



Staff Report

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

Report To:	Joint Committees		
Date of Meeting:	February 7, 2022	Report Number:	LGS-003-22
Submitted By:	Rob Maciver, Director of Legislative Services		
Reviewed By:	Andrew C. Allison, CAO	Resolution#:	GG-128-22
File Number:		By-law Number:	
Report Subject:	2022 Municipal Elections – Accessibility Plan		

Recommendations:

1. That Report LGS-003-22 be received; and
2. That all interested parties listed in Report LGS-003-22, and any delegations be advised of Council's decision.

Report Overview

This Report is intended to provide information to the public regarding Clarington's 2022 Municipal Elections, specifically as it pertains to initiatives to be incorporated into the electoral process to provide for greater accessibility and inclusiveness for Clarington voters.

1. Background

Municipal Elections Act (MEA)

- 1.1 Section 12.1 of the MEA states that Staff are required to create an accessibility plan **prior to Voting Day**. The following is the excerpt of that section:

12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.

12.1 (2) The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election.

- 1.2 There is also a requirement that, within 90 days **after Voting Day** in a regular election, the Clerk shall prepare a report about the identification, removal, and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.
- 1.3 Section 41(3) of the MEA states, "The clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52 (1)."
- 1.4 Section 45 (2) of the MEA states, "In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities."

The Report

- 1.5 Staff provide the following report as information only as there is no requirement for Council to approve the report or Accessibility Plan. The Plan will be used to inform the Clerk's procedure on Accessible Elections, referenced in other election materials, and will be posted on the election website.
- 1.6 This report has been reviewed and discussed with Clarington's Accessibility Advisory Committee.

Election Overview

- 1.7 Based on 2018 electoral data, we anticipate approximately 66,000 eligible electors in the Municipality of Clarington. According to Statistics Canada, there are approximately 22.3% of Canadians over the age of 15 have some sort of disability. Therefore, we can estimate that 13,000 eligible electors are limited in their abilities, whether it be vision, hearing, mobility, speech, mental health, or learning.
- 1.8 Clarington's 2022 Municipal Elections will be conducted via internet and telephone voting. There will not be traditional voting locations, but rather there will be Election Assistance Centres (EACs) where electors can be added, have school support changed, new PINs created, and vote. While we have used Ward voter counts to determine the number and location of EACs (as well as election officials), voters can attend any EAC when they are open. To address users who may be in geographic or demographic areas with greater needs, we are also providing EACs of a shorter duration, during the Advanced Voting Period. Additionally, Clarington voters will be able to vote at our municipal libraries during the Voting Period (during regular library hours).

2. Elections Accessibility Plan

- 2.1 To ensure dignity, fairness, integration, and equal opportunity for all our Clarington voters, the Clerk's Division plans to undertake several initiatives. Attachment 1 details these initiatives.
- 2.2 The 2022 main initiatives are highlighted below:
 - Election Assistance Centres will be physically accessible.
 - The electronic voting platform will be fully accessible and compatible with assistive technologies.
 - Training will be accessible to all election officials.
 - We will strive to ensure that all content on Clarington's election website www.Clarington.net/votes meets or exceeds level AA compliance with the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.0.
 - Election official's mandatory training will include Accessible Customer Service content.
 - An approach to communications, website, etc. that make election information more accessible for all voters. This may include short videos for training election officials, as well as videos that show voters how to find election information and how to do internet/telephone voting.

- 2.3 The Clerk's Division will continue to learn, develop, and adjust our approaches to meet the needs of electors with disabilities.

3. Feedback

- 3.1 On January 12, 2022, this Plan was forwarded to the Clarington Accessibility Advisory Committee for their review and comment. The Committee provided general comments and asked questions which were responded to by the Records Information and Legislative Projects Coordinator. Subsequently, the Committee passed the following resolution:

That the Accessibility Advisory Committee endorses the Municipality's Election Report and the attached Municipal Elections Accessibility Plan.

- 3.2 The Municipality of Clarington welcomes feedback to identify areas where changes need to be considered to improve the delivery of an accessible election. This plan is a living document and will continue to change.

4. Concurrence

Not Applicable.

5. Conclusion

- 5.1 It is respectfully recommended that this report, regarding Clarington's 2022 Municipal Election – Accessibility Plan, be received.

Staff Contact: June Gallagher, Municipal Clerk, 905-623-3379 x 2102 or jgallagher@clarington.net.

Attachments:

Attachment 1 – 2022 Clarington Municipal Elections – Accessibility Plan

Interested Parties:

The following interested parties will be notified of Council's decision:

Clarington's Accessibility Advisory Committee

2022 Clarington Municipal Elections - Accessibility Plan

1. General

- 1.1 This plan will be monitored and improved, or updated, as best practices are identified and new opportunities for improvement arise to respond to feedback from the public.

2. Definitions

- 2.1 The Accessibility for Ontarians with Disabilities Act, 2005, defines “**disability**” as,
- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
 - (b) a condition of mental impairment or a developmental disability,
 - (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - (d) a mental disorder, or
 - (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;
- 2.2 The *Accessibility for Ontarians with Disabilities Act, 2005*, defines “**barrier**” as anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice;
- 2.3 An important note from the Ontario Human Rights Commission, “disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.
- 2.4 Disabilities can take many forms, both visible and invisible. The following criteria were considered in the development of this Plan:

- Policies and procedures must be consistent with the principles of the MEA and must respect the dignity and independence of persons with disabilities.
- Access to electoral services must be integrated and equitable.
- Initiatives should address and accommodate a wide range of abilities.
- Must be consistent with the [Municipality of Clarington's Accessibility Customer Service Policy as contained in Report CLD-001-17](#) and [Clarington's Multi year Accessibility Plan 2018-2023](#).

3. Identification of Barriers

- 3.1 Review comments from electors, candidates, and election officials that were collected following the 2018 election.
- 3.2 Accessibility Advisory Committee will review and provide input on our election accessibility initiatives. Staff will provide a demonstration of the internet/telephone software to the Accessibility Advisory Committee.
- 3.3 Update, and use, an accessibility checklist for election personnel to use when conducting site visits of each Election Assistance Centre. This information is maintained in our electronic elections management software.
- 3.4 Assess voting processes and procedures to ensure they meet the needs of the electorate.
- 3.5 Communicate with staff from various municipalities throughout Ontario and other parts of Canada to seek input on barriers they have identified.
- 3.6 Seek input from Clarington's Accessibility Coordinator.
- 3.7 Seek input from the CNIB and other organizations, where applicable, on how to decrease barriers to voting.

4. Removal and Prevention of Barriers

4.1 Communications and Information

Information

- 4.2 Provide election information that is informative, clear, and easy to understand.
- 4.3 Ensure that all information provided to election officials, candidates, third party advertisers, or voters meets, or exceeds, the Municipality of Clarington's Branding Guidelines, [Accessible Word Document Guidelines](#).
- 4.4 All presentations (e.g. PowerPoint presentations) meet, or exceed, the Municipality of [Clarington's Presentation Guidelines](#).
- 4.5 Ensure communication initiatives and information for candidates and electors are available in alternate formats upon request (hardcopy, website, videos, email, where applicable) free of charge.
- 4.6 Follow the Canadian National Institute for the Blind (CNIB) [clear print guidelines](#) and [signage guidelines](#) for signs and other print materials. This includes posting signs and materials at eye level and without obstructions (e.g., tables) to allow the person to get closer or use a magnifier.
- 4.7 Candidates and electors with disabilities may request to receive information and election documents in a format that considers their accessibility needs due to a disability. The Municipal Clerk, or designate, shall consult with the requester and shall provide or arrange for the provision of a suitable format. Notice of this provision is located on the Municipality of Clarington's Election Website at: Clarington.net/votes and is included in election notices placed in the local media. In addition, candidates with disabilities may access the election information on the Municipality's election website using technologies such as screen readers.
- 4.8 Promote the election through various engagement opportunities, such as demonstrations of the election software with the Accessibility Advisory Committee, at community festivals, etc.
- 4.9 A Voter Information Letter will be sent to each eligible elector. In addition to other election-related information, such as the date and time of the election, the letter will inform electors that all the Election Assistance Centres will be accessible.

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4.10 In the event of disruptions to service or unforeseen circumstances that affect the accessibility of Election Assistance Centres during the Voting Period, notices of disruption, including information regarding the nature of service, the reason, the expected length of disruption, and alternatives, will be posted in real-time:

- On the Municipality's website
- On Facebook
- On Twitter
- At the site of the disruption
- At the Municipal Administration Centre located at 40 Temperance Street, Bowmanville

Every effort shall be made to provide alternative methods of providing the information or service to persons with disabilities. Notice and updates shall be made regularly throughout the service interruption.

To facilitate this, Election Staff will be provided with some default "Notice of Disruption" signs. Where applicable, a media advisory will be issued.

4.11 After the election, the Municipality will release a post-election report assessing initiatives to address accessibility barriers and determine if the initiatives can be improved and/or continued in subsequent elections.

Website

4.12 Working with the Communications Division, the Clerk's Division will post all election information to the Municipality's website, www.Clarington.net/votes. We strive to ensure that all web content, including PDFs and videos, meets or exceeds level AA compliance with the [World Wide Web Consortium \(W3C\) Web Content Accessibility Guidelines \(WCAG\) 2.0](#).

4.13 The website accessibility incorporates tools and design elements to ensure accessibility such as:

- a) Text alternatives for any non-text content will be provided so that the content can be changed into other forms that people may need.
- b) Text resize.
- c) Colour contrast.
- d) A quick link to the accessibility section of the election website.

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- 4.14 The Municipality's election website will receive continuous updates before, and throughout, the 2022 Election.
- 4.15 A section of the Municipality's election website will be dedicated to accessibility.
- 4.16 Accessible elections information, to be posted on the website in plain language, including, but not limited to, the following information:
- Internet and telephone voting information and training
 - Election Assistance Centres, including transit information, parking, entrances, and interior voting areas
 - Special Voting Locations
 - Personal Assistance
 - Distribution of election information
 - Accessible debates
 - Disruption of services
 - Feedback
 - Contact Information
 - Accessible Elections Plan
 - Other election resources

Candidates and Third Party Advertisers

- 4.17 Provide information to candidates and third party advertisers regarding campaign expenses and, in particular, rules affecting candidates/third party advertisers with disabilities.
- 4.18 Provide candidates with election information on how to make their campaigns accessible and election information that is accessible, including the provision of a copy of, and links to:
- A "Candidates Guide to Accessible Elections", produced jointly by the Association of Municipal Managers, Clerks and Treasurers of Ontario and the Province of Ontario.
 - An "Accessible Campaign Information and Communication" document provided by the AODA =
<https://www.mcass.gov.on.ca/documents/en/mcass/publications/accessibility/Quickreferenceguidetoaccessiblecampaigninformation.pdf>

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- An “Accessible All Candidates Meetings” document provided by the AODA = <https://www.mcsc.gov.on.ca/documents/en/mcsc/publications/accessibility/Quickreferenceguidetoaccessibleallcandidatesmeetin.pdf>
- An “Accessible Constituency, Riding Association, Central Party and Campaign Offices” document provided by the AODA = <https://www.mcsc.gov.on.ca/documents/en/mcsc/publications/accessibility/ACCESSIBLEOFFICES.pdf>

4.19 Candidate and third party advertiser information sessions (i.e., financial sessions and sign sessions) will be held in accessible locations. Additional accommodations, such as Sign Language interpretation, are available upon request.

4.20 Provide candidates and third party advertisers with accessible resources upon request.

Feedback

4.21 Solicit feedback on accessibility initiatives through our Election web page and by way of manual form, “Accessibility Feedback Form”, at each of the Election Assistance Centres.

4.22 Provide “Customer Service Feedback Forms” at each of the Election Assistance Centres.

4.23 If someone feels that they have identified a barrier, have a recommendation to improve accessibility for the upcoming election or any other election feedback, they are encouraged to contact Staff through the feedback forms or:

Municipality of Clarington
Municipal Clerk
Municipal Administration Centre
40 Temperance Street
Bowmanville, ON L1C 3A6
votes@clarington.net
905-697-4747

4.24 Publicize the following communication channels so that an elector with election accessibility concerns can readily contact the Municipal Clerk’s Division Staff:

Phone: 905-697-4747
Email: votes@clarington.net

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- 4.25 Election officials will also be provided with an opportunity to provide feedback following the election.
- 4.26 The feedback will be forwarded to Clerk's Division for action. In addition, election officials can complete the feedback form and submit the feedback on behalf of the person with a disability. Alternatively, the form may be printed and provided to the person for manual completion. Each completed form is reviewed by Municipal staff who will respond within three business days providing an anticipated action and timeframe for a full response where appropriate. The feedback process provides election officials with an opportunity to take corrective measures to prevent similar recurrences, address training needs, enhance service delivery, and provide alternative methods of providing election services.
- 4.27 Internet and Telephone Voting
- 4.28 The 2022 Clarington Municipal Elections will involve working with our vendor, Simply Voting, to provide internet and telephone voting to eligible voters. This method of voting allows all electors to cast their ballot from anywhere with an internet connection or telephone, whether the elector is coping with an illness, working days or nights, has a disability, or has trouble travelling.
- 4.29 Voters may use any device that has access to an internet browser, such as a smartphone, tablet, or computer. Access to the platform will be granted through a PIN provided in a Voter Information Letter. Letters will follow the Municipality's accessible document guidelines.
- 4.30 Simply Voting is committed to supporting electors with disabilities and making sure the ballot works with assistive technologies. The interface of the voting website is regularly audited against Section 508 and WCAG-2 accessibility requirements by the Bureau of Internet Accessibility and is found to be in compliance with WCAG 2.1 A/AA criteria allowing for the use of screen readers. It provides a comprehensive compliance and remediation report on features such as the availability of text alternatives for non-text content, captions for multimedia, compatibility with assistive technologies such as JAWS, and ease of navigation. While the voting website does not include an audio ballot directly, telephone voting provides for an audio option.
- 4.31 The voting website allows electors to use translation software if they are more comfortable reading in a different language. It also provides an accessible "Human Interface Challenge" for security purposes (for example, providing an audio CAPTCHA). Additionally, a voter can change the brightness or contrast on a screen.

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- 4.32 The telephone voting method allows electors to vote on all types of touchtone phone and wireless devices, uses clean, plain language, has menu options that are easy to follow advising them to select options/provisions of confirmation of the voters' selection, and offers a standard volume that can be adjusted depending on the telephone or device being utilized.
- 4.33 Prior to the Voting Period, the Municipality will conduct several third-party audits of the election software, which will include a review of accessibility features.
- 4.34 Simply Voting will provide voting demonstration videos, which will include SRT caption files. Included in the SRT files are the captions themselves, and the timecodes for when they should appear onscreen. This file can be imported to YouTube, then each viewer will be able to turn captioning on and off as they watch. SRT files also work with some other video-sharing platforms and some other standalone video players. These videos will be made available on our Elections website.
- 4.35 Internet and telephone voting means travel to polls is not necessary, but assistance will be available through in-person Election Assistance Centres and over the phone via the Election helpline.
- 4.36 Election Assistance Centres (EACs)
- 4.37 Internet and telephone voting means travelling to a voting location is not necessary, but EACs will be available throughout the municipality to assist voters.
- 4.38 EACs will be physically inspected, using a prescribed checklist, to ensure all are accessible when deciding on locations. The inspection considers the Canadian Standards Association Barrier-Free Guidelines and, after the inspection, an Accessibility Report Card shall be completed.
- 4.39 When selecting EACs, staff will strive to have a seamless process from curb to ballot for voters, with a particular emphasis on the process for voters with a visual or mobility impairment. This includes enhanced walkability to the EAC locations and reduce excessive distances between the parking lot and the entrance.
- 4.40 Enough EACS shall be provided throughout the Municipality on Voting Day and during the Advance Voting period to limit travel distances.
- 4.41 Public Transportation Access – where possible, EACs will be selected to provide easy access to public transit stops. However, the location may not necessarily be located on the same street as the transit stop. Identification of the voting location shall be clearly visible from the street level.

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- 4.42 EACs shall have adequate signage for easy navigation.
- 4.43 A minimum of two designated, or reserved parking spaces, will be guaranteed at each of the EACS for persons with disabilities. These will be located as close to the entrance of the EAC as possible. Accessible parking spaces will be clearly posted, easy to see from the road, and marked with the International Symbol of Accessibility. An increase in the usual parking limits for people with disabilities will be provided, where possible. Curb cuts will be identified; for voters who use a mobility aid (such as a wheelchair, scooter, cane, or crutches) they will be able to access the road and sidewalk.
- 4.44 The main entrance to the EACs will be the accessible entrance. Where the EAC has steps up to the entrance, ramps will be provided to assist if the voter uses a mobility aid or has mobility impairments. The slope of the ramp will conform to the barrier-free design requirements of the Ontario Building Code or the Canadian Standards Association Barrier-Free Guidelines. If the ramp is temporary, it will be securely attached to the steps so it cannot slip or wobble. In locations where the entrance doors do not have auto-openers, the doors will be propped open in a safe manner if at all possible. Where it is not possible to prop the door open, an Election Official will be assigned to operate the door for all electors entering and exiting the voting location.
- 4.45 The interior voting area will be large enough to maneuver a mobility device and seating will be made available for people who are waiting in line.
- 4.46 A minimum of one voting booth per EAC shall be wheelchair or scooter accessible. Table lifts (i.e., wooden blocks) will be used at this booth to accommodate the needs of any elector in a scooter or a higher wheelchair.
- 4.47 Doormats or carpeting shall be level with the floor to prevent potential tripping hazards.
- 4.48 EAC supervisors will be provided with a list of location-specific instructions to improve the accessibility of the location.
- 4.49 Election officials will routinely monitor the EAC for accessibility issues, such as doormats that have flipped up, etc. Access doors/entrances will be checked frequently to offer assistance and, where the entrance to the EAC is not within the immediate vicinity of the EAC , have additional Election Officials assigned to them to provide assistance.
- 4.50 Any person with a disability accompanied by a support person or service animal may enter any EAC with their support person or service animal, including the voting compartment areas.

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- 4.51 EACs will have adequate internal and external lighting, and staff will ensure the voting area is well lit.
- 4.52 It is anticipated that the Clarington Public Library will serve as a resource for electors who may not have access to a computer. Municipal staff shall collaborate with the Library to ensure that library staff are trained in elections procedures.
- 4.53 In accordance with the MEA, provide voting opportunities on the premises of:
- a) an institution in which 20 or more beds are occupied by persons who are disabled, chronically ill, or infirmed;
 - b) a retirement home in which 50 or more beds are occupied

Therefore, in accordance with the requirements of the Act, we will provide on-site voting for the residents of:

- Whitecliffe Terrace Retirement Residence
- Fosterbrooke Long-Term Care Facility
- Glen Hill Strathaven
- Seasons Clarington Retirement Community
- Lakeridge Health Bowmanville
- Bowmanville Creek Retirement Community

4.54 Staff Training and Assistance

- 4.55 All staff carrying out election duties will be trained to recognize and ensure that persons with disabilities are served in a way that accommodates their needs. Training will include, but is not limited to, the following six items:
- a) Review of the purposes of the Act and requirements for Accessible Customer Service under Ontario Regulation 191/11 Integrated Accessibility Standards. This will include being trained not to restrict service persons or animals who are assisting a person with a disability once any necessary oaths are taken.
 - b) How to interact and communicate with persons with various types of disabilities.
 - c) How to interact with persons with disabilities who use assistive devices or require the assistance of a service animal or support person.
 - d) How to use the internet and telephone voting software to deliver election support.
 - e) What to do if a person is having difficulty accessing election information or services.

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- f) Certain staff members will be trained on how to use Clarington's Language Line to provide election assistance to voters who may speak another language or require American Sign Language (ASL) translation services. This system provides translations in more than 240 languages. Election staff can access this service using a toll-free number and a video-on-demand app, which supports ASL translation for in-person customer service to voters and candidates. Staff will also be able to use a conferencing feature during phone inquiries to get a translator on the line to help facilitate the conversation.
- 4.56 Note pads and pens will be available at all EACs to assist in communicating with electors who are deaf, deafened, or hard of hearing.
- 4.57 Election Officials in each EAC may assist the voter in casting their ballot. Prior to entering the voting booth, the Election Official shall, in conjunction with the person with the disability, determine the extent to which they need assistance and the best way in which this assistance can be provided. This may include making selections on the iPad as directed by the elector.
- 4.58 For voters in the designated institutions or retirement homes, the Election Official can attend on voters in their specific living areas or at their bedside to assist them to vote. All Election Officials are sworn to an Oath of Secrecy.
- 4.59 Election Officials will be provided with accessible customer service training, including the proper use of accessibility tools- both analog and digital- available to assist with the voting process. They will also be trained on the correct pronunciation of each candidate's name when assisting voters as incorrect pronunciation can affect oral understanding for a person with a vision loss.
- 4.60 Staff will be directed to avoid using pronouns and gender identifiers, and instead, refer to individuals by their first name or other neutral greetings.
- 4.61 The Municipality of Clarington recognizes that everyone learns differently. In order to provide training via different methods, training videos will be provided for Election Officials who learn visually, in addition to written reference material and group sessions (where the material is presented by instructors as well as hands-on training).
- 4.62 Election officials will be provided accommodations upon request to ensure training is accessible to all election officials. The Election Manager tool of our voting software, Simply Voting, is not WCAG-2 compliant. However, the majority of election staff will not be required to use the tool to perform their regular duties. Nearly all activities such as voter list revisions, PIN replacement, and reviewing vote status can all be performed in our other elections management platform, VoterView, which is accessible.