



**STAFF REPORT
ACTION REQUIRED**

Status Update - Internet Voting Service for Persons with Disabilities for the 2014 Municipal Election

Date:	July 7, 2014
To:	City Council
From:	City Clerk Chief Information Officer City Manager
Wards:	All

SUMMARY

The purpose of this report is to advise City Council that an Internet and Telephone Voting Service ("IVS") for persons with disabilities cannot be implemented in time for the 2014 Municipal Election. Given the time constraints and the complexities of providing a system that is fully accessible and secure for the start of internet and telephone registration on September 8, 2014, the Clerk and Scytl have mutually agreed to cancel the IVS project for the 2014 Municipal Election. Proceeding with an IVS for the 2014 Municipal Election would severely compromise the principles of the *Municipal Elections Act, 1996* ("MEA") and the Clerk's ability to deliver an election that protects the rights and votes of voters with disabilities.

The City Clerk and Scytl remain fully committed to working with persons with disabilities, the organizations that represent them and the Disability Issues Committee to identify accessible and secure alternative voting methods that will allow voters with disabilities to independently cast their vote. The Clerk also remains committed to continuing to work towards delivering internet and telephone voting in future elections.

The Clerk will continue to work with Scytl to address and resolve the outstanding issues and will report back to Council with an update in August, 2014.

Legal Services was consulted during the preparation of this report.

RECOMMENDATIONS

The City Clerk recommends that City Council:

1. Request the City Clerk to continue to work with persons with disabilities, organizations that represent them and the Disability Issues Committee to ensure accessible elections and to consider options for internet and telephone voting in future elections.
2. Amend by-law 120-2014 to authorize the use of internet and telephone voting by all electors in advance voting as the Clerk deems appropriate for conducting future elections.
3. Request the City Clerk to report back to Council at their August 26 and 27, 2014 meeting on a plan for potential implementation of internet and telephone voting in future elections.

Financial Impact

The recommendations in this report will have no financial impact on the City Clerk's Office 2014 operating budget. The total budget approved for the IVS vendor, Scytl, is \$914,342.64, net of HST. In addition, \$290,100.00, net of HST, has been allocated for third-party testers. To date, the costs incurred for third-party testers are anticipated to be approximately \$60,000.00, net of HST. To date, no funds have been paid to Scytl for this contract.

Funds related to the 2014 election are recovered from the Election Reserve Fund. Any under-expenditure will reduce the withdrawal required from the Election Reserve Fund.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On February 14, 2013, the Disability Issues Committee recommended to the Executive Committee that the City Clerk be requested to report on a strategy to allow for internet voting for voters with disabilities for the 2014 Municipal Election.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.DI5.1>

On March 20, 2013, the Executive Committee referred the Disability Issues Committee's request for the Clerk's report to be considered together with a report on election reform.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX29.4>

On June 11, 12 and 13, 2013, Council requested the City Clerk form a working group to implement internet voting for persons with disabilities for the 2014 Municipal Election, and report back to City Council by November 2015 with recommendations as to whether internet voting should be adopted in the 2018 City-wide Municipal Election.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM22.15>

On January 24, 2014, the Disability Issues Committee received an update from the Director of Elections and Registry Services on the status of the Internet Voting for Persons with Disabilities project.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.DI8.2>

On February 19 and 20, 2014, City Council authorized the use of internet and telephone voting as alternative voting methods for persons with disabilities during the advance vote period in the 2014 Municipal Election and authorized the City Clerk to negotiate and execute an agreement with the recommended proponent, Scytl Canada Inc.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC48.4>

ISSUE BACKGROUND

At its meeting on February 19 and 20, 2014, City Council authorized the City Clerk to negotiate and execute an agreement with Scytl, being the highest-scoring proponent for Request For Proposal ("RFP") No. 3405-13-3197, Internet Voting for Persons with Disabilities for the 2014 Municipal Election, on terms and conditions satisfactory to the City Clerk and in a form satisfactory to the City Solicitor.

The Clerk advised Council that if the recommended proponent was unable to meet the critical milestones detailed in the RFP due to the tight timelines involved, or if the Clerk had reason to believe that any of the principles of the *MEA* were at risk of being compromised as a result of the IVS, the Clerk had the authority to cancel the internet voting project for the 2014 Municipal Election, to protect the integrity of the election.

COMMENTS

On March 31, 2014 the City Clerk and Scytl entered into an agreement for the provision of an accessible and secure IVS for persons with disabilities. The agreement states that Scytl was to provide an IVS that would be fully tested, secure and accessible for the start of internet and telephone voting registration on September 8, 2014.

The Clerk and staff worked extremely diligently to implement an IVS for the 2014 Municipal Election. However, as a result of the tight timelines involved, there is insufficient time to build all of the IVS components to the necessary accessibility and security standards and complete the required testing to ensure the integrity of the 2014 Municipal Election.

To conduct the security and accessibility testing of the IVS, the Clerk engaged independent third-party experts, including an accessibility and usability expert, two security and cryptographic experts, an external auditing firm and a testing firm. There is insufficient time for the third-party experts to conduct a full assessment of the security and accessibility of the IVS before the start of internet and telephone voting registration on September 8, 2014.

Persons with disabilities and the organizations that represent them have been very engaged throughout this process and the Clerk is extremely grateful for their many contributions. Through their active participation, they provided the Clerk with a clearer understanding of the key requirements of an accessible internet voting system and how to continue to effectively meet the needs of persons with disabilities. The Clerk would like to express her profound thanks to these individuals and organizations for their efforts, and looks forward to continuing to collaborate extensively with them moving forward.

CONTACT

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SIGNATURES

Ulli S. Watkiss, City Clerk

Rob Meikle, Chief Information
Officer

Joseph P. Pennachetti, City Manager