



**STAFF REPORT  
ACTION REQUIRED**

**Contract Award – RFP No. 3405-13-3197 – 2014  
Municipal Election – Internet Voting Service for Persons  
with Disabilities**

<b>Date:</b>	February 11, 2014
<b>To:</b>	City Council
<b>From:</b>	City Clerk Director, Purchasing and Materials Management Division
<b>Wards:</b>	All
<b>Reference Number:</b>	

**SUMMARY**

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The purpose of this report is to advise on the results of Request for Proposal (RFP) No. 3405-13-3197 for the selection of a vendor to provide an internet voting service for the 2014 Municipal Election for persons with disabilities, and to request authority to negotiate and enter into an Agreement with the recommended proponent, Scytl Canada, Inc. ("Scytl"), in the amount of \$1,033,207.18, inclusive of all taxes.

The RFP requested a solution for the 2014 Municipal Election that included an internet voting service for up to 50,000 voters, a voter contact centre to handle voter registration and resolve technical issues, and a centralized electronic voters' list management system. The internet voting service will be available during the advance vote period. This will ensure that, if any issues arise with the internet voting service, voters with disabilities will still have the opportunity to cast a ballot privately and independently on Election Day, using a Voter Assist Terminal at designated locations across the City.

Section 42 (1)(b) of the *Municipal Elections Act, 1996* ("MEA"), provides Council the authority to pass a by-law authorizing electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote.

Although Council requested the Clerk to implement internet voting, this report is also recommending that Council authorize telephone voting. This recommendation is the result of feedback received from consultations with the disability community, in order to enable voters with disabilities who do not own a computer or have access to the internet to vote. Hereafter, internet voting, telephone voting, the voter contact centre and the centralized electronic voters' list management system will be collectively referred to as an "internet voting service."

This matter is considered urgent and time-sensitive. Any delay in Council's approval will jeopardize the Clerk's ability to implement internet and telephone voting in time for the 2014 Municipal Election.

Due to the tight timelines involved in the implementation of the internet voting service, if the recommended proponent, Scytl, is unable to meet the critical milestones detailed in the RFP, or if the Clerk has reason to believe that any of the principles of the *MEA* are at risk of being compromised, the Clerk has the statutory authority to halt the internet voting project for the 2014 Municipal Election, to protect the integrity of the election.

## **RECOMMENDATIONS**

To fulfill City Council's recommendation to implement internet voting for persons with disabilities in the 2014 Municipal Election, City Council adopt the following:

1. Authorize the use of internet voting and telephone voting as alternative voting methods for persons with disabilities during the advance vote period in the 2014 Municipal Election, and pass a by-law substantially in the form of the draft bill attached as Attachment 1;
2. Authorize the City Clerk to negotiate and execute an agreement with Scytl Canada Inc., being the highest scoring proponent for RFP No. 3405-13-3197, Internet Voting for Persons with Disabilities for the 2014 Municipal Election, in the amount of \$914,342.64 net of HST (\$930,435.07 net of HST recoveries) as per the terms and conditions set out in the RFP and on terms and conditions satisfactory to the City Clerk and in a form satisfactory to the City Solicitor;
3. Approve an increase to the City Clerk's Office's 2014 Approved Operating Budget by \$930,435.07 gross, \$0 net, funded from the Election Reserve Fund to reflect the funding required for the contract award to Scytl; and
4. Approve a decrease of \$748,000.00 to the City Clerk's Office's 2014 Approved Capital Budget, with a corresponding decrease in withdrawals from the Election Reserve Fund, reflecting amendments in cash flow and funding sources for the Archives Strategic Plan Implementation, Information Management Infrastructure, City Hall Health and Safety Remediation and Alternate Voting projects.

## **Financial Impact**

The total contract award for the internet voting service is \$914,342.64, net of all taxes, and \$1,033,207.18, inclusive of all taxes. The total cost to the City is \$930,435.07, net of HST recoveries. This amount includes the provision of an internet voting service, a voter contact centre to handle voter registration and resolve technical issues, and a centralized electronic voters' list management system for use for the 2014 Municipal Election.

The cost of the telephone voting service is \$18,694.63, net of all taxes and \$21,124.93, inclusive of all taxes, and is included in the total contract award.

The City Clerk's Office 2014 operating budget will need to be increased by \$930,435.07 gross, \$0 net, to reflect the budget required for the contract award, with the funds fully recovered from the Election Reserve Fund.

In the preliminary year-end operating projection in the Operating Variance Report for the Nine-Month Period Ended September 30, 2013, submitted to City Council as part of the 2014 operating budget deliberations (EX37.1aq), the Deputy City Manager and Chief Financial Officer has identified a contribution of \$727,000.00 from the 2013 surplus to the Election Reserve Fund. The ability of the Deputy City Manager and Chief Financial Officer to maintain this contribution to the Election Reserve Fund may be at risk, dependent on the City's recovery of ice storm costs from the Provincial and Federal Governments. Without this contribution, the Election Reserve Fund is insufficient to pay for the internet voting service given all of the commitments in 2014.

In order to create the room in the Election Reserve Fund, the Alternate Voting capital project, originally funded from the Election Reserve Fund in 2014, will need to be funded from other sources. The City Clerk's Office will adjust the project schedule and scope of three of its projects in the approved 2014 capital plan to create the room to fund the Alternate Voting project.

The changes to cash flow and funding source in the City Clerk's Office 2014 capital budget, including anticipated 2013 carry-forward, are (in \$000s):

Project	2014 approved cash flow*	Adjustment	Total after adjustment	Funding Source	
				Debt	Reserve
Archives Strategic Plan Implementation	150	(150)	0	(150)	
Information Management Infrastructure	1,389	(448)	941	(448)	
City Hall Health and Safety Remediation	350	(150)	200	(150)	
Alternate Voting	748		748	748	(748)
<b>TOTAL</b>	<b>2,637</b>	<b>(748)</b>	<b>1,889</b>	<b>0</b>	<b>(748)</b>

\*including anticipated 2013 carry-forward

While the changes to the City Clerk's Office 2014 capital budget will create the room in the Election Reserve Fund to award the contract to Scytl, the Election Reserve Fund will be completely depleted after the payment of the invoices for the internet voting service. There will be no room to fund any unforeseen requirements related to the 2014 Municipal Election, or to pay the additional costs if more than 50,000 persons with disabilities use the internet voting service.

In the event that more than 50,000 voters use the internet voting service, provisions are provided in Scytl's proposal to accommodate increased usage based on a per-voter basis at a cost of \$1.65 per voter.

Section 7 of the *MEA* requires that the municipality pay the costs of the election after the Clerk has signed a certificate verifying the amount.

Election-related expenses have traditionally been funded from the Election Reserve Fund. Maintaining the contribution from the 2013 surplus to the Election Reserve Fund is therefore critical to provide funding room for contingencies and any costs incurred if the internet voting service is used by more than 50,000 voters.

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

## **DECISION HISTORY**

At its meeting on February 14, 2013, the Disability Issues Committee recommended to the Executive Committee that the City Clerk be requested to report to the Executive Committee on a strategy plan 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>

At its meeting on June 11, 12 and 13, 2013, Council requested the City Clerk to form a working group that includes Toronto Employment and Social Services, Social Development, Finance and Administration, the Disability Issues Committee, and community stakeholders to implement internet voting for persons with disabilities in time for the 2014 Municipal Election. Council also requested the City Clerk to 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>

At its meeting on January 24, 2014, the Director of Elections and Registry Services provided an update to the Disability Issues Committee on the status of the Internet Voting for Persons with Disabilities project.

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

## **BACKGROUND**

Section 42 (1)(b) of the *MEA* states that the council of a local municipality may pass a by-law authorizing electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote.

At its June 2013 meeting, Council requested the Clerk to form a working group to implement internet voting for persons with disabilities in time for the 2014 Municipal Election.

This working group was established and is comprised of City staff from various divisions, as well as an external subject matter expert specializing in accessibility and usability, and two external subject matter experts specializing in internet voting security and cryptography, where cryptography refers to methods of concealing information to ensure it remains private.

## Consultations

In addition to the working group, consultation sessions were conducted with members of the disability community on October 22, 23 and November 21, 2013. Invitations were sent to over 40 organizations and individuals (see Attachment 2) requesting they distribute and share the invitation with staff, their membership and any interested individuals.

For the most part, participants at the consultation sessions expressed interest and enthusiasm about internet voting. Participants indicated that telephone voting should be used in conjunction with internet voting, as many persons with disabilities may not have access to a computer or the internet.

In offering internet voting only to those with disabilities, participants expressed concerns regarding the amount and type of personal information they would have to disclose in order to access the system; whether any personal data would be stored; how the secrecy of their vote would be maintained; and how their private information would be kept confidential and secure.

Under section 88 (5) of the *MEA*, documents and materials filed with or prepared by the Clerk are public records and may be inspected by any person. Participants at the consultation sessions indicated strong concern that they would be identifiable as being persons with disabilities solely based on having registered to use the internet voting service. The Clerk has brought the problems with this provision of the *MEA* to the attention of the Province and the Human Rights Commission.

Some participants expressed concerns about being treated differently and felt that Council's motion to make internet voting available only to persons with disabilities in actuality both segregated and "singled them out," while other participants acknowledged they were satisfied with internet voting being used as a pilot project in 2014, in light of Council's motion that the Clerk work towards implementing internet voting City-wide for the 2018 Municipal Election.

The addition of internet and telephone voting as advance vote channels, and the provision of Voter Assist Terminals at voting places during the advance vote and on Election Day, recognizes the City's obligation under the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA"), the *Ontario Human Rights Code* and the *MEA*, and permits persons with disabilities to vote privately and independently.

## Determination of Eligible Users

The *Ontario Human Rights Code* and the *AODA*, define "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*; (“handicap”).

As there is no database identifying persons with disabilities in the City of Toronto, use of the internet voting service will be based on an honour system, with voters self-identifying as a person with a disability prior to casting their ballot.

To estimate the number of potential users, the Clerk looked to the Canadian Community Health Survey, which found that approximately 23% of those residing in the City "sometimes" or "often" experience disabilities or activity limitations that have lasted, or are expected to last, six months or more. This means there could be up to 400,000 individuals eligible to use the internet voting service at any given time. Historically, uptake rates for internet voting in Canadian jurisdictions ranges from approximately 5% to 10% of eligible electors when internet voting is used as an advance vote channel. The Clerk therefore used the upper limit to estimate that up to 50,000 persons with disabilities may utilize the internet voting service to cast their ballot.

In the event that more than 50,000 voters use the internet voting service, there are provisions in the proposal to accommodate increased usage based on a per-voter basis.

## **Implementation Considerations**

### **Voters' List**

One of the challenges staff identified with the implementation of internet voting is the requirement to simultaneously update the voters' list in real-time when using two different voting channels. In order to maintain the integrity of the election when implementing an internet voting service, real-time synchronization across multiple voting channels is required to ensure that each voter can only vote once. Following the onsite advance vote, paper copies of the voters' list are printed and distributed to over 1,600 voting locations across the City. The paper copies of the voters' list are used by staff on Election Day to mark voters as voted. As the City does not have the technology required

to implement internet voting simultaneously with in-person voting, it is not feasible to implement internet voting on Election Day for the 2014 Municipal Election.

### **Voter Identity**

In addition, if the internet and telephone voting periods do not take place concurrently with the onsite advance vote period, persons with disabilities could be readily identified in the list of voters who have voted, which, if requested, the Clerk is required to provide to candidates following each advance vote voting day, under Section 43 (6) of the *MEA*.

For these reasons, the internet and telephone voting period will take place concurrently with the onsite advance vote period as approved by Council By-law 1107-2013. This will ensure persons with disabilities that vote using the internet or telephone will be merged with other advance voters, so that they are not identifiable on the list of voters who have voted. The recommended proponent, Scytl, will provide a centralized voters' list management system to update and synchronize the voters' list across all advance vote voting channels, thereby ensuring each voter is only able to vote once.

Implementing the internet voting service during the advance vote period also ensures that, should any issues arise with the internet voting service, persons with disabilities will still have the opportunity to cast a ballot privately and independently, using a Voter Assist Terminal in a voting place on Election Day.

### **Timelines**

While most jurisdictions take approximately two to three years to implement internet voting, which includes system testing and voter education, the Clerk will have approximately four to six months to implement an internet voting service prior to the registration start date of September 2, 2014. It is imperative that, if Council intends to authorize internet voting, it do so at its meeting on February 19 and 20, 2014, and authorize the City Clerk to negotiate and enter into an Agreement with the recommended proponent, Scytl. Any delay in Council's approval will jeopardize the Clerk's ability to implement internet and telephone voting in time for the 2014 Municipal Election.

The Clerk has the statutory authority to halt the internet voting project for the 2014 Municipal Election if the recommended proponent, Scytl, is unable to meet the critical milestones detailed in the RFP, or if the Clerk has reason to believe that any of the principles of the *MEA* are at risk of being compromised, thus impacting the integrity of the election.

### **Security Assessment**

If Council authorizes the use of internet and telephone voting, the City Clerk will engage the services of a third-party to conduct a security assessment of the internet voting service during the implementation phase. The third-party security assessment will be comprised of threat, risk, vulnerability, and privacy impact assessments, ensuring the internet voting service maintains the secrecy and integrity of the vote, and that it accurately reflects the results of the votes cast.



## **Communications and Education**

Under Section 12.1 (1) of the *MEA*, the Clerk has a statutory obligation to have regard to the needs of electors and candidates with disabilities. Under Section 13 (2) of the *MEA*, the Clerk must also provide electors, candidates and persons who are eligible to be electors with information to enable them to exercise their rights. The City Clerk will therefore need to develop communications strategies and conduct extensive education with the disability community in order to inform and educate them regarding internet and telephone voting. This will include the development of communication strategies, education and communication materials, in-person presentations and a voter demonstration site. The City Clerk intends to involve the disability community directly in this process by conducting consultations throughout the implementation process, and inviting persons with disabilities to assist and provide feedback during the user acceptance testing process.

## **COMMENTS**

### **Guiding Principles**

Prior to the development of the RFP, the Clerk determined that any internet voting service must be accessible to persons with all types of disabilities and must adhere to the following principles of the *MEA*:

- The secrecy and confidentiality of an individual's vote is paramount;
- The election is fair and must not favour one candidate over another;
- The election is accessible to all voters;
- The integrity of the process is maintained throughout the election;
- Voters and candidates are treated fairly;
- There should be certainty that the results of the election reflect the votes cast; and
- The proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

In addition, the internet voting service must:

- Ensure the secrecy of the vote;
- Be accessible to all voters;
- Provide a method of voter authentication;
- Be secure;
- Be auditable; and
- Be scalable, to accommodate increased demand.

To ensure any internet voting service proposed is accessible to persons with various types of disabilities, proponents were required to demonstrate that their solution conformed to the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines and internationally-accepted standards identified in the RFP.

## **RFP Process and Model**

Due to the complexity of this call, a Fairness Monitor was engaged to oversee the entire procurement process. A contract was awarded to PPI Consulting to provide this service. The engagement of a Fairness Monitor ensured that the procurement process to date has been carried out in a fair, unbiased and transparent manner. The Fairness Monitor has provided a report to that effect (see Attachment 3).

The City issued RFP No. 3405-13-3197 on November 4, 2013, with a closing date of December 2, 2013. The RFP was advertised on the City's website and ten (10) firms downloaded the document. A total of six (6) addenda were issued in response to questions sent to the Purchasing and Materials Management Division (PMMD) prior to the closing date.

The RFP was structured as a "two-envelope" model, which required each proponent to structure the first portion of their proposal without including any dollar figures. The first portion of each proposal was evaluated to ensure each met the minimum mandatory requirements identified in the RFP (envelope 1). For each proponent that met the minimum mandatory requirements identified in the RFP, the separate sealed cost-of-services proposal (envelope 2) was opened and evaluated to determine the lowest cost provider.

A mandatory meeting was conducted on November 12, 2013, to give proponents the opportunity to familiarize themselves with the Project and ascertain the full extent of the work required. Representatives from eight (8) firms attended the meeting. PMMD received a total of three (3) submissions from the following proponents, which were opened on December 2, 2013:

- Dominion Voting Systems Corp. ("Dominion Voting");
- Everyone Counts, Inc. ("Everyone Counts"); and
- Scytl Canada, Inc. ("Scytl")

## **Selection Committee and External Subject Matter Experts**

Using the evaluation criteria specified in the RFP, the Selection Committee conducted a comprehensive review and analysis of each proposal in accordance with the pre-established criteria identified in the RFP, based on a consensus format.

The Selection Committee was comprised of eleven (11) members from four (4) Divisions. An Executive Selection Committee was formed to evaluate proponent presentations, and was comprised of four (4) members. Attachment 4 provides more information on the members and roles of the Selection Committee and Executive Selection Committee.

In addition, ten (10) subject matter experts were consulted by members of the Selection Committee in the proposal evaluations. They included an accessible design subject matter expert from the Inclusive Design Research Centre at OCAD University, and internet security and cryptography subject matter experts from Western University's Department of Electrical and Computer Engineering and Concordia University. Seven (7) subject matter experts from I&T Division, Legal Services and the City Clerk's Office were also consulted.

### **Stage 1 – Initial Evaluation – Mandatory Requirements**

The first stage of the evaluation consisted of a "pass/fail" analysis. Each proposal had to meet the mandatory submission requirements identified in the RFP to advance to Stage 2A – Detailed Evaluation. All three (3) firms (Scytl, Everyone Counts, and Dominion Voting) passed Stage 1: Initial Evaluation – Mandatory Requirements and proceeded to Stage 2A: Detailed Evaluation.

### **Stage 2A – Detailed Evaluation**

In Stage 2A – Detailed Evaluation, proponents were evaluated based on how their solution, which refers to the services provided by each proponent, met the functional, technical and non-functional requirements detailed in the RFP. Proponents were also evaluated based on their executive summary, profile, experience, qualifications and work plan. In Stage 2A, proponents could score a maximum of sixty (60) points.

In order to qualify for Stage 2B – Demonstration and Presentations, proponents were required to achieve a minimum score of nineteen-and-a-half (19.5) out of thirty (30) (sixty-five percent (65%)) on Proposed Solution: Functional Requirements and a minimum score of thirty-nine (39) out of sixty (60) (sixty-five percent (65%)) on Stage 2A – Detailed Evaluation (overall). All three (3) firms (Scytl, Everyone Counts, and Dominion Voting) passed Stage 2A: Detailed Evaluation and proceeded to Stage 2B: Demonstration and Presentations.

### **Stage 2B – Demonstration and Presentations**

In Stage 2B – Demonstration and Presentations, proponents were evaluated on:

- A scripted demonstration to the Selection Committee demonstrating how the proposed solution meets the pre-selected mandatory, functional and technical requirements. Proponents could receive a maximum of ten (10) points for the demonstration to the Selection Committee. The results of the demonstration were used by the Selection Committee as a mechanism to revisit, revise, confirm and finalize the scores proponents received in Stage 2A – Detailed Evaluation, as detailed in the RFP; and

- A scripted presentation to the Executive Selection Committee, describing the proponent's profile, experience and qualifications, a summary of the proposed solution and how it meets the requirements detailed in the RFP. Proponents could receive a maximum of five (5) points for the presentation to the Executive Selection Committee.

At this stage it was determined that Dominion Voting was non-compliant. Only two (2) firms (Scytl and Everyone Counts) proceeded to Stage 3 – Cost.

### **Stage 3: Cost**

In Stage 3 – Cost, scores for the two remaining proponents' costs of services were derived from a cumulative weighting criterion, in compliance with the process specified in the RFP. The proponent with the highest combined score based on the cumulative weighting criterion received the maximum twenty-five (25) points for Stage 3 – Cost. The remaining proponent's cumulative weighting criterion was multiplied by twenty-five percent (25%) to determine the proposal's score for Stage 3 – Cost.

As a result of this evaluation, Scytl is the single proponent with the highest combined score based on the cumulative weighting criterion.

### **External Subject Matter Expert Reports**

In seeking an internet voting service for persons with disabilities, the Clerk recognized the balance that must be struck between the accessibility and usability of any internet voting service and the need to ensure the secrecy and privacy of the vote and the integrity of the election. Expert advice is also important as internet voting has not been judicially tested in Ontario. As such, the Clerk engaged the services of subject matter experts in accessible design, and internet voting security and cryptography to ensure these principles were taken into consideration. These subject matter experts provided input and feedback throughout the procurement process, in addition to post-evaluation reports.

### **Accessible Design Report**

The Inclusive Design Research Centre (IDRC) at OCAD University works to ensure that emerging information technology and practices are designed inclusively, through the efforts of an international community of open source developers, designers, researchers, advocates and volunteers. The mission of the IDRC is the inclusive design of emerging information and communication systems and practices. Mr. Jan Richards, Project Manager at the IDRC, was engaged by the City to review the web accessibility of the demonstration sites proponents provided in their response to the RFP. Mr. Richards has extensive experience in accessible design, and is involved with the development of the

W3C-WAI Authoring Tool Accessibility Guidelines (ATAG 2.0) and User Agent Accessibility Guidelines (UAAG 2.0).

In his review, Mr. Richards noted that while each of the proponents' voter-facing demonstration interfaces did show evidence of accessibility-influenced design, none were found to fully conform to Level AA of the W3C Web Content Accessibility Guidelines (WCAG). His report states that: "With the proper application of accessible design, development, and testing resources, the problems should be addressable ..." He also suggests that the recommended proponent, Scytl, work transparently with the City and the disability community to ensure full conformance to the accessibility requirements identified in the RFP. This process will be negotiated in the agreement with Scytl.

If Council authorizes internet voting, the Clerk will continue to involve the IDRC throughout the implementation of the internet voting service to ensure the internet voting service conforms to the WCAG requirements identified in the RFP.

### **Internet Voting Security Report**

In the staff report to Council on proposed electoral reforms, dated April 24, 2013, the City Clerk identified risks and challenges associated with internet voting, including technology and security risks.

To ensure the technology and security risks were evaluated for the purposes of the RFP, Dr. Jeremy Clark, Assistant Professor at the Concordia Institute for Information Systems Engineering at Concordia University, and Dr. Aleksander Essex, Assistant Professor of Software Engineering at Western University's Department of Electrical and Computer Engineering, were engaged by the City. Doctors Clark and Essex have written extensively on the subject of internet voting, and have provided expert advice on various panels investigating its use. Their role was to evaluate the security and cryptographic features of the demonstration site each proponent provided and to provide an overview of their findings with respect to each proponent's proposed solution. In addition they provided the following comments:

*“From a security design perspective, internet voting is a particularly challenging problem and carries the greatest number of risks of any ballot casting method. Online voting introduces a number of unique potential threats to the voting process: voters must submit secret ballots using a computing device potentially infected with malware or spyware, over a hostile network, for storage on an internet-facing server.*

*From the perspective of an individual or group who – for any number of reasons – may seek to disrupt, surveil, or otherwise alter the outcome of an election, an online election can be attacked without requiring a physical presence, and can originate from any part of the world, opening the door to the potential of interference from a much wider array of adversaries. Moreover, an internet voting system constitutes a single point of failure. The exposure risk to an attacker, therefore, is considerably lower than in a conventional election.*

*As a result of these many risks, any internet voting system adopted by the City must be rigorously evaluated. In our opinion, an internet voting system meeting the requirements in RFP 3405-13-3197 would provide the City with a reasonable set of security assurances.*

***Recommendation regarding the use of internet voting:*** *Of the proposals evaluated in the context of the RFP process, it is our opinion that no proposal provides adequate protection against the risks inherent in internet voting. It is our recommendation, therefore, that the City not proceed with internet voting in the upcoming municipal election. If the City, contrary to this recommendation, remains committed to the use of internet voting, we advise that the system be limited to voters with disabilities, and not offered to the electorate at large.*

***Recommendation regarding vendor proposals:*** *From our participation in the City's evaluation, it is our finding that Scytl, the system ranked highest by the City offers a number of desirable security properties not offered by the competing systems. If the City proceeds with internet voting in the upcoming election, Scytl, in our view, represents the best option of those we observed and evaluated."*

## **Recommended Proponent**

On completion of the above process, the proposal from Scytl contains the highest score, lowest bid and meets the specifications in conformance with the requirements detailed in the RFP. The Selection Committee has concluded that the proposal submitted by Scytl demonstrates an appropriate level of effort for the proposed work.

Scytl has demonstrated that it has the necessary experience to implement an internet voting service for persons with disabilities for the 2014 Municipal Election. Scytl has conducted binding elections using internet and internet- and telephone-based voting across the globe, including Halifax Regional Municipality, Norway's Ministry of Local Government and France's Ministry of Foreign Affairs, with a proven record of success.

Proponents' scores, price comparison and staff analysis of the evaluation results can be provided to Council in an in-camera presentation if requested by members of Council.

The Fair Wage Office has reported that Scytl has indicated it has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

## **Conclusion**

If Council authorizes internet and telephone voting and awards the contract for the 2014 Municipal Election to Scytl, there are many issues that need to be determined and addressed in the extremely tight timeframe prior to the registration start date of September 2, 2014. The Clerk has looked to the experiences of other jurisdictions, including other Canadian and European municipalities that have implemented internet voting or internet and telephone voting, as well as the state of New South Wales in Australia, which implemented internet and telephone voting for persons with disabilities and remote voters.

If internet and telephone voting are approved by Council, the Clerk will use the experiences of other jurisdictions relating to internet voting to better prepare for the implementation of an internet voting service for the 2014 Municipal Election.

## **CONTACT**

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## **SIGNATURES**

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Ulli S. Watkiss  
City Clerk

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Michael Pacholok  
Director, Purchasing & Materials  
Management Division

## **ATTACHMENTS**

Attachment 1 – Draft Bill authorizing the use of Internet Voting and Telephone Voting  
Attachment 2 – Organizations Invited to Internet Voting Consultations  
Attachment 3 – Fairness Monitor Report  
Attachment 4 – Selection Committee Team Members and Roles

**Attachment 1**  
**Draft Bill authorizing the use of Internet Voting and Telephone Voting**

Authority: \_\_\_\_\_ adopted  
by City of Toronto Council on February 19 and 20, 2014.

**CITY OF TORONTO**  
**BY-LAW No. \_\_\_\_\_**

**To authorize the use of internet voting for disabled electors**

WHEREAS subsection 42 of the *Municipal Elections Act, 1996*, provides that a municipality may, by by-law authorize electors to use an alternative voting method that does not require electors to attend at a voting place in order to vote;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this by-law the term "disability" has the same meaning as it has in the *Human Rights Code*, R.S.O. 1990, Chapter H.19.
2. A system of internet voting is authorized for the 2014 municipal election for use during the advance vote period by electors having a disability.
3. A system of telephone voting is authorized for the 2014 municipal election for use during the advance vote period by electors having a disability.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

ROB FORD  
Mayor

ULLI S. WATKISS  
City Clerk



**Attachment 2**  
**Organizations Invited to Internet Voting Consultations or Individuals who were  
Consulted on Internet Voting**

Accessibility Directorate of Ontario  
Accessibility for Ontarians with Disabilities Act Alliance (AODA Alliance); David  
Lepofsky, Chair, AODA Alliance  
Alliance for Equity of Blind Canadians  
Anne Johnston Health Station  
ARCH Disability Law Centre  
BALANCE for Blind Adults  
The Bob Rumball Centre for the Deaf  
Canadian Council on Rehabilitation and Work (CCRW)  
Canadian Cystic Fibrosis Foundation, Toronto and District  
Canadian Hearing Society  
Canadian National Institute for the Blind (CNIB)  
Centre for Addiction and Mental Health (CAMH)  
Centre for Independent Living in Toronto (CILT)  
City of Toronto – Disability Issues Committee  
City of Toronto – Equity Diversity and Human Rights  
City of Toronto – Parks, Forestry and Recreation  
City of Toronto – Parks, Forestry and Recreation Disability Issues Committee, who  
forwarded the invitation to 275 of their contacts  
Communication Disabilities Access Canada  
Cystic Fibrosis Toronto  
Diversityworkx  
Epilepsy Ontario  
Epilepsy Toronto  
Ethno-Racial Disability Coalition of Ontario (ERDCO)  
Holland Bloorview Kids Rehabilitation Hospital  
Inclusive Design Research Centre – OCAD University  
March of Dimes Ontario  
Multiple Sclerosis Society of Canada  
Multiple Sclerosis Society of Toronto, who forwarded the invitation to 486 of their  
contacts  
Ontario Federation of Cerebral Palsy  
Ontario Human Rights Commission; Barbara Hall, Chief Commissioner and Jeff Poirier,  
Senior Policy Analyst  
Ontario Ministry of Government Services  
Ontario Ministry of Municipal Affairs and Housing  
Rexdale Community Health Centre  
Ryerson University – Disabilities Studies Faculty  
Toronto Employment and Social Services  
Toronto Transit Commission (TTC) Advisory Committee on Accessible Transit  
Variety Village  
Wheel Trans Associated Organizations

Staff Report for action on RFP No. 3405-13-3197 – Internet Voting for Persons with Disabilities  
for the 2014 Municipal Election

**Attachment 3  
Fairness Monitor Report**



**PPI Consulting Limited**  
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Ottawa | Toronto | Atlantic Canada

Monday, February 3<sup>rd</sup>, 2014

**Ulli S. Watkiss, City Clerk,  
The City of Toronto**  
100 Queen Street West,  
13<sup>th</sup> Floor, West Tower,  
Toronto, Ontario

By Email: [uwatkis@toronto.ca](mailto:uwatkis@toronto.ca)

**Subject: Fairness Attestation Report - Request for Proposal for Internet Voting  
for Persons with Disabilities in the 2014 Regular Municipal Election  
RFP No. 3405-13-3197**

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Ulli,

PPI Consulting Limited was engaged as the Fairness Monitor to monitor the processes of communication, evaluation, and decision-making associated with the procurement process for the Request for Proposal for Internet Voting for Persons with Disabilities in the 2014 Regular Municipal Election RFP No. 3405-13-3197 issued by The City of Toronto (COT). Our role is related to ensuring openness, fairness, consistency and transparency of the procurement process.

PPI Consulting Limited hereby presents its final procurement fairness attestation report to COT at the conclusion of this stage in the procurement process, describing how the procurement process has complied with requirements. The following chart included below is in accordance with the RFP and COT evaluation guidelines. It summarizes PPI Consulting's involvement and findings:

Stage	Task	Fair (Yes / No)
1.	Reviewed the RFP documentation to identify potential inconsistencies or lack of clarity and provided feedback to COT project manager. Verified the roles, responsibilities, decision authorities, and reporting requirements	Yes
2.	Procurement documents were made publicly available	Yes
3.	The RFP open and black-out periods were consistent with the COT procurement procedures	Yes
4.	The procurement documents, including the evaluation scoring spreadsheets, were reviewed and were deemed to be consistent with the guidelines established by COT	Yes
5.	Ensured that all Meetings were clearly identified in the procurement documents and confirmed that there were no meetings related to the procurement document that the Applicants were not notified of.	Yes
6.	Reviewed all communications with Applicants, including questions and responses, prior to them being issued as addenda	Yes
7.	Answers were made available to all Applicants for all questions that were submitted	Yes
8.	Reviewed all clarification questions submitted by COT and the Applicants Responses	Yes
9.	There was a forum/process through which Applicants could make complaints. No applicant complaints were received by Fairness.	Yes
10.	All participants confirmed that they would adhere to the conflict of interest and confidentiality requirements	Yes
11.	Applicants confirmed their adherence to the conflict of interest and confidentiality requirements in their submissions	Yes



Stage	Task	Fair (Yes / No)
21.	Debriefings are to be offered for all unsuccessful Applicants and are to be offered for the successful Applicants	To be scheduled
22.	Provide a report of the conclusion of the procurement process on the fairness, openness and transparency of the process	Attestation only

\*This attestation has been provided upon request in advance of the completion of the RFP process award, debriefing sessions, and contract negotiation stage in support of the City Clerk's desire to append this report to the overall Staff Report the Selection Committee will be presenting to City Council on February 19, 2014.

**Observations and Findings**

The procurement process is clearly established in the Request for Proposal. The evaluation process and criteria described in the procurement documents were applied consistently and equitably. During the final evaluation discussions the evaluators demonstrated that they had been diligent in their responsibilities that they were able to support their individual evaluation assessments, and they did not appear to have any bias for or against any Applicant.

There were no unresolved issues at the RFP stage of the procurement.

**Conclusion**

As the Fairness Monitor for the Internet Voting for Persons with Disabilities in the 2014 Regular Municipal Election RFP issued by COT, overall, and to the extent that we have been involved in the RFP Process, we certify that the principles of openness, fairness, consistency and transparency have been, in our opinion, properly established and maintained throughout the Request for Proposal stage.

PPI Consulting Limited



**Jeff Mustoe**  
 Fairness Monitor Consultant

**Attachment 4**  
**Selection Committee Team Members and Expertise**

For the purposes of the RFP, committee members were assigned to evaluate specific sections of the RFP, according to their expertise. The Fairness Monitor was consulted and provided feedback on the appropriate size and composition of each evaluation committee, and was a de-facto member of each evaluation committee. The Fairness Monitor attended all demonstrations, presentations and group evaluations.

The following table details the role and members of each team:

<b>RFP Document &amp; Process Team</b>	
An RFP Document & Process team reviewed all procurement documents and processes, to ensure adherence to City purchasing policies and to ensure fairness for all proponents.	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>• Manager, Alternative Election Strategies, Elections &amp; Registry Services</li> <li>• Project Manager, I&amp;T Portfolio Management, Information &amp; Technology Division</li> <li>• Solicitor, Legal Services</li> <li>• Supervisor, Purchasing Materials &amp; Management Division</li> <li>• IT Contract Coordinator, Contract Management Office</li> <li>• Fairness Monitor, PPI Consulting</li> </ul>
<b>Selection Committee Teams</b>	
A total of five separate Selection Committee teams evaluated parts or all of each proposal, based on the Selection Committee(s) to which they were assigned:	
<ol style="list-style-type: none"> <li>1. Executive Selection Committee;</li> <li>2. Overall Solution Committee;</li> <li>3. Functional and Non-Functional Requirements Committee;</li> <li>4. Accessibility &amp; Usability Requirements Committee; and</li> <li>5. Technical Requirements Committee.</li> </ol>	
Each Selection Committee was comprised of a minimum of three evaluators.	

<b>1. Executive Selection Committee</b>	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>• City Clerk</li> <li>• Director, Elections &amp; Registry Services</li> <li>• Deputy Chief Information Officer, Enterprise Solutions Delivery, Information &amp; Technology Division</li> <li>• Director, Social Policy Analysis &amp; Research, Social Development Finance &amp; Administration</li> </ul>
<i>Overview</i>	<p>The Executive Selection Committee reviewed and scored each proponent's Presentation, which detailed each proponent's understanding of the City's high-level objectives and requirements, the proponent profile (staff, market share, financial viability, etc.) as well as the proponent's experience, qualifications and references.</p> <p>Subject matter expertise was drawn from the Executive Director, Social Development Finance &amp; Administration and the Deputy Chief Information Officer, Technology Infrastructure Services, Information &amp; Technology Division.</p>
<b>2. Overall Solution Committee</b>	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>• Director, Elections &amp; Registry Services</li> <li>• Manager, Alternative Voting Strategies, Elections &amp; Registry Services</li> <li>• Manager, Voting Technology &amp; Systems Integration, Elections &amp; Registry Services</li> <li>• Manager, Public Engagement, Elections &amp; Registry Services</li> </ul>
<i>Overview</i>	<p>The Overall Solution Committee reviewed and scored how each proponent's proposal addressed the Executive Summary, Proponent Profile, Experience and Qualifications, Proposed Staff and Resources and Work Plan and Deliverables requirements in the RFP.</p> <p>Subject matter expertise was drawn from a Solicitor, Legal Services, who provided legal advice regarding legislative requirements.</p>

<b>3. Functional and Non-Functional Requirements Committee</b>	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>● Manager, Alternative Election Strategies, Elections &amp; Registry Services</li> <li>● Manager, Voting Technology &amp; Systems Integration, Elections &amp; Registry Services</li> <li>● Manager, Public Engagement, Elections &amp; Registry Services</li> </ul>
<i>Overview</i>	<p>The Functional and Non Functional Requirements Committee reviewed and scored the sections of each proponent's proposal that addressed Voter Registration, Voter Authentication, Voting, Reporting, Voters' List Management and Results Reporting requirements.</p> <p>Subject matter expertise was drawn from a Project Manager, I&amp;T Portfolio Management, Information &amp; Technology Division.</p>
<b>4. Accessibility &amp; Usability Requirements Committee</b>	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>● Manager, Alternative Election Strategies, Elections &amp; Registry Services</li> <li>● Consultant, Equity, Diversity &amp; Human Rights Division</li> <li>● Senior Systems Integrator, Solutions Development, Information &amp; Technology Division</li> <li>● Manager (Acting), 311 Toronto</li> </ul>
<i>Overview</i>	<p>The Accessibility &amp; Usability Requirements Committee reviewed and scored the sections of each proponent's proposal that addressed requirements under the Accessibility for Ontarians with Disabilities Act, 2005 and the graphical user interface (following Web Content Accessibility Guidelines 2.0 Level AA), including Solution Support and the Voter Contact Centre requirements.</p> <p>Subject matter expertise was drawn from the Corporate Application Project Lead, and a Senior Systems Integrator IT, Web Competency Centre, Information &amp; Technology Division.</p> <p>In addition, Jan Richards, a Project Manager from the Inclusive Design Research Centre, OCAD University participated in each proponent's demonstration and provided an accessibility assessment of each proponent's solution.</p>



<b>5. Technical Requirements Committee</b>	
<i>Team Members</i>	<ul style="list-style-type: none"> <li>• Project Manager, I&amp;T Portfolio Management, Information &amp; Technology Division</li> <li>• Project Manager, Technology Infrastructure Services, Information &amp; Technology Division</li> <li>• Security/Risk Management Specialist, Strategic Planning &amp; Architecture, Information &amp; Technology Division</li> <li>• Senior Technical Support Specialist, Technology Infrastructure Services, Information &amp; Technology Division.</li> </ul>
<i>Overview</i>	<p>The Technical Requirements Committee reviewed and scored sections of each proponent's proposal that addressed solution configuration, performance, capacity, architecture, security and audit capability requirements.</p> <p>Subject matter expertise was drawn from a Senior Policy &amp; Compliance Analyst, Corporate Information Management Services, Access &amp; Privacy, City Clerk's Office, and the Manager, Data Centre Operations, Senior Technical Support Specialist, Web Competency Centre, Senior Privacy Specialist, IT Strategic Architecture &amp; Planning, Information Privacy &amp; Technology, all from the Information &amp; Technology Division.</p> <p>In addition, Jeremy Clark, PhD, Assistant Professor at the Concordia Institute for Information Systems Engineering at Concordia University and Aleksander Essex, PhD, Assistant Professor of Software Engineering at Western University's Department of Electrical and Computer Engineering, subject matter experts in internet voting security and cryptographic technology participated in each proponent's demonstration and provided a security assessment of each proponent's solution.</p>