



**City of Greater Sudbury
2022 Municipal and School Board Election
Post-Election Accessibility Report**

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1.0 Introduction

“Voting is one of the most sacred rights of citizenship and that includes the right to do so in an accessible context.”

James Peter Hughes v. Elections Canada. 2010 Canadian Human Rights Tribunal 23.

The City of Greater Sudbury is a community of communities that respects the dignity and rights of persons with disabilities and endeavours to promote a barrier-free and inclusive community.

The focus of the Post-Election Accessibility Report is to evaluate the accessibility of the electoral services offered to all voters and candidates in the 2022 Municipal and School Board Election. This report outlines the actions taken regarding the identification, removal, and prevention of barriers that affected voters and candidates with disabilities and how these actions impacted their voting experience.

The City of Greater Sudbury’s Clerk’s Services, Election Team will continue to learn, develop, and adjust our approaches in order to meet the needs of persons with disabilities.

The review of accessibility issues, initiatives and addressing barrier prevention and removal is an ongoing practice.

2.0 Governing Legislative and Policy Framework

Under the *Municipal Elections Act, 1996, (The Act)* the City Clerk is legislatively responsible for conducting Municipal and School Board Elections and establishing policies and procedures to ensure that all voters have the opportunity to participate fully in the election. The *Act* requires the Clerk to have regard for the needs of voters and candidates with disabilities and to ensure that all voting places are accessible.

The Clerk is also required, within 90 days after a regular election, to prepare a report on the identification, removal, and prevention of barriers that affect voters and candidates with disabilities and make the report available to the public.

In addition to the *Municipal Elections Act, 1996*, the Clerk must also comply with the requirements of the following legislation:

- The *Ontario Human Rights Code, 1990* 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.

3.0 Election Preparation

In preparation for the 2022 Municipal and School Board Election, staff reviewed the relevant legislation and implemented a number of initiatives to ensure compliance. Significantly, as required under the *Act*, the Clerk prepared a plan regarding the identification, removal, and prevention of barriers that affect voters and candidates with disabilities and made the plan available to the public before Election Day by posting it on the City's website. Notably, the proposed plan was provided to the City's Accessibility Advisory Panel to confirm that needs were being met.

To elaborate, the City of Greater Sudbury 2022 Municipal and School Board Election Pre-Election Accessibility Plan highlighted the planned strategies and actions for the identification, removal, and prevention of barriers in the 2022 Municipal and School Board Election. After the plan's development, the City's Clerk's Services Department continued to monitor the applicable legislation, standards, and deadlines and look to relevant court decisions to ensure that any new requirements were incorporated in the Pre-Election Accessibility Plan and considered in the implementation of the 2022 Municipal and School Board Election.

4.0 Method of Vote

In April of 2019, City Council directed staff to return to the use of a hybrid voting model for the voting period, offering voters the opportunity to cast their ballot online or on paper in person.

4.1 Electronic Voting System

Online voting has been used in the last two Municipal and School Board Elections and its use has greatly enhanced the overall accessibility of the election as it has allowed voters to cast a ballot at the time of their choosing from a variety of electronic devices.

The City's Clerk's Services staff worked closely with the electronic voting system service provider Scytl, to evaluate the system and ensure that it was fully secure and accessible for persons with disabilities. Voters with disabilities had the option to use the system's built-in accessibility features to enlarge the font size, adjust the colour contrast, and have the security text read aloud.

Additionally, they could use their personal assistive technologies to interact with the electronic voting system anywhere and a demo video of and information regarding how to use the electronic voting system was available on the City of Greater Sudbury's election website.

Significantly, electronic voting provided voters with the ability to cast their ballot from home if they so chose. This allowed increased rights of privacy to voters with disabilities who may find voting at traditional paper-based voting locations more difficult, as they had the ability to vote with little or no assistance required from others.

Electronic voting once again proved to be particularly effective as 74.00% of voters who vote in the 2022 Municipal and School Board Election cast an electronic ballot.

4.2 Vote Anywhere Paper Ballot Voting / Voting Locations

As per the 2019 decision of Council, the City of Greater Sudbury returned to the use of paper ballots in all in-person voting locations. To enhance the accessibility of the in-person voting process, the vote-anywhere, ballot on demand voting method was once again used for the paper ballot component of the voting process. This method allowed voters to attend any voting location of their choice for advance or Election Day voting. Of the ballots cast during the voting period 26.00% were cast by voters attending a vote anywhere paper ballot voting location.

The 2022 Municipal and School Board Election offered a variety of voting locations to ensure that accessibility was a primary consideration in choosing where voters could cast their electronic ballot. In terms of site selection, Clerk's Services staff used an accessibility checklist to conduct site visits of each voting location prior to confirming their use in the election. This was critical in ensuring that each facility had a barrier-free path of travel from the parking lot and sidewalk, barrier-free path of travel inside the voting location, barrier-free parking, door operators or accessible doors, adequate lighting, and adequate slope and surface.

Many locations had been used in previous municipal election cycles and were drawn from those frequently used by Elections Ontario and Elections Canada.

27 vote anywhere voting locations were open to voters from 10:00 a.m. – 8:00 p.m. on Election Day throughout the City of Greater Sudbury and for voters who preferred to avoid the rush on Election Day or wished to vote in advance, there were two advance voting days on Saturday, October 15th and 22nd at three locations.

On Election Day, Monday, October 24, 2022, Election Officials set-up 25 in-person paper ballot voting locations at hospitals, continuing care sites, retirement homes, and long-term care homes to provide voting opportunities specifically for residents and their families in these institutions as per the requirements of the *Act*. In order to help facilitate the voting process, the Election Team also worked with the administrators of the locations to perform an advance enumeration of the residents. This proved to be quite successful and was one of the larger success stories of the election.

Due to the vote anywhere model adopted by the City Clerk, voters were able to vote at any of these locations, regardless of the Ward they reside in. It should also be emphasized that free transit was available on Election Day for anyone wishing to attend a voting location.

Before the opening of all voting locations, Election Officials performed final accessibility checks to ensure that the locations were set-up in an accessible manner. They prioritized the identification of voting location access routes and entrances by providing appropriate internal and external signage, ensuring that voters with accessibility needs were directed to the accessible voting entrance through prominent signage, and making the accessible entrance the same as the main entrance where possible. Clerk's Services staff also ensured that all Election Officials responsible for setting-up voting locations were aware of legislative accessibility requirements in the event that last-minute changes needed to be made to voting locations.

The amount of technology used in the paper ballot voting locations was significantly reduced from previous elections. Font size and style were taken into consideration when preparing the paper ballots and magnification sheets were available in all locations for voters needing to enhance the font size on the ballot. Once they had finished marking their ballot, voters deposited their ballot into a traditional ballot box as opposed to a tabulator. For voters not comfortable with voting equipment / technology or those with and dexterity issues, the use of traditional ballot boxes as opposed to tabulators proved to be quite successful.

During the entire voting period, personal assistive devices were permitted in all voting locations, such as wheelchairs and walkers. Support persons and service animals were welcomed, and assistance was offered to voters at every stage of the voting process, including being greeted at the door, making any necessary amendments to their information on the Voters' List, and casting their paper ballot.

Election Officials treated all voters with dignity and respect, being sensitive to the individual needs of voters and recognizing that some required unique attention. While forms and oaths were printed in large font, magnifying sheets were also present to assist voters with low vision and Election Officials read and signed oaths upon voters' requests. Bilingual Election Officials were staffed in voting locations and numerous chairs were available for voters with requiring assistance to sit at while they waited in line.

4.3 Proxy Voting

In addition to the electronic and paper ballot voting method, proxy voting was also once again made available to voters who were unable or uncomfortable with using the electronic voting system from home and unable to physically attend a voting location, the permitted use of proxy voting enabled them to appoint another person to cast their electronic ballot on their behalf at a voting location. It should be noted that no proxy vote certificates were issued for this election.

5.0 Staff Training

Prior to working in any in-person voting locations, all Election Officials were mandated to attend an in-person training session provided by Clerk's Services staff. These sessions highlighted best practices on how to assist voters in voting locations, including voters with disabilities, and the accommodations and special services available to assist voters.

During the training sessions, the multiple roles and duties of voting location officials were reviewed and discussed. This was extremely beneficial as it demonstrated to Election Officials how and when to offer assistance to voters at each stage of the voting process.

Significantly, all Election Officials were City of Greater Sudbury employees. One of the key reasons that Clerk's Services chose to use only internal staff as Election Officials is because they received formal accessibility training upon hiring, which includes training on the *Accessibility for Ontarians with Disabilities Act, 2005*. This formal accessibility training outlined the customer service standard and how to serve persons with disabilities. It is also important to note that information pertaining to the customer service standard and serving persons with disabilities was included in the Election Worker Manual, training session presentation, and scenario-based training. The Election Worker Manual specifically contained accessibility guidelines and tips for interacting with persons with a variety of disabilities.

6.0 Information and Communication

The City of Greater Sudbury considered accessibility in all information and communication strategies for the 2022 Municipal and School Board Election. Upon requests Clerk's Services staff provided copies of election documents, or the information contained in the document, in an accessible format. Specific to candidates, the DataFix VoterView Candidate Portal granted candidates the ability to download the Voters' List electronically once it became available in September and throughout each day of the voting period. Allowing candidates to access the most up to date information without physically having to attend Tom Davies Square to obtain their copies of the Voters' List.

The City's election website was designed to be both informative and accessible. All information for voters, candidates, and third parties was placed in distinct sections on the website, and they were directed to access all documents and forms through the website in an effort to promote accessibility and transparency.

The information available online used clear and simple language and was continuously updated to reflect the most recent election developments and information. Additionally, the website was compliant with WCAG 2.0 Level A guidelines. It allowed for personal assistive technologies to be utilized with the website and for users to adjust the website font within the browser's functionality to aid them in reading the information. Notably, the election website contained a section specific to the voting process that outlined the various accessible voting locations and provided voters with information on how to cast their paper or electronic ballot.

Election information was communicated through various channels and alternate formats including regular candidate emails, social media, radio, billboard, and newspapers. Voter Information Letters were mailed out to all eligible voters on the Voters' List explaining where and when to vote in the election. For election-related inquiries, all residents were able to call 3-1-1 or Clerk's Services directly or email Clerk's Services through the election email.

In the event of disruptions to electoral services or unforeseen circumstances that affected the in person voting locations, a process was in place to facilitate notification.

7.0 Conclusion

It was the goal of the City of Greater Sudbury's Clerk's Services Department to ensure that voters within the municipality who required accessibility services were provided with the best opportunity to vote as independently as possible in the 2022 Municipal and School Board Election. Clerk's Services staff also strived to make the nomination and registration process as accessible as possible for candidates and third parties.

The 2022 Municipal and School Board Election total voter turnout was 42.00%, which exceeds the provincial average which was approximately 33.00% at the time of this report. In preparation for the 2026 Municipal and School Board Election resident and staff feedback regarding the accessibility of the election will be considered by Clerk's Services staff.