

A Post COVID-19 Pandemic Municipal Election

What is a Clerk to do?

AMCTO EXECUTIVE DIPLOMA IN MUNICIPAL MANAGEMENT

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Table of Contents

1.0 Introduction.....	3
2.0 Analysis.....	4
2.1. People.....	4
2.1.1 Election Staffing	5
2.1.2 Candidates.....	6
2.1.3 Electors	8
2.2 Places	8
2.2.1 Voting Locations.....	9
2.2.2 Election Training Sites.....	14
2.2.3 Candidate Sessions.....	14
2.3 Things	15
2.3.1 Procurement	15
2.3.2 Budget Decisions	17
2.3.3 The Clerk’s Municipal Election Legislation Powers	18
2.3.4 Clerks Procedures	21
2.3.5 Public Health Legislation, Protocols and Guidelines	22
2.3.6 Election Advertising Campaign.....	23
2.3.7 Accessible Election Provisions	25
3.0 Conclusion	26
3.1 Key Recommendations For Clerks Consideration.....	26
3.1.1 People.....	26
3.1.2 Places	26
3.1.3 Things	27
WORKS CITED	28

1.0 Introduction

The COVID-19 global pandemic has changed many lives and impacted many aspects of our daily living since early 2020. Municipal work and the work of local governance includes multiple areas of impact. The City of Brantford, like the 443 other Ontario Municipalities, have been navigating pandemic responses over the almost two years where each respective area that fall within their purview have been impacted.

As City's look forward to 2022, the daunting task across Ontario will be facing is the conduct of a regularly scheduled Municipal Election and in accordance with the governing legislation *The Municipal Elections Act, 1996*, (The Act) the authority for conducting Municipal Elections rests on each respective Municipalities Clerk. At the time of writing this research paper, the Municipal Election was approximately 300 days from execution. This task is daunting in any time but with added pandemic pressures, Clerks will be taking on even more planning and navigation maneuvers. Many Clerks will have already begun looking to what is needed for next scheduled Election which takes place in October of 2022, based on the amount of time, effort and resources are needed to execute.

Across the timeline of the pandemic, decisions were made as experts forecasted what was going to occur in the coming months, often in hypothetical situations of what was presumed to be incoming issues. Events were cancelled or altered months ahead of when they were to occur based on the lead time needed to 'pivot' the plans. It is very likely that a pandemic that has impacted daily lives for nearly two years will not suddenly disappear and see life return to pre-pandemic levels in time for an October Election. This means Clerks will still see aspects of the pandemic connected to our lives and would be amiss to not evaluate their Election plans with this key factor in mind. Specifically reflecting around the City of Brantford, events of this nature and

magnitude have not been executed in over two years and the 2022 Election will be the first of its kind – a modern post-pandemic experience. So what is a Clerk to do?

2.0 Analysis

The objective of this paper is to review the impacts of the COVID-19 Pandemic on Municipal Election operations using The City of Brantford as a center point. The author of this paper, at the time of writing, is the current City Clerk for the City of Brantford and had been responsible for the 2018 and 2014 Municipal Elections allowing for an abundance of direct knowledge on the program for analysis within this paper. The research for the paper will review and assess the Election from multiple lenses and the changes that may be needed to execute a post-pandemic Election with a specific focus on the City of Brantford experience. The review will focus on the impacts under three categories:

1. **People**, such as staffing resources which may introduce new roles that may be needed as well as Candidate impacts to campaigns including scrutineers;
2. **Places**, such as voting locations in such areas of the number, size, type and conditions needed within and the use training locations.
3. **Things**, as such items like supply procurement which may include new types of supplies (i.e masks, wipes), third-party agreement changes as well as adjustments to budget allocation and funding sources that may be needed.

2.1. People

The *People* section of this paper will focus on the human element that is included within a Municipal Election process.

2.1.1 Election Staffing

There are two types of Election staffing that are a part of the experience: 1) Internal (permanent); and 2) External (temporary) staffing support. For the purpose of this paper, only the voting location staffing will be reviewed for pandemic impacts.

In 2018, the City secured the assistance of over 300 individuals to execute the voting locations associated with the Election. In looking at what may be needed for 2022, there are a number of factors that are going to play into successfully obtaining and executing of the volume of staffing needs. In 2018, 81 internal staff worked in a formal voting location capacity. Since that time, Brantford has implemented a “Work from Home” program which may now impact that staff are not available or willing to attend on-site locations to aid in the execution of the Election. That leaves temporary staffing as the largest volume of recruitment for the roles that are needed to facilitate the voting process. After internal supports are secured, Brantford hires roughly 240 temporary workers to fill the various positions. Great time and effort is spent securing staffing resources for roles that are needed to ensure all locations are staffed appropriately. In pre-pandemic elections the recruitment process can be exhausting trying to secure the volume of resources. The post-pandemic election will have the traditional staffing needs plus the likely need for new cleaning staff and staff available to screen electors, both of which were previously not deployed. The impact of the new roles, for Brantford, is a minimum of 60 additional staff members will be needed. During the 2021 Federal Election, the agency responsible for recruitment of staff released the following “Elections Canada said they recently reached just over 80 per cent of the total recruitment needed to staff polling stations across the country” (Global News Website) just three days ahead of

the Federal Voting Day. Couple the volume of the in-person needs and the new roles alongside pandemic concerns for individuals that may now prefer to not work with the public, and the most recent Federal experience, it should be anticipated by Clerks to have higher requirement struggles than previously experienced.

Another new stakeholder that will be entering in the election process is the involvement of the local Public Health staff. In Brantford, the Brant County Health Unit will be needed to review health and safety plans, provide advice on communications to the public. Public Health official's requirement objectives for voting processes should be secured well in advance of voting so that the execution of the requirements can be facilitated. Advance comments assist with overall planning but Clerks will need to recognize the 'waste' that may come along with that process. This could be not only in costings but also in time as resources are deployed to ensure protocols are upheld with the possibility of the protocols not even been needed once the calendar changes to October 2022.

2.1.2 Candidates

During their By-election in June 2021, Simcoe Muskoka COVID-19 guidance for Electoral Candidates was produced to provide for general information, campaigning information, and resources that could be referenced regarding the state of the pandemic and safety protocols. The material provided alternatives to traditional door-to-door campaigning and event holding. A gesture as simple as a handshake is suggested to be refrained upon. These suggested alternatives will change the way candidate's campaign and 'seal the voter' deal. Candidates may express concerns that the wearing of face masks will impact the ability for voter recognition.

Many municipalities, along with a variety of other service delivery areas, implemented the use of appointments to deliver customer service. When evaluating the processes for paperwork to be submitted by candidates, including third-party advertisers, Clerks should evaluate the use of continued appointment processes. The benefits for the appointments are completed health screening, staff availability and planning/preparation for the time with the candidate. However, candidates may view the appointment process as a restriction on their rights to file their nominations as prescribed within The Act. Brantford deployed appointment only processes for services that take longer than 15 minutes in early 2021. While appointments are often the staffs preferred arrangement, and in researching for this paper were a common theme in the By-Election processes recently undertaken, care will still need to be given to allow for ‘walk-in’s’ to ensure there is no infringement on the right of the Candidate, Elector or other Election official including the appointment of Scrutineers occurs.

The City of Brantford, much like many workplaces, implemented a Vaccine Health and Safety Standard for all employees and elected officials in 2021. Compliance was required by all in late 2021. Candidates will then need to consider their ability to meet the Standard when they are planning to take office. If they cannot meet the Standards requirements, Clerks will need to prepare for how to facilitate a newly elected official that is outside the City’s Standard. Clerks may want to secure a Legal Opinion in preparation for this. At minimum, Clerks should prepare to include this information within the Candidate material or packages that are prepared to inform those filing what the requirements will be.

2.1.3 Electors

The largest volume associated with an Election, and also the element to which the entire Election is geared around, is the elector. During the City of Windsor 2020 By-election “voters had to answer three screening questions: whether they were experiencing symptoms of COVID-19, had travelled outside of the country in the past two weeks or had any exposure to anyone with COVID-19” (Toneguzzi, 23). If any of the screening questions were answered in the affirmative, the elector was instructed to participate in the voting process by proxy, mail-in (provided there was time for this) or to attend a drive-in voting location that the City of Windsor was offering. For the Brantford election context, there are roughly 66,000 eligible electors and in 2018, 36% or 24,000 electors turned out to the polls to cast their ballots (AMO website). At an in-person voting location, the interactions with Electors do not require more than 15 minutes to be exchanged and the experience is intended to be timely executed. As a result, the ruling around vaccination requirements at the time of voting while will be needed to be finalized by Public Health officials but could be a necessary condition of in-person voting and should be planned for.

2.2 Places

The *Places* section of this paper reflects on the physical location or virtual locations that are needed as part of the Election process. Locations are secured for a variety of purposes across an election with the biggest need being for Voting Day locations.

2.2.1 Voting Locations

Election voting locations take on many different shapes, sizes and formats. Each Clerk evaluates the type and number needed along with the size for the in-person location(s), and conditions of their use against required Legislation. The Clerk, when alternative voting methods are the desired choice, needs authorization by the elected body in order to execute an alternative method such as mail-in or online voting. Each Clerk will have the added consideration of a post-pandemic execution impacting their needs analysis and guiding what recommendations they are prepared to make. Election voting locations, for the purpose of this paper, are broken into three categories as follows:

1. Alternative / Non In-Person Sites (i.e. online, mail-in); and
2. In-Person Polling Sites; and
3. Long Term Care Facility Sites.

Alternative / Non In-Person Sites

Alternative voting, or non in-person voting, generally takes shape as telephone voting, online voting or mail-in voting. According to AMCTO's Post Election Survey from 2018, of the 263 responding Municipalities, 107 reported using Online Voting and 48 reported using Vote By Mail (AMCTO, slide 6). This accounts for 155 or almost 60% of respondents using a voting format that does not require in-person attendance to a location. Also reported in the survey was 122 Municipalities using alternative approaches for both advance voting and voting day execution (AMCTO, Slide 8). Many Municipalities may want to consider altering their plans to include for a non in-person option as a result of the pandemic where previously an alternative method was not in the planning considerations. As part of the consideration Clerks should review the solution

for those unable to pass screening and how they may only have the use alternative voting methods to exercise their democratic right to vote.

For the purpose of this paper, and in keeping with a reflection of Brantford as the center to the analysis, only online voting alternative is being reviewed. Brantford has utilized online voting for their elections in both 2014 and 2018. The 2022 plan still contains the utilization of online voting but will now be reflected upon for processed changes as a result of the pandemic. More than ever, people are wanting and looking for online options for services but that comes with risks in execution that need to be evaluated. One area of concern is the security of the online platform based on research that indicates that “smaller Municipalities are favourite targets, as Ontario has seen in cyberattacks on Wasaga Beach and Midland in 2018 and the 2019 attacks on Stratford, Woodstock” (Remington, 9). Clerks reviewing online options will want to consult with their IT Services resources to understand if over the past two years their municipality has seen an increase in vulnerability or increase in potential attacks on IT resources. This goes along with the change that the “Covid-19 pandemic created an increase in working remotely on home computers often undefended by virtual private networks (VPN’s)” (Remington 12). This information will help to inform if the evaluation of the chosen platform should be put through a ‘Penetration’ testing regime to source out potential vulnerabilities. In this review, your IT Administrators should be reviewing where the back-up information is stored and run tests of recovering systems if there is a potential attack. It is crucial that Clerks, along with their supports, recognize that “Customers’ personal information such as credentials is the most frequent compromised type of record” (Remington 11). In order to execute the online voting process, an electors detail

of name, date of birth and address are provided within the online voting platform. The elector enters their information and the program compares the entered data against what is known. This means the online platform is full of personal credential details. The consideration of security awareness information within your online voting advice such as not sharing your details in a public setting, limited use of public computers, and the utilization of unique email password protection should be reviewed.

In-Person Polling Sites

In 2018, Brantford utilized in-person polling for two scenarios: 1) Advance Voting, and 2) Voting Day. Traditional in-person polling sites, for the Brantford context, are the bulk of the efforts in producing an election. A total of 29 public sites were launched and staffed at varying levels. Each poll location would see from 100 to 1300 electors conduct their voting. In preparing for the 2022 post-pandemic election, there are several layers of consideration Clerks should be reviewing and planning for.

The number and size of the locations should be reviewed under current health guidelines. An audit of the sites previously used to determine how six foot separations would be deployed as well as approaches to keeping flow of elector traffic from intersecting in the facility should be completed along with the ability to execute a reduction of touch points between voters and staff. While smaller polling locations may have been the previous desire, a post-pandemic election may need to look for ‘super-poll’ sites where multiple locations come together as one. This was witnessed as part of a recent By-Election where “In Windsor, for example, about 12 voting locations were amalgamated into one large super-poll” (Toneguzzi, 23).

As the Clerk also is responsible for the School Board Trustee Elections, with proper notice provided, the utilization of schools as voting locations free of charge can be arranged. This often comes with advantages in the size of gymnasiums, wifi and power supply as well as being well known locations in the neighbourhoods. However, schools have spoken in opposition of this use as it brings safety and security concerns along with a disruption to the schools flow/use of the facility. COVID-19 now introduces the element of a health and wellness to the discussion around the facility usage with limited solutions where Schools become the only accessible voting location in that area.

A concern that Clerks will need to prepare for was witnessed in the Cambridge By-Election when the use of a poll was revoked based on pandemic implications. “The week following the advanced voting day, the City was notified that one of the polling locations was no longer available as a result of COVID-19” (Manton, 3).” To place this in the Brantford experience, at the time of this research, several voting locations may need to be re-evaluated based on either use of the ongoing pandemic or risk of use changes like the Cambridge experience. A key example of this is Brantford’s use of the Civic Centre as one of two advance voting locations and a Voting Day location adjustment as the facility is currently being used as a testing site / extension of the Brantford General Hospital operations. Clerks make the voting location decisions several months in advance and given what is known, planning the use of a facility that will likely be unavailable is a risk a Clerk cannot afford to take.

Long Term Care Facility Sites

Another consideration for voting locations is the requirements within the applicable legislation for Long Term Care Facilities. A Clerks role to make voting

accessible to all includes for the execution of voting at off-site locations is often a part of overall program. Brantford, in 2018, attended 16 care homes for both advance voting and voting day reduced hour voting. These locations are a mix of Long Term and Retirement Living / Senior Apartment Living. The Act states the following as it relates to Long Term Care voting:

Voting places in institutions, retirement homes

(7) On voting day, a voting place shall be provided on the premises of the following:

- 1. An institution for the reception, treatment or vocational training of members or former members of the Canadian Forces.*
- 2. An institution in which, on September 1, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm.*
- 3. A retirement home in which, on September 1, 50 or more beds are occupied.*

As part of this 2018 program, the staff that were planning to attend underwent mask fit-testing and deployment as a Health and Safety measure in the event they may need to enter into the facility where a flu or viral type outbreak was happening. Fast forward to 2021 and the planning for these locations in light of the COVID-19 pandemic takes a different style of approach. Clerks may wish to evaluate the health and safety risks associated with attending sites they are not mandated to include in their Long Term Care program but attend as part of a ‘customer service’ approach to the Election. In Brantford, that would reduce the locations to 4-5 that need to be facilitated versus 16 previously. Guidance from Housing staff/officials and Public Health officials will aid in these hard decisions being made.

2.2.2 Election Training Sites

An integral part of preparing for voting locations to be in operation is the training of the Election Staff. Previous elections the Brantford training locations included only an in-person training element in a Community Hall. There were several days and hundreds of staff hours associated with in-person training of all election staff. In looking forwards, the automation and adjusted of training practices should be evaluated. “Strategies include, smaller classes, training voting place staff together and isolating them from the staff of other voting places, and use of on-line or virtual training” (Freeman slides) provide options for adjustments. Pivoting the practice to include options of self-guided online training, reading material, and then, in smaller batches for in-person locations, offer an in-class element to prepare for the use of certain equipment and software which is hard to replicate in an only online format. This shift will require advance planning but reduces the in-person contact and touch-points needed. “Many positive changes were experienced (over the pandemic) that will continue to be used in future election cycles” (Freeman Slides) and can be witnessed as Clerks look to have smaller training, hybrid training with online and in-class as part of those positive changes. Careful consideration will be needed regarding what type of material is available online to ensure the security of the material, confidence of the person to absorb what is included, and an allowance for a follow up process to be successful.

2.2.3 Candidate Sessions

Similar to election staff training, Clerks often offer candidate sessions or participate in campaign schools which are offered by variety of local service areas.

Historically, Brantford has offered one in-person candidate session explaining the nomination process, financial requirements, specific Brantford by-laws (i.e. Signs, Corporate Use of Resources). While not election related, Brantford as of November 23rd began operating a hybrid (in-person and electronic participation) meeting format for the official Meetings of Council and some of its Committees. This ability is heavily reliant on technology available within the Council Chambers as it executes a format where there can be choices in participation location. This model should be examined by Clerks that can facilitate this option for their candidate sessions and will be utilized in Brantford's execution when the time comes.

2.3 Things

The *Things* section of this research paper covers all the essential needs that Clerks will be arranging in order to execute the Election.

2.3.1 Procurement

Supply procurement is a critical component of The Act process and one that needs great care to execute. As all Municipalities are conducting their elections at the same time, Clerks will need to make decisions on what they need months in advance of when they actually need it to avoid any delivery delays or supply shortages. With this in mind, there may be situations where supplies, like plexi-glass voting booths or bulk mask orders, that may be the desire based on the facts available during the winter 2022 planning of an Election but the Fall 2022 execution does not require their usage. As a result, spending may be increased to accommodate the early in the year need that could have been avoided by the execution date. The Cambridge City Clerk, for their 2020 By-

Election noted additional election costs for polling location directional signage and markings (\$5-\$10,000), printing and postage as well as secrecy folders (\$8-10,000) and Personal Protective Equipment (PPE) for staff in a one-time usage supply (\$10-5000) (Manton, 5).

Election over Election requires a standard execution of certain single usage supplies: ballots, pens and sharpies, and secrecy folders. A post-pandemic election will also need to consider the procurement of new types of single use supplies (i.e. masks, wipes, sanitizer, gloves) that would not have been needed in previous election planning. Based on the large volume that may be needed and the competitive timing with other Municipalities, the supplies will be procured well in advance. This, in addition to the potential over-spending, will require storage needs to be evaluated. Clerks may need to rent or otherwise book a location that is suitable for the storage and large enough to facilitate the acquired supplies. This may also produce an added cost if the Clerk needs to rent outside space.

Not only are single use supplies to be evaluated but also the equipment and reusable items should be considered for any post-pandemic adjustments. For Clerks that utilize Vote Tabulators, the evaluation of where to deploy and the associated processes need to be considered. Clerks who utilize vote tabulating equipment will need to consider the poll level counting or the use of a centralized counting location. Brantford has deployed poll level counting since the 2010 introduction of Vote Tabulators. In a post-pandemic evaluation, the ability to clean the machines and the operator training for the machines may alter the counting decisions. When making this consideration, a review of third-party vendor agreements and equipment is crucial. Equipment changes in

a multi-election agreement with a provider may cause for significant contract increases that were not contemplated in a pre-pandemic negotiation.

Another procurement initiative, which may serve to combat supply chain shortages, is to connect with neighbouring Clerks and look for strength in buying power as a group versus individually. If all Clerks are looking for the same items, the use of an 'economies of scale' approach may yield positive results for all involved. There are group purchasing programs and even the ability to leverage provincially negotiated rates/contracts that should be explored in connection with any applicable Purchasing staff's guidance.

2.3.2 Budget Decisions

Many of the impacts to budgets have been commented on in other areas of this paper which speaks to the volume of financial connections in an election process. This section takes a reflection on the overall budget estimating that Staff will need to undertake and the impacts of those decisions. Since the pandemic is still upon us and has been fluid and ever changing, the 2022 budget decisions are taking place with 2021 facts. Clerks will be strategizing ways to not have high inflationary extra costs but also a way to fund all the necessary additional items and roles that are now included. With this in mind, for Brantford, this represents an approximate \$30,000 inclusion of additional operating expenses over the 2018 Election. These costs need to be planned for but in reality if the pandemic was impacting the planning process they would otherwise not be needed. The costs represent added cleaning supplies, PPE for staff, additional staffing needs and increased advertising/signage costs that may occur. During their 2020 By-Election, the City of Cambridge noted that some of their financial impact was planned to

be off-set by supports from the Federal and Provincial Safe Restart Agreement related funding (Manton, 10). There are no indications of funding supports for 2022 COVID-19 related financial supports which will place the budgeting and funding solely on the responsibility of the Municipality. Budget approval stems from Municipalities governance members. Those same members may be considering re-election and the desire to present a low or zero percent increase may jeopardize a Clerks ability to secure the necessary budget allocations needed to support the overall program that will be landed in 2022.

2.3.3 The Clerk's Municipal Election Legislation Powers

The Municipal Elections Act, 1996, places the responsibility of a Municipal Election almost solely on the Clerk. Section 11 of The Act references the following:

Duties of clerk

11 (1) The clerk of a local municipality is responsible for conducting elections within that municipality, subject to the following exceptions:

- 1. The clerks specified in the regulations made under the Education Act are responsible for certain aspects of the elections of members of school boards, as set out in those regulations.*
- 2. The clerks specified in section 11.1 are responsible for certain aspects of the election of members of the council of an upper-tier municipality, as provided for in that section.*
- 3. Repealed: 2002, c. 17, Sched. F, Table.*
- 4. The clerks specified in subsection (5) are responsible for certain aspects of the election with respect to a question an upper-tier municipality submits to its electors under clause 8 (1) (b) or (c).*

Same

(2) Responsibility for conducting an election includes responsibility for,

- (a) preparing for the election;*

- (b) preparing for and conducting a recount in the election;*
- (c) maintaining peace and order in connection with the election; and*
- (d) in a regular election, preparing and submitting the report described in subsection 12.1 (2).*

Each Clerk, hopefully, does not do the election alone but as noted above the responsibility to uphold the requirements and prepare for the election conduction lands with the Clerk. In a post-pandemic election, additional health and safety responsibilities will be added to the Clerk's role. Over the course of the pandemic there have been accounts of people not willing to adhere to mask or other safety guidelines established. A Clerk may need to consider how to respond to a situation where 'peace and order' are in jeopardy as an individual refuses to comply with a location requirement.

Another section of The Act that Clerks should review and be prepared for how they would use is the provisions that allow for the Clerk to address an emergency. The following is the *Municipal Elections Act, 1996*, Section 53:

Emergency

53 (1) The clerk may declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with this Act.

Arrangements

(2) On declaring an emergency, the clerk shall make such arrangements as he or she considers advisable for the conduct of the election.

Conflict

(3) The arrangements made by the clerk, if they are consistent with the principles of this Act, prevail over anything in this Act and the regulations made under it.

Time

(4) *The emergency continues until the clerk declares that it has ended.*

Where it is necessary or desirable for conducting the election, the Clerk can utilize Emergency powers. This may be for the entirety of the election or for a particular section within the overall election process. A Clerk will need to evaluate when and where to use the section and who that may impact. For example, where a Clerk is informed the day before voting day of an outbreak at a location they planned to attend and will face altering voting locations. The section may be used to address that voters were informed of different voting locations than the one that would ultimately be used the day of. Understanding what steps need to be taken when declaring the emergency as part of the planning of the Election is crucial to the fast action that would be needed in the moment.

The use of the section allows the Clerk to pivot when circumstances have altered that would prevent the election to fully meet The Act requirements. The allowance within the Act places the commencement of the emergency powers and the termination of the powers solely on the Clerk. During Cambridge's By-Election, the Clerk provided in a report to Council identifying the intent to uphold the emergency declaration for the entire duration of the By-Election (Manton, 5). The Cambridge experience can serve as an example of the use of the emergency powers causing a 'pause' in the voting process as well. In March of 2020 advance voting had been conducted as a part of the first section of the By-Election process. On March 17th, the "City Clerk declared an Emergency under the MEA" causing the planned March 23rd Voting Day to be postponed as a result of the COVID-19 Emergency Declaration (Manton, 3). Once time had elapsed that

created space for revised By-Election plans, the presentation of a new report to Council outlined the steps to finalize the election process during a pandemic and the final voting day took place on proving the valid and executable use of the emergency provision section.

2.3.4 Clerks Procedures

The Municipal Elections Act, 1996, further provides for the Clerk responsible for the election to create procedures for the conduct in the following section:

Powers of clerk

12 (1) A clerk who is responsible for conducting an election may provide for any matter or procedure that,

- (a) is not otherwise provided for in an Act or regulation; and*
- (b) in the clerk's opinion, is necessary or desirable for conducting the election.*

In previous Elections, as is the case for Brantford, contemplating a pandemic interruption of an Election would not have been included within the Clerk's required procedures. In preparing for a post-pandemic election in 2022, Clerks should reflect on procedure interruptions that may stem from a Health and Safety perspective. Procedures of past may have contemplated power outage or weather event but likely did not prepare for adjustments due to pandemic occurrences. Areas that may need to be evaluated include, but are not limited to:

1. Staffing – Shortages may arise from illness or failure to meet vaccination standards.

2. Voting Location Changes – In-person site operations may be interrupted or moved entirely based on outbreaks, lack of staffing, or the full removal of permitted use.
3. Results Tabulation – Disruption of results tabulation either a result of the location or staff associated with the execution. This may also impact overall race results publication.

Clerks should prepare for how changes to outlined procedures are distributed. For Brantford, this may look like a clause that indicates website updates with an email notification to Candidates as the protocol for revised procedures. Having the steps of action pre-determined will reduce the likelihood of missing communication to affected parties, and will inform staff as to their role in executing the steps.

2.3.5 Public Health Legislation, Protocols and Guidelines

Since March of 2020, Ontario has been facing a global pandemic and the impacts associated have been widespread. The Public Health advisories have been plentiful, overlapping, and ever evolving based on a viral outbreak that is also ever evolving and changing course. “Guidelines are constantly changing as more is learned about the virus, as the virus mutates, and as the number of cases in the community increase or decrease” (Freeman slide). The constant shifting protocols can create resource drain and may result in creating plans that are not needed because they were done with expired guidelines. Making decisions in early 2022 for what the reality will be in late 2022. Six months can see a lot change. To not plan for impacts of a pandemic on an October 2022 event would be to a Clerks detriment given what history of the last two years have shown. At a minimum, basic mask, sanitizer and social distancing should be planned for by Clerks. It

is a Clerks role to administer an Election in the most practicable manner possible and choices will be made that will align with Public Health guidelines for the safety of all that are involved. When reflecting on when multiple municipalities were coming together to prepare for their pandemic impacted By-Elections it was noted that “Obviously, pandemic protocols such as face masks, social distancing and hand sanitizers had to be in place” (Toneguzzi, 23).

Taking the City of Brantford into context at the time of writing this paper, planning each location would include for the use plexi-glass between poll staffing desks, the use of sanitizers, single-use ballot marking sharpies and single-use pens for any paper work needed, recyclable secrecy folders and a requirement that all election staff be vaccinated. All of these additional health and safety protocols, except for the Vaccine requirements which were implemented after the conduct of the Election was completed, were demonstrated in the Cambridge By-Election and, decisions being made in early 2022 will include for the need to align with the desires and advice of the Health Units.

2.3.6 Election Advertising Campaign

There are two different types of advertising campaigns that are deployed within an Election program: 1) Legislatively Required; and 2) Good for the Community.

The legislatively required advertising, as per The Act, is related to notifying the public of the races that are open for nominations and where the voting will be taking place. These are fairly standard ‘notices’ to the public and routine for all Clerks. The good for the community type of advertising is where Clerks make decisions on how often, what details and where information is relayed to the public. For the purpose of this

research paper, the “Good for the Community” advertising was reviewed in greater capacity.

The good for the community advertising is what is typically seen in higher volume, potentially, and where Clerks may want to associate the majority of their budget for advertising. Clerks may want to consider marketing in higher capacity the alternative voting options with the use of social media including creating YouTube marketing tools than ever before. This will potentially reduce the in-person attendance and spread the word on the other options that Electors have to express their voting decision. A variety of advertising mediums and messages should be looked at as often people need to watch, hear, and see messages multiple times before the content is captured. This is even more important when the message changes across the time span of the event it relates to. As such, Clerks may also need to consider a secondary set of communications if any procedures change upon new developments. As noted by Cambridge, “The City will ensure ongoing communication occurs throughout the planning process of the By-election with electors, candidates, staff and Council to deliver a safe and inclusive By-Election” (Manton, 4). This may be in reflection of increased or decreased safety measures, adjusted polling locations. The City of Windsor, during their 2020 By-Election produced material titled “COVID-19 Pandemic Protocols for Voters” which outlined what voters could expect to see at the polls and protocols that should be followed (website). This is an important piece of advertising as Municipalities will need to recognize that voters may be anxious or concerned to return to an in-person process. The use of websites does allow for fast and nimble updates to communication as it can be adjusted day or night from a variety of locations. However, the use of website updates

cannot be done on a single occasion or in isolation of other advertising initiatives. Repetition and a deployment of a variety of mediums will help to ensure the voters see the information and can rely on the details. The City of Windsor further demonstrated this by including important health and safety details and protocols on their Voter Information Notice that is sent to each individual voter (Website). In previous Elections, Brantford has included poll voting details and online voting information on their Notices. Great care will need to be taken to ensure, with the limited space available on the Notice, priority details are provided to voters. In the past, Health and Safety has not been considered a priority but a post-pandemic election will govern different priorities than ones conducted in the past.

2.3.7 Accessible Election Provisions

Not only is the Clerk bound by The Municipal Elections Act, the Election must also reflect and align with the *Accessibility for Ontarians with Disabilities Act, 2005* for all those that are involved including Candidates, Workers, Electors. The Cambridge City Clerk noted that “staff will prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before voting day” (Manton, 8). In addition to what is a routine accessibility evaluation, a Clerk will further need to evaluate if a Health and Safety measure is in opposition of the Accessibility of the Election. One example will be the need to be able to execute lip reading at a location. If all election staff utilize masks that cover their lips in use at a space, is there a way to provide for an alternative when lip reading may be needed such as a specialized mask or plexi-glass communication booth.

3.0 Conclusion

Based on the areas analyzed with the lens of People, Places and Things, the paper will formulate recommendations that could be considered by respective Clerks as they consider how to execute a successful post-pandemic Election.

3.1 Key Recommendations For Clerks Consideration

3.1.1 People

1. Hire early and extras! Advance recruitment of Election workers and aligning of any internal staff will alleviate the last minute staff pressures.
2. Inform Candidates early! Provide advance procedure and process information with outlines of how the updates will be distributed.

3.1.2 Places

1. Book, as first priority, larger spaces that allow for further spacing of staff, electors and other attendees that may be on-site.
2. Deploy a hybrid training approach for candidate sessions which allows for in-person or electronic participation options.
3. Launch a comprehensive online training program with resources for election staff which will reduce the time spent on in-person training sessions.
4. Evaluate the use of alternative voting options where in-person attendance is not necessary and terminate the non-required voting locations that may have difficulty keeping Health and Safety protocols in place.

3.1.3 Things

1. Procure single-use supplies early to avoid stock issues and investigate working with Clerks in neighbouring areas to leverage stronger buying power.
2. Evaluate the third-party vendor agreements for deviations or changes that may be needed based on program changes.
3. Prepare for the execution of the Clerks legislative emergency powers when or if they may be needed including the steps that are needed for deployment of use well in advance of needing to activate them.
4. Include in the election budget forecasting added expenses that may arise for pandemic impacts, costs increases, and additional staffing roles that would be needed to facilitate the voting process.
5. Seek recommendations on public health guidelines to gain early understanding on impacts to the Election processes.

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