

# **Advisory Committee on Standards for Voting Technologies**

## *Committee Meeting*

### **Meeting Minutes**

June 29, 2023, 9:00am – 10:31am

Microsoft Teams

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#### **Committee Attendees:**

- Jean-Pierre Kingsley, Committee Chair
- Dr. Mkabi Walcott, CEO Appointee
- Dr. Nicole Goodman, CEO Appointee
- Michael Crase, Political Party Appointee – Progressive Conservative Party of Ontario
- Dan Duncan, Political Party Appointee – Progressive Conservative Party of Ontario
- Donald Eady, Political Party Appointee – New Democratic Party of Ontario
- Milton Chan, Political Party Appointee – Ontario Liberal Party
- Craig Cantin, Political Party Appointee – Green Party of Ontario
- Fiona Mackintosh, Executive Director of the Advisory Committee
- Mike Stockfish, Assistant Executive Director of the Advisory Committee
- Shikha Devgun, Project Manager for the Advisory Committee
- Danjeza Danglli, Policy & Strategic Planning Advisor for the Advisory Committee
- Jennifer MacLean, Administrative Assistant for the Advisory Committee

**Guests:** None

#### **Opening Remarks and CEO Appointee Comments**

- The Chair, Jean-Pierre Kingsley, outlined the agenda and introduced Danjeza Danglli as a new administrator for the Advisory Committee.
- The Chair noted that the purpose of this meeting is to focus on improving the management standards and approve the final draft prior to the Technical Committee review.
- In addition, the Advisory Committee members are to discuss the inclusion of the Other Recommendations section in the Final Report
- The May 29<sup>th</sup> meeting minutes were adopted. Dr. Nicole Goodman abstained as she was absent for the May 29<sup>th</sup> meeting.

#### **Briefing on the Management Standard**

- The Executive Director provided an update on the edits made to the management standards following Committee comments on the last draft.
- The Executive Director discussed the key issues focusing on logic and accuracy testing and whether the public and media should be invited to the testing (currently the language used in actual clause in the management standard is focused on inviting stakeholders but does not directly specify the public or media).
- The Executive Director suggested a discussion on the reporting clause. The Advisory Committee members agreed to make the 2014 general election level of reporting the benchmark within the clause.
- The Executive Director suggested that the reorganization of the management standards, as suggested by an Advisory Committee member, be put on hold until after the Technical Committee has reviewed the Standards as they currently stand.

- The Executive Director stated no changes would be made on the terms ‘should’ vs. ‘shall’, again pending a review by the Technical Committee to confirm which clauses should be mandatory vs. voluntary.
- The Executive Director indicated that all other suggestions from the Advisory Committee have been integrated.
- The Executive Director discussed the process of next steps and the incorporation of any further feedback on the management standards and the Committee’s approval for moving forward to the Technical Committee for its review over a two-week period.
- The Executive Director indicated that there would be a roundtable discussion with the Committee on the other recommendations section, specifically:
  - Recommendations that do not directly impact Elections Ontario’s use of vote tabulators and electronic poll books; and
  - Recommendations that require legislative change.

### **Member Management Standard Roundtable**

Advisory Committee members recommended the following changes to the Management Standard prior to sharing with the DGS Technical Committee:

- Modify the “stakeholder” definition by removing the words “media” and “academics” from the definition.
- Modify the definition of “cast vote record” by further simplifying it.
- Modify the definition of “scrutineer” to broaden it as objections of scrutineers can be determined not only by the Deputy Returning Officers but also by other authorized election officials.
- Modify the definition of logic and accuracy testing to include a reference to the Michigan Department of State Bureau of Elections. (2019). *Test Procedure Manual for Tabulators and Voter Assist Terminals*. State of Michigan.
- An Advisory Committee member provided guidance for terms ‘should’ vs. ‘shall’ to be reviewed by Technical Committee.

### **ACSVT Other Recommendations Roundtable**

- The Executive Director proposed a coordination process on recommendation #1, suggesting that the Secretariat for Electoral Coordination (SEC) take over the role of the ACSVT in coordination of updating and oversight for the standards (Recommendation #1).
- The Executive Director proposed a discussion with the SEC around the need for a structure to cover the vendor corporate governance issues under the engineering life cycle.
- An Advisory Committee member objected to the proposed responsibility within the Secretariat for Electoral Coordination from a governance perspective.
- An Advisory Committee member suggested that the oversight and the implementation of the standards ought to ensure the current oversight by political parties in Ontario, that have at least one elected representative at Queens Park, continue.
- An Advisory Committee member suggested that the Committee Administrators develop a recommendation that will be easily implemented that includes representatives from political parties and is not a legislative committee.
- An Advisory Committee member requested an update on standards from the technical perspective.
- An Advisory Committee member requested clarification on the function of the proposed Committee and suggested to focus more on oversight of the Standards in relation to both the technical standards and the management standards. That would help develop an appropriate term of reference for an ongoing Committee for oversight.

- The Executive Director agreed to remove SEC and rework the recommendation to include both technical and political oversight and bring the recommendation back for further review.
- The Executive Director explained recommendation #2 and the complex issue of the Engineering Lifecycle, the human security of the supply chain, and whether that is an appropriate issue to refer to the CEOs across Canada in terms of working with various levels of government because it is a complex procurement issue.
- The members of the Advisory Committee did not object to recommendation #2.
- The Executive Director explained recommendations #3 and #4 as they are both related to the interaction of municipal elections in Ontario. As Elections Ontario is taking over responsibility for managing the municipal electoral lists for municipal elections, except for school board elections, municipalities would be making updates to the list at the municipal level that would be uploaded to the Permanent Register of Electors. Elections Ontario would then share this updated data with Elections Canada.
- The Executive Director explained that because of the importance of ensuring the accuracy and integrity of the electoral data, municipalities should be required to follow the Standards at the provincial level.
- The Executive Director explained that recommendation #4 is similar to recommendation #3 but in a slightly different area, directing municipalities to comply with the Standards that this Committee has been working on when using either vote tabulators or electronic poll books.
- An Advisory Committee member agreed with the recommendation #3 for protection and security of the elector data from hacking, but for recommendation #4 indicated that it would need to be discussed with other political party representatives.
- The Assistant Executive Director confirmed that recommendation #4 is for legislation at both provincial and municipal levels. If something goes wrong at the municipal level because they are not held to the same standards in terms of how they administer the election, then the integrity of the democratic system is damaged. It is important to ensure that the security and integrity is consistent at the provincial and municipal levels, regardless of the size.
- The Executive Director suggested to keep recommendation #4 the same until July's meeting, then make a final decision.
- An Advisory Committee member agreed with recommendation #5 but suggested a further clarification that the support to municipalities with respect to the use of tabulators and e-poll books depends on municipalities, i.e., if they accept that support.
- An Advisory Committee member suggested changes on recommendation #5 such as: "Elections Ontario should proactively offer to provide optional advisory support to municipalities in the use of vote tabulators and electronic poll books."
- The Executive Director discussed recommendation #6, post-election auditing with tabulators and risk mitigation audits, where you select a certain number of polls out of the province or all the polls across the province and open up the ballots and go through each ballot to make sure that it matches the results tapes and cast vote record. These risk mitigation audits are currently not conducted under the *Election Act*. At the provincial level, there are some questions about whether this can be done because once the ballots are sealed by the Returning Officers they are only opened if a recount is ordered by the judge. There is no tabulator process involved in recounts at all.
- The Executive Director suggested for members further discussion on risk mitigation audits. Currently, the audits that are done only compare the results tape to the images that the tabulator has captured to assess the accuracy of the machine count.

- An Advisory Committee member accepted recommendation #6. No further discussion from other members.
- An Advisory Committee member discussed recommendation #7 and stated uncertainties for the extension of the calendar. Extending the election calendar raises issues far beyond the use of vote tabulators and e-poll books. Recommendation #7 would be significant for the Committee members to approve, and it would have wide effects on campaign spending and strategy on various issues that go far beyond voting technology.
- An Advisory Committee member expressed skepticism about recommendation #7 and suggested further discussion on the recommendation.
- An Advisory Committee member objected to recommendation #7.
- The Assistant Executive Director provided background on the extension of the election calendar. The longer calendar does reduce risk with more time to get equipment out and tested. Looking at it strictly from the technology perspective, it is administratively challenging to get things out in time.
- The Executive Director discussed with an Advisory Committee member if tabulators should be deployed more broadly than they are currently. If members are not interested, they may wish to remove recommendation #7.
- The Chair of the Committee suggested removing recommendation #8. Based on previous discussion, only a change to the *Election Act* can move Election Day to a weekend or professional development day.
- The Executive Director discussed election workers, who generally consist of retirees and some university students. If we close schools on Election Day, then school board staff from an election staffing would be available for staffing and this might partly stop some issues.
- An Advisory Committee member discussed staffing issues on Election Day, which is the main reason why electronic tabulators and e-poll books are used. Changing Election Day goes far beyond the mandate of this committee.
- An Advisory Committee member disagreed with recommendation #8 by discussing that this committee should not be making such types of recommendations without a solid case for why it is specifically related to the technical challenges of running an election, as tabulators and e-poll books are already deployed in a 28-day cycle.
- An Advisory Committee member disagreed with recommendation #8, pointing out that recommendation #7 and #8 are included in the CEO's recommendations, post-election 2022, and these have previously been rejected by a number of governments.
- An Advisory Committee member discussed election staff and recruitment. When using technology, we need staff with some knowledge of technology.
- An Advisory Committee member informed other committee members of the recent change to Election Day in British Columbia.
- The Chair of the Advisory Committee confirmed that Election Day in British Columbia had only changed the day to Saturday, but they have not evaluated the system and the effectiveness.
- An Advisory Committee member objected to the repeated recommendations of EO for increasing the minimum number of days in the election period but had no objection to the proposal to change the Election Day to a weekend.
- An Advisory Committee member did not oppose discussing what day Ontarians vote.
- The Chair noted that Friday, Saturday, and Sunday are all religious days of observance for various religions and that this could be problematic.
- The Executive Director removed recommendations #7 and #8.

- The Assistant Executive Director discussed the background to recommendation #9 in terms of whether EO should pursue ISO accreditation for quality management practices, including for technology.
- An Advisory Committee member indicated that the ISO 9001 standard provides a framework for the management of organizations based on principles of quality. It is important how the organization is managed and operated, so that is the benefit of building a management operational system based on principles of quality.
- The Executive Director provided background that compliance with Ontario Public Service directives is voluntary with the exception of election disbursements under section 112.2 of the *Election Act*.
- An Advisory Committee member suggested dropping recommendation #9.

### **Final Report and Other Recommendations**

- The Executive Director provided an overview and status update on the Final Report and Other Recommendations.
- Recommendation #1: Establish responsibility for an oversight body of the product and management standards.
  - The Executive Director agreed to amend recommendation #1 to provide both technical and political oversight.
- Recommendation #2: Refer the issue of vendor corporate governance issues related to the Engineering Lifecycle security to the Secretariat for Electoral Coordination for further policy work.
  - Recommendation accepted by committee members.
- Recommendation #3: Elections Ontario should assess the new Ontario Register of Electors system to ensure that it adequately protects the accuracy and integrity of elector data at both provincial and municipal levels.
  - Recommendation accepted by committee members.
- Recommendation #4: Amend provincial legislation to direct municipalities to comply with the Standards, as adopted by Elections Ontario, when using vote tabulators and/or electronic poll books.
  - It was agreed to keep the recommendation the same until the July meeting.
- Recommendation #5: Elections Ontario should proactively offer to provide support to municipalities in the use of vote tabulators and electronic poll books.
  - The Executive Director agreed to amend recommendation #5 clarifying the support to municipalities as voluntary.
- Recommendation #6: Amend the *Election Act* to allow Risk Mitigation Audits.
  - The Executive Director agreed to retain recommendation as it is.
- Recommendation #7: Amend the *Election Act* to extend the election calendar to better facilitate use of vote tabulators and electronic poll books.
  - The Executive Director agreed to remove this recommendation.
- Recommendation #8: Change Election Day to a weekend or professional development day.
  - The Executive Director agreed to remove this recommendation.
- Recommendation #9: Elections Ontario should consider pursuing ISO accreditation (ISO 9001: 2015 and ISO TS54001: 2019) and/or voluntary compliance of Ontario Public Service directives.
  - The Executive Director agreed to remove this recommendation.

**Closing Remarks**

- The Advisory Committee approved that further discussions based on the changes suggested for the Other Recommendations be continued at the July meeting.

**[The meeting of the Advisory Committee adjourned at 10:31 a.m.]**