



Municipality of Port Hope

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Port Hope, ON
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REPORT TO: Corporate Services Committee

FROM: Daphne Livingstone, Legislative Service Manager/Deputy Clerk
Brian Gilmer, Director of Corporate Services/ Clerk

SUBJECT: 2018 Post-Election Accessibility Report

DATE: December 4, 2018

RECOMMENDATION:

Whereas Section 12 (3) of the *Municipal Elections Act, 1996, as amended*, requires the Clerk to prepare a report on the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and make the report available to the public within 90 days after a regular election;

Be it resolved that the attached 2018 Post-Election Accessibility Report be received for information and posted on the Municipal Website for public viewing.

BACKGROUND:

The Municipal Elections Act, 1996, as amended (MEA), requires the Clerk to have regard for the needs of electors and candidates with disabilities and to ensure that all voting places are accessible to electors with disabilities.

In 2010, the MEA required the Clerk for the first time to submit a report to Council on the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

This report describes the legislative environment under which municipal elections are conducted in Ontario. It provides an overview of the Election Accessibility Plan and highlights how physical, informational, technological and communications barriers were identified, removed and prevented in the conduct of the 2018 Election.

This report does not seek to identify the overall success of the 2018 Municipal Election and also does not look to address the examination of the results based on demographic information, turnout rates, and general complaints or inquiries during the voting process. The demographic and voter turnout information is currently being analyzed in coordination with our electronic voting provider and will be encompassed in a report to Council early in 2019.

This report also identifies accessibility achievements from the 2018 Election and details how the Clerk will continue to improve the accessibility of municipal elections in the Municipality of Port Hope and enable all electors to exercise their democratic right to vote.

In addition to the MEA, the Clerk must also comply with the requirements of the following legislation within the context of carrying out the municipal election.

The Ontario Human Rights Code provides that all persons have the right to equal treatment without discrimination, including on the basis of disability and that persons with disabilities be provided with accommodation short of undue hardship.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) was enacted in 2005 and sets out clear goals and timeframes for making Ontario accessible by 2025. Under the AODA, private and public sector organizations across Ontario are required to comply with Regulations established by the Province. These regulations include the Customer Service Standard and the Integrated Accessibility Standards.

The Integrated Accessibility Standards Regulations (IASR) brings together accessible standards for Information and Communications, Employment, Transportation and Design of Public Spaces under one regulation and harmonizes the requirements common to each standard. Each of the standards articulates specific requirements and compliance deadlines, which will be phased in across Ontario between 2011 and 2025.

In preparation for the 2018 Municipal Election, Staff reviewed the relevant legislation and implemented a number of initiatives to ensure compliance. The Legislative Services Division will continue to monitor the applicable legislation, standards and deadlines and look to relevant court decisions to ensure that any new requirements are incorporated in any future Election Accessibility Plans. Additionally, for the 2022 Election Staff will be further relying on the support and guidance of the Accessibility Advisory Committee.

The Municipality of Port Hope has made great efforts in promoting a barrier free community. In an effort to ensure that the 2018 Municipal Election was consistent with the core principles of the AODA the an Accessibility planning document was developed in advance of the election in order to identify measures to be taken and reported to Council following the election.

Accessible Election Objectives:

The 2018 Municipality of Port Hope Election Accessibility Plan established equal and equitable election practices for electors and candidates and included consideration of the following Accessible Election objectives:

- That voting assistance centres be accessible;
- That persons with disabilities be able to independently cast their vote and verify their selection;
- That persons with disabilities have full and equal access to all information on where and when to vote and on eligible candidates;

- That persons with disabilities have the opportunity to fully participate in the 2018 Municipal Election as an elector, candidate and/or election official; and
- That efforts be made to ensure that electors with disabilities be made aware of the accessibility measures available via channels such as the newspaper, media releases, the Municipality's website and social media.

The following identifies the actions and initiatives taken during administration of the 2018 Municipality of Port Hope Election to identify, prevent and remove accessibility barriers.

The 2018 Municipal Election was conducted over a fourteen-day voting period (October 9th to 22nd, 2018) as a vote-anywhere, vote-anytime, paperless voting election. Voters were not required to attend a specific voting place location based on their eligibility to vote, and instead could vote remotely by telephone or online 24 hours a day from anywhere or at one of the two voter assistance centres during hours of operation.

The use of computers, telephones and other aids presented accessible opportunities for persons with disabilities to accomplish more, while being consistent with the principles of independence, dignity, integration and equal opportunity. This is demonstrated through the opportunity to vote from home which facilitates the voting process for persons with disabilities who may have mobility restrictions, visual impairment, and/or have a difficult time with transportation. Additionally, persons who have assistive devices set up in their homes could use them to assist with casting a ballot privately and independently.

Telephone Voting

Eligible voters could vote using a touch-tone telephone, and the toll-free telephone number, date of birth, and PIN number contained in their Voter Information Letter to access an audio ballot. Communications barriers can make it difficult for people to receive or convey information. Barriers may be identified as low volume, use of language that is not clear or plain, and confusing or unorganized menu options.

Areas for improvement with telephone voting:

- During the voting period barriers were identified in the volume and audibility of the message provided by the election system provider Intelivote. This created some difficulty and election officials ultimately recorded between 20-25 electors that had chosen to vote by telephone that encountered this problem. This matter was communicated to the Voting Service Provider and rectified during the voting period as quickly as possible. It should also be noted, that many of those who contacted the Municipality were able to cease voting through the telephone option and then finish their vote without issue using the internet option.
- Between 10-15 voters reported that the speed of the automated prompts were fast and that instructions were received too quickly for telephone voting resulting in pressing the “#” after only selecting one councilor which prevented the voter from selecting any further councilors and moved them onto the next ballot. Election Staff offered assistance with regards to these complaints but ultimately this concern was primarily the result of user error. Notwithstanding, Staff will take this into account and work to address this challenge in the future.

Internet Voting

Eligible voters could vote online, using a smart phone, tablet device, or computer and any accompanying assistive devices or software, along with their date of birth and PIN and qualifying information, to access the internet address provided in their Voter Instruction Letter.

The Intelivote System was created to meet the Web Content Accessibility Guidelines (WCAG-2 Level AA), so that persons with disabilities can perceive, understand, navigate and interact with the online voting system. It is compliant with the guidelines of the World Wide Web Consortium website principles, which include organization, functionality and readability of information provided, as well as alternative ways of representing information, such as with audio.

Areas for improvement with internet voting:

- A small number of voters noticed the security function 'captcha' coming up repeatedly; in addition, at the voting help centre located at Town Hall voters experienced an error message when trying to vote on October 22, 2018 between the hours of 6 p.m. and 8 p.m. Although this did not create a barrier for accessibility since election officials were in attendance to provide assistance with the telephone as an alternative, it is a notable area that should be monitored when considering options for the 2022 election.
- Ensuring electors are aware that at any point in the voting process that they can cease and return to the voting session on an alternative method or visit a voting assistance centre if further assistance is required.
- Additional information in relation to the fact that electors have a responsibility to ensure their own technology (phone, computer, tablet) is suitable for the purposes of casting ballots and is not going to create accessibility issues.

In-person Voting at Voting Help Centres

For those individuals without means to access voting via telephone or internet, or who require the assistance of a trained Election Official, two Voter Help Centres were open to provide in-person internet voting opportunities via a laptop or telephone. Municipal Staff conducted a review of potential locations for voter help centres with accessibility objectives in mind.

Consistent with the objectives of the Accessibility Plan, a Voter Assistance Centre was set up in each of the two Wards, both located in Municipal Facilities. The former Canton Municipal Office, 5325 County Road 10 in Ward 2, and at Town Hall in Ward 1. Town hall was open for assistance during regular business hours (8:30 a.m. to 4:30 p.m. and until 8 p.m. on Wednesdays and until 8:00 p.m. on October 22); the Former Canton Municipal Office was open from 10:00 a.m. to 4:00 p.m. on Monday through Friday during October 9 to 22, 2018.

Prior to the voting period, Staff completed a layout to ensure appropriate special and technology arrangements and site set-up diagrams were created for each location to ensure consistent set-up. Throughout the voting period, rest area seating was provided for, doors were maintained unobstructed and all technology cords were taped down to prevent tripping hazards.

An accessible voting area was available at each voting help centre location. These areas were low in height and have a wide area to allow for individuals who use a wheelchair or scooter to vote independently and secretively. All voting place locations were provided with magnifying sheets, and a privacy kiosk to ensure content could be enlarged by the user depending on visual requirements while privacy was maintained.

The entrances, corridors, parking, egress and ingress of the voting help centres were in accordance with the Municipal Accessibility Plan which provides for appropriate width to accommodate mobility device entry, designated parking spaces, and power door openers and an elevator. In addition, there were several election officials hired for October 22, 2018 to provide assistance.

Areas for Improvement

- *Exploring the use of touch screen tablets to allow individuals with limited hand mobility to apply votes rather than rely on the functionality of a mouse.*

For those voters who visited a voting place location in person during the fourteen-day voting period, methods of assistance were provided. Voters were permitted to be accompanied by a support person (other than a candidate or scrutineer) who could be administered the “Friend of the Voter Oath” by an election official in order to grant them authority to accompany and assist a voter behind the privacy screen. Election Officials were authorized to provide assistance to any voter on request, with casting their online ballot. Election Officials wore a T-shirt emblazoned with the municipal election logo to ensure members of the public could clearly identify those who could provide assistance.

Special Voting Provisions

Staff visited a total of six Long-Term Care facilities and retirement homes to provide onsite access to online voting via laptops. This eliminated the need for those residents to attend a voting help centre location if they could not access a telephone or the internet. Bedside voting was available upon request.

Areas for Improvement:

- *For the 2022 election, seek opportunities to include additional retirement facilities where voters may benefit from additional assistance.*

RESOURCE IMPLICATIONS:

The 2018 Municipal Election was a fully hosted electronic election provided through Intelivote Systems. There were no direct costs associated specifically with providing accessible options to facilitate the electronic paperless election.

The final cost of the 2018 Municipal Election will be brought forward in a future debrief report; however, the total budget allocation for the election was approximately \$113,000. It is expected that the total cost will be less than the total budgeted amount due to the cost savings realized through the implementation of alternative voting methods and the lower than expected costs related to the voting system.

CONCLUSION:

By allowing persons with disabilities to vote from any location and from a selection of methods, there is an increase in the capability for the voter to vote without any assistance. This provides persons with disabilities the same independence and privacy in participating in the election as other voters. If persons with disabilities do require assistance in the voting process, trained Election Officials were present at in-person Voter Assistance Centres offered across the Municipality, throughout the voting period.

Respectfully submitted,

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