well as their year of birth. If a voter is unsuccessful in entering the required information he/she may call the designated election support line for assistance.
- (4) An eligible Voter will also be asked to choose a secret question and provide an answer. This will be used to reissue a Voting PIN should the elector misplace theirs after receiving it.

8. INTERNET VOTING PIN

- (1) Once a voter has successfully registered, a voting PIN will be shown on their screen. They can then follow the link to the voting site where they must enter their Voter ID and their voting pin to proceed to the oath and ballot.
- (2) If an elector needs their PIN reissued, they must contact the election helpline and provide information about themselves, as well as answer their secret question correctly. If the election official is satisfied that the PIN should be reissued, they will proceed to do so.

9. INTERNET VOTING PROCESS

- (1) Registered internet voters will be able to cast their ballot via the internet during the early voting period.
- (2) The voting site is hosted by the Town's internet voting provider and is accessible through the link provided in the VNC.
- (3) The registered internet voter will enter the site of the Town's internet voting provider and will be required to:
 - (a) Read the mandatory declaration of qualification and acknowledgement of offences statement and confirm;
 - (b) Enter their voter ID multiple times and their voting pin once;
 - (c) Complete multiple captcha challenges;
 - (e) Complete their ballot by following the instructions provided;

- (f) Once completed registered internet 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.
- (4) A registered internet voter will not be able to over-vote any office but is able to choose not to vote in a particular office. Eligible electors may also choose to decline to vote for a race.
- (5) Candidates may access the Town's Voters List Management's website to confirm who has voted over the internet that day.

10. DISRUPTION OF VOTING

- (1) If at anytime during the internet voting process there is a disruption of service or the system times out, a registered internet voter must log back into the system and restart the voting process.
- (2) If an eligible voter is unsure if their vote was cast, an election official will review the status of the registered internet voter to determine if a vote was cast or not:
 - (a) If cast, the election official will confirm with the voter that his/her ballot was accepted; or,
 - (b) If the status is 'not voted', the voter will be advised that the vote was not cast and that the registered internet voter should be able to re-enter the system and restart the voting process.
- (3) Once an eligible voter has cast a ballot they are not able to re-enter the system.

11. VOTERS' LIST: EARLY VOTING PERIOD

- (1) The voters' list for the early voting period will be web-based and hosted by Aurora's voters' list management provider.
- (2) When a registered internet voter casts a ballot via the internet, his/her voter status is automatically noted as having cast a ballot on the voters' list.
- (3) When an eligible voter casts a ballot in-person at a designated voting place during the early voting period, the election official updates the voter status on the voters' list and denotes them as having cast a ballot.
- (4) The system used by the voters' list management provider will automatically note when a ballot has been cast by an eligible voter via the

internet or in-person. A registered internet voter who has already voted via the internet will not be able to attend a designated voting place to cast a second ballot without detection. Likewise a registered internet voter who decides to cast a ballot in person at a designated voting place will not be able to cast a ballot using the internet. An eligible voter will only be able to cast a ballot using either the internet or attending in-person, but not using both methods.

12. TESTING AND AUDITING OF THE INTERNET VOTING SYSTEM

- (1) During the months of July - October, the Returning Officer will conduct comprehensive testing of the internet voting platform.
- (2) The test(s) shall include:
 - (a) Checking the wording of the script and,
 - (b) attempting to use an internet voting pin and passcode more than once; and,
 - (c) balancing a predetermined number of votes with those cast; and,
 - (d) matching pins and passcodes to names and addresses; and,
 - (e) checking the system which is used for activating pins and passcodes through the revision process; and,
 - (f) deliberately entering the wrong information; and,
 - (g) any other functions as determined appropriate by the Returning Officer
- (3) A Third Party will perform an Internet Penetration test of the Town's Internet Voting System. The test will identify security deficiencies to the Town's internet voting provider, which will be mitigated. The test will then be completed a second time to ensure the deficiencies were addressed.

13. STORAGE OF EARLY VOTING PERIOD RESULTS

- (1) Results from the early voting period will be securely stored off-line by the Town's internet voting provider until release by the election management team on voting day.

14. DISPLAY OF INTERNET VOTING ELECTION RESULTS

- (1) The total of the votes from the internet voting period will not be made available until after 8:00 p.m. on voting day.

- (2) Results from internet voting will be amalgamated with the results from in-person early voting and voting day and displayed as unofficial results in the election night results system and on the Town of Aurora's website.

15. RECOUNTS

- (1) In accordance with the Act, a recount of ballots cast via the internet shall be conducted in the same manner outlined in these procedures.

16. ACCESSIBILITY

- (1) The city's internet voting provider conforms to the WCAG 2.0 AA standard which meets the current requirements for the *accessibility for ontarians with disabilities act*.

17. OFFENCES AND PENALTIES

- (1) in accordance with the act, a person is guilty of an offence and liable, upon conviction, to a financial penalty if he/she:
- (a) votes via the internet without being entitled to do so;
 - (b) votes more than once in aurora;
 - (c) induces or procures a person to vote via the internet when that person is not entitled to do so;
 - (d) having appointed a voting proxy that remains in force, votes otherwise than by the proxy;
 - (e) 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;
 - (f) furnishes false or misleading information to a person whom this act authorizes to obtain information;
 - (g) without authority, supplies their internet voting information to anyone for the purpose of allowing them to vote;
 - (h) takes, opens or otherwise deals with internet voting information without having authority to do so;
 - (i) directly or indirectly,

- (ii) offers, gives, lends, or promises or agrees to give or lend any valuable consideration, in connection with the exercise or non-exercise of an eligible voter's vote;
 - (iii) advances, pays or causes to be paid money intending that it be used to commit an offence referred to in clause (i) (i), or knowing that it will be used to repay money used in that way;
 - (iv) gives, procures or promises or agrees to procure an office or employment in connection with the exercise or non-exercise of an eligible voter's vote;
 - (v) applies for, accepts or agrees to accept any valuable consideration or office or employment in connection with the exercise or non-exercise of an eligible voter's vote;
- (j) attempts to do any of the above.

18. MAIL TAMPERING – CRIMINAL OFFENCE AND PROSECUTION

- (1) The Criminal Code of Canada states that tampering with the mail of an individual is a criminal offence and a person(s) found guilty is liable to a term of imprisonment not exceeding ten (10) years.
- (2) In order to ensure the integrity and confidence of the internet voting process, the Returning Officer will investigate or cause to be investigated all complaints about possible mail tampering as it relates to election-related documents provided to markham voters by the Returning Officer.

19. EMERGENCY

- (1) In accordance with the act, the Returning Officer may declare an emergency if he/she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the principles of the act.
- (2) Upon declaring an emergency, the Returning Officer is authorized to make any arrangements he/she considers advisable for the conduct of the election.
- (3) The arrangements made by the Returning Officer, if they are consistent with the principles of the act, prevail over anything in the Act and the regulations made under it.

- (4) If made in good faith, the Returning Officer's declaration of emergency and arrangements shall not be reviewed or set aside on account of unreasonableness or supposed unreasonableness.
- (5) The emergency continues until the Returning Officer declares that it has ended.

20. DATA DESTRUCTION

- (1) All data related to internet voting will be secured off-line for the required 120 days by the city's internet voting provider and be deleted following the rules and regulations as set out in the act after that date has passed.