EXECUTIVE SUMMARY:

The Municipal Elections Act, 1996, as amended, requires that certain By-Laws be passed by the municipality prior to the 2010 municipal election. Attached to this report are two draft By-Laws for consideration and approval.

RECOMMENDATION:

That, in order to meet the legislated requirements of the Municipal Elections Act, 1996 as amended, the following By-Laws be approved and presented for all three readings:

1) A By-Law to Authorize the Use of Optical Scanning Vote Tabulators (Poll Count Machines) and Touch Screen Voting Devices – For the Purpose of the 2010 Municipal Election;

2) A By-Law to Provide for Reduced Opening Hours of Voting in Institutions and Retirement Homes on Final Voting Day – October 25, 2010.

it being understood that the City Clerk will be bringing forward a report to a future Council meeting in early June, 2010, seeking approval to sole source the acquisition of additional touch screen voting devices, together with a budget amendment to accommodate this for the 2010 election.
AUTHORIZING SIGNATURES:

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY CITY CLERK</th>
<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
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<tbody>
<tr>
<td>Carolyn Downs, City Clerk</td>
<td>Gerard Hunt, Chief Administrative Officer</td>
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

<table>
<thead>
<tr>
<th>Commissioner</th>
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<tr>
<td>Cynthia Beach, Sustainability &amp; Growth</td>
<td>n/r</td>
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<tr>
<td>Terry Willing, Community Development Services</td>
<td>n/r</td>
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<tr>
<td>Denis Leger, Corporate Services</td>
<td>n/r</td>
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<tr>
<td>Jim Keech, President and CEO, Utilities Kingston</td>
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(N/R indicates consultation not required)
OPTIONS/DISCUSSION:

Use of Optical Scanning Vote Tabulators and Introduction of Touch Screen Voting Devices
In 1999, 2003 and in 2006, By-Laws were passed by Council authorizing the use of Optical Scan (Poll count machines) for the municipal elections. It is proposed that the same vote count equipment be used for the 2010 municipal election. The previous By-Laws were specific to years 2000, 2003 and 2006 elections, and therefore in order to ensure that the By-Laws reflect any changes to provincial legislation since 2006, it is recommended that a similar By-Law be passed for the upcoming 2010 municipal election.

As a solution to address the needs of electors with disability and accessibility issues, it is proposed for the 2010 election that touch screen voting devices be used for advance poll dates. These were introduced in the 2006 election and proved to be successful in meeting accessibility needs. The touch screen voting devices allow an elector to view and cast a ballot simply by touching the screen or keypad when prompted either by a visual message or through a hearing assistive device. Visually impaired electors will have the ability to vote independently and without the assistance of a friend of poll worker. As well, electors with mobility issues will find the touch screen voting device easier to use than the traditional paper ballot and marking pen. The touch screen voting devices can supplement the electronic vote tabulators at polls with extremely large turnouts, to alleviate and to speed up any lineups or delays that may occur.

The touch screen technology provides that when a voter casts their ballot using the touch screen system, the ballot is immediately encrypted and secured. The image of each and every ballot cast is captured and can be anonymously reproduced on paper should a hard copy of the ballots be required for recount purposes. Once voting concludes, a printed election results report is printed out as a permanent record of all activity at each voting station in the same fashion as with the electronic vote tabulators. The printed record is used to audit the electronic tabulation of votes conducted during the election and can be uploaded in the same fashion as the electronic vote tabulators that have been used in the past.

At this point in time, it has not been determined whether the touch screens will be used on final voting day. Staff will be reviewing all options in this regard to ensure that the 2010 municipal election is conducted in a cost effective and accessible manner.

Reduced Hours of Voting in Institutions and Retirement Homes on Final Voting Day
Section 46(3) of the Municipal Elections Act, 1996 provides that Council may pass a By-Law with respect to reduced voting hours in voting places in retirement homes or those institutions defined in the Act where the voting place is only for the use of the residents. There are approximately seventeen such institutions or retirement homes in the City of Kingston.

Due to the low number of residents in each institution, it is not necessary to keep the polls at these locations open for the full ten hours on voting day. The proposed By-Law will allow election staff to move from institution to institution throughout voting day and as well will permit the closing of each poll location once an officer of the institution or retirement home has determined in conjunction with the Deputy Returning Officer that all eligible electors who wish to vote have been provided an opportunity to do so.

EXISTING POLICY/BY LAW:
None

NOTICE PROVISIONS:
None
ACCESSIBILITY CONSIDERATIONS:
The recommended equipment is being provided to ensure that all electors are provided with the opportunity to vote independently in the 2010 Municipal Election.

FINANCIAL CONSIDERATIONS:
The use of this equipment for advance days is included in the budget allocation for the 2010 Municipal Election.

CONTACTS:
Carolyn Downs, City Clerk/Returning Officer
John Bolognone, Deputy City Clerk
Blair Johnson, Records & Information Officer

OTHER CITY OF KINGSTON STAFF CONSULTED:
None

EXHIBITS ATTACHED:
Exhibit ‘A’ Draft By-Law ‘A By-Law to Authorize the Use of Optical Scanning Vote Tabulators (Poll Count Machines) and Touch Screen Voting Devices for the Purpose of the 2010 Municipal Election’

Exhibit ‘B’ Draft By-Law ‘A By-Law to Provide for Reduced Opening Hours of Voting in Institutions and Retirement Homes on Voting Day – October 25, 2010 – for the 2010 Municipal Election’
BY-LAW NO. 2010-XX

A BY-LAW TO AUTHORIZE THE USE OF OPTICAL SCANNING VOTE TABULATORS (POLL COUNT MACHINES) AND TOUCH SCREEN VOTING DEVICES - FOR THE PURPOSE OF THE 2010 MUNICIPAL ELECTION

PASSED: May xx, 2010

WHEREAS the 2010 municipal election shall be held on October 25, 2010, together with Advanced Voting Days as approved by Council;

AND WHEREAS Section 42 of the Municipal Elections Act authorizes a municipality to pass a By-Law to use voting and vote-counting equipment (optical scan vote tabulators and touch screen voting devices) for the purposes of casting ballots and counting votes at municipal elections;

AND WHEREAS the Council of the Corporation of the City of Kingston considers it desirable to pass such a By-Law;

NOW THEREFORE the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. The Optical Scanning Vote Tabulators shall be used to count the ballots cast in the 2010 municipal election for the City of Kingston.
2. The Touch Screen Voting Devices shall be used to cast ballots cast in the 2010 municipal election for the City of Kingston.
3. The Returning Officer shall be authorized to take the necessary steps to implement the use of said systems.
4. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND FINALLY PASSED

CITY CLERK

MAYOR
BY-LAW NO. 2010-XX

A BY-LAW TO PROVIDE FOR REDUCED OPENING HOURS OF VOTING IN INSTITUTIONS AND RETIREMENT HOMES ON VOTING DAY – OCTOBER 25, 2010 - FOR THE 2010 MUNICIPAL ELECTION

PASSED: May XX, 2010

WHEREAS Section 46(3) of the Municipal Elections Act, 1996, as amended, provides that a municipal Council may pass a By-Law with respect to reduced voting hours in voting places in retirement homes or those institutions as defined in Section 45(7) of the said Act, where the voting place is only for the use of the residents;

NOW THEREFORE, the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That the hours and operating of voting stations at institutions and retirement homes where only residents of the retirement home and institution are eligible to vote shall be open for a minimum of two hours between the hours of 10:00 a.m. to 8:00 p.m. on October 25, 2010, or until such time as an Officer of the Institution or Retirement Home as designated by the Returning Officer has determined, in conjunction with the Deputy Returning Officer that all eligible electors who wish to vote have been provided an opportunity to do so.

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND FINALLY PASSED

CITY CLERK

MAYOR