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Electoral Matters Committee
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SUBMISSION TO THE PARLIAMENT OF VICTORIA ELECTORAL MATTERS COMMITTEE

Inquiry into the impact of social media on elections and electoral administration

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Dear Executive Officer,

Thank you for the opportunity to make a submission to the Electoral Matters Committee Inquiry into the impact of social media on elections and electoral administration.

People with intellectual disability have the same right to participate in democratic processes as any other citizen, yet they continue to experience significant legal, social and logistical barriers preventing them from building political awareness, partaking in political debate, and ultimately

having their say on election day. As a result, people with intellectual disability have low rates of voting participation in Victoria[1].

We are responding to this question with more pertinent outlook on the experience of voting for people with intellectual disability. A growing number of Australians rely on social media for information about news, current affairs and politics. While the emergence of social media has the potential to provide a number of opportunities for the empowerment of many Victorians with disability to participate in politics and voting, a more fitting conversation for people with intellectual disability is about their difficulty accessing political discourse, particularly via online information, as well as the lack of access to online political conversations, and planning resources as a result of poor access to technology and the internet, and a lack of cognitively accessible information. *I Can Vote* and the 'Plan to Vote' should be made compulsory for all political candidates and disability support professionals to use in the weeks, months, and years, leading up to an election. This has been demonstrated during the COVID-19 crisis as a significant volume of participatory research projects involving people with intellectual disability in supported accommodation stalled due to many group homes not having provided guaranteed internet use and support to access online communication platforms.

Inclusion Designlab is Inclusion Melbourne's independent centre for policy, quality, and research and development. Its vision is to bring together people with a disability, community organisations, government, and the world's leading disability researchers to develop cutting-edge models of practice, choice, and citizenship. Inclusion Designlab has worked in the area of electoral inclusion for people with intellectual disability since 2013. In such time, we have partnered on research projects, written articles, conducted an exhaustive review of electoral inclusion literature, run training with people with intellectual disability, and observed best practice during Victorian Government supported study tours (via DHHS Ethel Temby Scholarships in 2016 and 2019) of electoral inclusion campaigns across Ireland, the UK, Sweden and Canada.

Our findings from this work have culminated in the development of a somewhat unprecedented inclusive electoral campaign to support and empower Australians with intellectual disability to become active citizens, contribute to political debate, and play an active role in their democracy by voting in elections. Our campaign leverages new media technologies and best practice disability support research to resource people with intellectual disability, their families, carers, supporters and advocates with cognitively accessible political information, political citizenship education, planning materials and logistical support to empower people with intellectual disability to participate in politics and voting.

Our program moves beyond basic conceptualisations of what it means to support someone to vote, and instead explores the nuance within issues of citizenship, political awareness, informed voting and election preparation for people with intellectual disability. We piloted our *I Can Vote* campaign

[1] Bigby, C., Tipping, S., Bould, E., Thiele, R. (2019). *Final report: Strategies to support people with intellectual disabilities to participate in voting*. Living with Disability Research Centre, La Trobe University: Bundoora, VIC.

during the Victorian State Election in 2018 and received extensive positive feedback for its utility in improving the accessibility of politics, political citizenship and voting for people with intellectual disability. The core elements of the I Can Vote campaign were a VEC-commissioned dual read supported decision making guide, a world-first VEC-commissioned *Plan to Vote* form, and a (non-VEC commissioned, for reasons noted below) web platform featuring accessible political content and videos.

Our team's mission is to improve access to voting *and* politics for all Australians with intellectual disability. With the support of the Victorian Government, the *I Can Vote* campaign provides Victoria with the opportunity to be at the forefront of global change in the area of electoral inclusion.

This submission will:

▶ Provide an overview of barriers to electoral inclusion for people with intellectual disability in Australia;

▶ Discuss the underlying societal misconceptions about voting and intellectual disability which perpetuate such barriers;

▶ Outline our recommendations, provided on the basis of extensive research and experience, to remove barriers to electoral participation and the use of new media technologies for people with intellectual disability;

▶ Review the 2018 *I Can Vote* campaign and propose how the campaign may be operationalised in the future to improve electoral access for Victorians with intellectual disability.

Contents

Political Content Barriers

Electoral commissions around Australia should be commended for the work that they do to facilitate greater access to voting for people with intellectual disability. However, the support that they offer is limited in some areas of the voting process as a result of their incapacity to produce partisan information. Much of the material for people with intellectual disability produced by the Victorian Electoral Commission (VEC) focuses on cognitively accessible guides to the technical aspects of voting, such as understanding how to enrol and how to fill out a ballot paper, with limited, impartial, generic content about civic issues often included in presentations at special schools, disability support organisations, and similar locations. This leaves a significant gap in support surrounding processes such as building awareness of political agency, developing an understanding of local politics and political issues, and determining voting preferences.[2] These processes are acknowledged as essential stages within the political citizenship and voting pathway, as outlined below:[3]

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[2] Despott, N (2017). *Electoral Inclusion: Rights, Barriers and Global Campaign Strategies for Voters with Intellectual Disability*. Inclusion Melbourne: Melbourne. February 2017, pp. 2

[3] Despott, N & Leighton, D (2017). 'It's in the practice: commentary on "The Value of Citizenship" (Duffy 2017)', *Research and Practice in Intellectual and Developmental Disabilities,* vol. 4, no. 1, pp. 35-41.

Figure 1. Despott, 2017

The inaccessibility of publications, videos, political advertisements and other political materials is an important barrier for persons with intellectual disability when voting. Social media and online news sources are commonly used to inform the decisions of voters. The absence of easy-language social media and online news, advertising and political discussion presents a key obstacle to politics and electoral participation for people with intellectual disability. This is likely to have a particular impact on young people, who often rely on social media as their main source of news.[4]

> "It is no use teaching people how to vote if they are not allowed to access what we are voting about. The very politics have to be made accessible" [5]
>
> *Stjernholm, 2019.*

The La Trobe University Living with Disability Research Centre in partnership with Inclusion Melbourne and the Victorian Electoral Commission (VEC) identified that Victorians with intellectual disability had difficulties understanding the ideas and policies of different political parties as a result of the inaccessibility of campaign materials. This research identified the development of cognitively accessible information about campaign platforms and political issues as a key strategy for improving access to political engagement and promoting greater voter participation among people with intellectual disability in Australia.[6]

While the VEC produces a range of good generic resources for people with intellectual disability, we must nonetheless acknowledge that this does not sufficiently stimulate the growth of political citizenship as many people with intellectual disability do not have the same opportunities as the average young person to discuss partisan content with school peers and family members.

The absence of cognitively accessible partisan political content on social media and online news forums is likely to be just one example of the wider exclusion from civic participation experienced by people with intellectual disability in Australia, and there is a clear lack of interest or commitment by government and commercial sectors in adhering to article 21 of the United Nations Convention on

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[4] Wilding, D, Fray, P, Molitorisz, S & McKewon, E (2018), The Impact of Digital Platforms on News and Journalistic Content, University of Technology Sydney, NSW.
[5] Stjernholm, K 2019, 'Study circles for people with intellectual disabilities to engage in voting,' *Zero Project,* <https://zeroproject.org/practice/pra191265swe-factsheet/>.
[6] Bigby, C., Tipping, S., Bould, E., Thiele, R. (2019). *Final report: Strategies to support people with intellectual disabilities to participate in voting*. Living with Disability Research Centre, La Trobe University: Bundoora, VIC.

the Rights of Persons with Disabilities (UN CRPD) through the creation of such content for people with intellectual disability.

Another potential reason for the lack of cognitively accessible political content for people with intellectual disability is the presence of an unsubstantiated fear within society surrounding the risk that easy language translation of political content may produce biased outcomes. It is important to remember that political influence is a normative aspect of everyday life for all Australians. Our political ideas and persuasions are influenced by the media we consume, the advertising we encounter and the conversations we have with friends and family. The creation of political material in cognitively accessible formats will merely offer people with intellectual disability access to the same socio-cultural environment to develop political opinions and ideas as the general population.

Governments should play a role in ensuring that article 21 of the UN CRPD is upheld and people with intellectual disability have access to political content and the opportunity to participate in civic debate. The VEC has been reluctant to produce or support the production of such political content as a result of a jurisdictional requirement that the Commission remains impartial and refrains from producing partisan content. If the government and the VEC are unable to produce this content directly, Inclusion Designlab team urges the Victorian Government to fund non-government responses to this gap in support, such as the multi-disciplinary team that produced the *I Can Vote* campaign. Inclusion Designlab also urges the VEC to play an active role in drawing the awareness of Victorians with intellectual disability to these services.

Opportunities to Overcome Political Content Barriers:

It is important to note that while the absence of cognitively accessible political content on social media presents a barrier to electoral and political inclusion for people with intellectual disability, we have found that social media and web technologies also offer significant opportunities for improving information, communication and content access for people with intellectual disability.

The development of the *I Can Vote* campaign, including its world-first online portal, followed an extensive review of successful inclusive electoral campaigns across the world, within which we found that there were a number of ways to fill the gap in support surrounding access to political content in a way that was fair and unbiased. In particular, we drew findings from Mitt Val (tr. My Choice) run by Studieförbundet Vuxenskolan, an award-winning Swedish campaign that utilised study circles to foster political citizenship among people with learning disabilities, and UK campaigns such as the United Response *Easy News* magazine and *Every Vote Counts* pre-election materials, which deliver news, politics and current affairs material, co-produced with mentored journalists with intellectual disabilities, in easy language formats to promote political participation among people with intellectual disability. Such case studies offered Inclusion Designlab invaluable insight into the effectiveness and legitimacy of various models for promoting access to politics for people with intellectual disability. Canadian and UK electoral commissions have been more inclined than their Australian counterparts to support projects like *I Can Vote* due to extensive preparatory research that

has occurred in those countries and their progressive interpretation of their role, despite such projects necessarily including partial political content.

Inclusion Designlab found that we were able to combine a number of support methods and utilise new media technologies to produce a campaign to improve access to political ideas. In particular, we found that political content barriers could be significantly reduced through the creation of an impartial online platform for the translation and dissemination of political content submitted to us by political parties and candidates themselves. We did this by:

- ▶ Developing a formula for political parties to develop a short policy script;
- ▶ Engaging with political parties to explain the project and communicate the script formula;
- ▶ With support from a range of easy language translation partners, translating policy scripts into easy language and returning these to the candidates for review and approval;
- ▶ Filming and editing videos of candidates delivering easy language political content;
- ▶ Publishing videos and other easy language resources on the website (www.icanvote.org.au)
- ▶ Creating an interactive portal within which users can locate their electorate and watch easy language videos from candidates in their electorate.

By translating content into easy language formats and seeking approval from political parties/candidates at every step of the process, we found that we could provide a neutral and unbiased platform where people with intellectual disability could consume cognitively accessible content straight from the mouths of the candidates and parties themselves. The use of an online platform for accessing cross-party information offered the opportunity to provide easy, one-stop access to cognitively accessible political content.

I Can Vote had the support of all areas of politics, with candidates and party representatives expressing their wish for people with disability to receive the support required to make an informed political decision. This cross-party support is demonstrated with the wide breadth of political views in the *I Can Vote* videos. Each candidate was encouraged to represent their own views and/or their party's policy platform, rather than speaking about disability policy, as the aim of the project was to support political participation of people with intellectual disability regarding the full breadth of political policies and issues. It must be noted, however, that all candidates did initially inquire as to the need and demand for such materials, and found that the highly subsidised price of full video production (approx. $300, representing more than $1,500 of value) had not been factored into their campaign budgets.

Summary:
Barrier:

- ▶ Many people with intellectual disabilities have difficulties with important steps in the voting journey such as determining candidate preferences as a result of a lack of;

> » participation in (online and offline) political conversations or activities and/or;
>
> » political material in cognitively accessible formats.

Misconceptions:

▸ Voting support which focuses solely on how to enrol and how to fill out a ballot paper is sufficient to remove barriers to voting for people with intellectual disabilities.

▸ The development of cognitively-accessible political content will lead to biased outcomes.

Our Findings:

▸ It is possible to deliver cognitively accessible political content in a way that is unbiased and does not risk the integrity of the electoral system.

▸ New media technologies provide an avenue for the dissemination of cognitively accessible information for the development of political awareness and voting preferences among people with intellectual disability.

Recommendation:

▸ Every candidate to have an easy language video produced and uploaded to an independent, cognitively accessible website such as *I Can Vote.*

▸ Support the development and distribution of political and campaign materials in cognitively accessible formats; including in both online and offline contexts.

Logistical Barriers

Many people with intellectual disability rely on the support of others in many aspects of their day-to-day lives. Inclusion Designlab has found that few people with intellectual disability have a fail-safe support system and adequate resources to guide them through the entire voting journey, including throughout the processes of enrolling, learning how to vote, getting to and from the voting centre, and determining who to vote for[7]. Furthermore, many people with intellectual disability do not have ongoing resources and support to ensure that this voting pathway is repeated at successive elections. This is acknowledged as a key contributor to low voter turnout among people with intellectual disabilities.[8]

Planning Logistics

Our work in the disability space recognises planning as one of the most important aspects of best practice. Through our experience in the *I Can Vote* campaign in 2018, Inclusion Melbourne found that the process of building the capacity of individual political citizenship and voting cannot begin and end on election day, or even in the weeks beforehand, but must be embedded within planning and support practice to build capacity and understanding over the mid to long term. Planning for

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[7] Despott, 2017, pp. 3
[8] Ibid.

voting over a significant time frame is essential so that a person is able to develop political awareness, learn about voting, consider policies and decide who to vote for.

As a result, unlike other electoral inclusion campaigns which focus on episodic activities such as enrolling to vote or filling out the ballot paper, Inclusion Melbourne found that it was important to engage the support networks around people with intellectual disability to support their growth as political citizens and build capacity around the development of political opinions and voting preferences over the long-term. We also noted that the provision of a step-by-step long-term planning toolkit was critical to empowering people with intellectual disabilities to access each step of the voting pathway, including not just turning up on election day, but also developing opinions and ideas about politics and current affairs and deciding on candidate preferences.

Planning resources aided carers and support professionals in working with people with intellectual disability to set timeframes and goals for learning about politics, develop skills in having legitimate and unbiased conversations about politics, establish who is responsible for supporting the person with intellectual disabilities in each stage of the voting journey and organise transport and other logistical arrangements to ensure that the person was able to vote on election day. Through providing these planning resources, we found that people with intellectual disabilities were able to overcome logistical barriers to electoral participation.

Funding Logistics

Many people with intellectual disability and their families are unaware of funding structures in place to support people with disability to access voting. A National Disability Insurance Scheme (NDIS) plan may include funds for capacity building to learn about voting and the development of political citizenship, as well as core funds to cover the practicalities of direct support, transport, and support at the voting centre.

The support to learn about democracy and elections, understand partisan political content, and vote on election day, can be performed by disability support professionals who are skilled in the evidence-based support practices of Supported Decision Making, Person Centred Active Support, and Positive Behaviour Support. Support Professionals undertaking this support are able to be funded through an individual's NDIS plan using either 'Core', or 'Capacity Building' (Individual Skill Development) funds. Voting and political citizenship are clear functions of civic life, and align closely with the National Disability Insurance Agency's (NDIA) domain of Social, Community and Civic Participation.

Technological Logistics

Information and communication technologies (ICT) have become an integral part of contemporary living and community participation. In particular, Australians are showing a greater reliance on online technologies and interactive new media technologies for accessing news and current affairs,

learning about politics and participating in political debate. As a result, digital connectivity is increasingly fundamental to community participation and political citizenship.[9]

However, of the few studies that have addressed internet accessibility among people with intellectual disability, most have found that people with intellectual disability are much less likely to have access to the internet than the general population.[10] This means that in addition to lacking access to online political information and debate, many people with intellectual disability also face barriers in accessing online electoral materials such as the Victorian Electoral Commission's *Easy English* voting guides which offer cognitively accessible information about the technical processes of voting, such as enrolment and marking the ballot paper. Consequently, the lack of access to digital media technologies presents a large barrier to political participation for people with intellectual disability.

Funding and support to increase technological access for people with intellectual disability is necessary in order to ensure that our tools and resources are designed to empower people with intellectual disability to become informed about politics, make informed decisions about candidate preferences and ultimately have their say on election day can be accessed by *all* Victorians, including those who do not currently have consistent access to the internet and/or devices.

Opportunities to Overcome Logistical Barriers

We have highlighted that technology poses a significant barrier for people with intellectual disability in their capacity to engage in civic life, however it is worth noting that with adequate funding to support technological access among people with disabilities, digital media and online communication technologies provide a key opportunity for the development of political awareness, political citizenship, and voting skills.

Many of the tools, practices, and funding structures to adequately support people with intellectual disability to engage with politics and elections already exist, yet prior to the 2018 I *Can Vote Campaign*, they had not yet been combined or promoted in such a way that made them easily accessible for people with intellectual disability and their supporters. This presented a significant logistical barrier to civic education and voting support for people with intellectual disability.

The 2018 *I Can Vote campaign* used an online platform to combine information about political rights, best practice disability support frameworks, planning and educational resources for people with intellectual disability and carers, and information about NDIS funding for election and political awareness support in order to create an accessible pathway to voting and political awareness for Australians with intellectual disability.

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[9] Chadwick, D, Wesson, C & Fullwood, C (2013), 'Internet access by people with intellectual disabilities: Inequalities and opportunities', *Future Internet,* vol. 5, no. 1, pp. 376-97.
[10] Ibid.

Summary:

Barrier:

▶ Many people with intellectual disabilities rely on the support of others yet do not have a reliable support plan for political citizenship capacity-building and voting.

▶ Many people with intellectual disability are excluded from online political discussion and have difficulty accessing online political news and advertising as a result of the fact that they do not have access to internet-equipped devices or reliable internet.

Misconception:

▶ Voting support is as simple as taking someone to the voting centre on election day.

▶ All Australian citizens have access to the internet and social media.

Our findings:

▶ To overcome logistical barriers to voting, people with intellectual disabilities need to be supported over the long-term through planning, education and best-practice disability support.

▶ For online electoral inclusion tools for people with intellectual disabilities to work, they must be supported by funding to ensure that people with intellectual disabilities are able to access internet and internet-enabled devices.

Recommendations:

▶ Develop and disseminate support planning resources for people with intellectual disabilities and their carers surrounding voting and political citizenship.

▶ Support the NDIA to promote and fund voter support logistics, group-based learning as per learning circles model, and education, planning and support.

▶ Ensure access to funding to reduce the technological and internet disadvantage faced by people with intellectual disabilities in Victoria.

Legal Barriers

Legal limitations on the right to vote also present a significant barrier to voting for Victorians with intellectual disability. Victoria's response to these barriers need to be grounded in an acute understanding of the rights of people with disabilities as protected by:

▶ Section 18 (2) of the Victorian Charter of Human Rights and Responsibilities Act 2006 which protects the right to vote for all eligible Victorians

▶ The Equal Opportunity Act 2010 (VIC)

▶ The Disability Act 2006 (VIC)

- The Disability Discrimination Act 1992 (Cth)
- Article 29 of the UN CRPD which protects the right of people with disabilities to vote.
- Articles 5, 8, 9, 12, 21, 24 and 30 of the UN CRPD which protect the right to support for voting, education and civic participation.

Legal barriers to voting for people with intellectual disability are perpetuated through Commonwealth and State electoral legislation which dictate that a person of 'unsound mind' who is considered 'incapable of understanding the nature and significance of enrolment and voting' are not entitled to be included on the electoral roll or vote in elections. Such legislation dictates that a person with an intellectual disability may be removed from the electoral if a written objection is made by a member of the public and supported by a medical form. This process can lead to persons with intellectual disability, who may otherwise be supported to vote, being forcibly removed from the electoral roll against their will. The clause is designed to protect the integrity of the electoral system from perceived risks associated with voters with intellectual disability.

> *"Cognitive ability does not negate a person's capacity to have a well-defined value system in the same way that a powerful intellect does not ensure a person will have superior ethical or moral opinions." [11]*

> *Despott and Hirsch, 2013*

There is limited, if not insufficient, evidence to suggest that people with intellectual disabilities are particularly vulnerable to electoral fraud or manipulation.[12] Political influencing and advertising are part of the culture of politics in Australia. There are no such restrictions on voters of 'sound mind' who may be, for various reasons, more susceptible to these influences. Restrictions on the right of people with intellectual disabilities to vote as a result of a fear that they may be unduly influenced are therefore discriminatory.

Claims that people with intellectual disability could damage the integrity of the electoral system as a result of a perceived lack of understanding are not grounded in evidence and rely on outdated diagnosis centric understandings of disability and capacity.[13] Moreover, there is no test of voting capacity for persons without cognitive impairments. Restrictions on electoral participation based on a person's understanding of politics or voting would have to be applied to all voters, and not just those with intellectual disabilities, in order to avoid being discriminatory.

Laws and practices that exclude people with intellectual disabilities from participating in politics and voting infringe upon rights protected within the UN CRPD, to which Australia is a signatory. In particular, the 'unsound mind' clause infringes upon Article 29 of the UN CRPD which instructs signatories to 'ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others.' Article 29 should not, however, be viewed in isolation. The

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[11] Despott, N & Hirsch, A 2013, 'Disability and voting rights', *Right Now,* <http://rightnow.org.au/opinion-3/disability-and-voting-rights/>.
[12] Despott, 2017, 297
[13] Ibid, 297

foundations for political citizenship are also protected under several additional articles, including articles 5, 8, 9, 12, 21, 24 and 30.[14] *I Can Vote* has applied these articles to the context of voting as follows:

▸ **Article 5**

   » Equality and anti-discrimination policies embraced by electoral commissions, disability support organisations and advocacy groups, particularly in relation to political citizenship

▸ **Article 8**

   » Raising awareness of the right to vote through targeted communications campaigns in media and advertising, with voting and political citizenship included in the practice frameworks of disability support organisations

▸ **Article 9**

   » Accessible polling arrangements, with all polling attendants, volunteers and staff fully trained in the communication practices and rights of voters with intellectual disability and communication barriers

▸ **Article 12**

   » Equality before the law and the separation of legal and mental capacity

▸ **Article 21**

   » Accessible information about politics, candidates and elections available from a range of sources, produced by diverse organisations and readily available via media

▸ **Article 24**

   » Accessible education that increases knowledge about politics, citizenship, current affairs, political issues, and informed voting

With much of current public education and knowledge transmission being conducted in an online environment, people with intellectual disability without access to new technologies or support to access online materials have excessive barriers to the right to vote. Articles 8, 21, and 24 of the UN CRPD describe the awareness and knowledge that is required to be made accessible, however many people with intellectual disability are being left out of political discussions due to a lack of meaningful education methods. The unsound mind clause in the electoral act, coupled with the subdued or incomplete application of various international and local instruments has resulted in a culture of removal from the electoral roll.

The NDIA Act 2013 (Cth) can be interpreted within the frame of the UN CRPD as being broadly supportive of the full citizenship of people with intellectual disability. The NDIA guiding principles discuss participation and contribution to social and economic life, and exercise choice and control, as *equal* partners in decisions that will affect their lives. Voting in elections at all levels of government

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[14] Despott, 2017, pp. 28

is an important right that all community members have, and one that is able to make changes in large systemic issues which often impact the lives of people with intellectual disability more than the wider population.

Inclusion Melbourne has found that the 'unsound mind' clause is typically 'used' by family members of persons with intellectual disabilities who are motivated by a wish to protect the person from the burden of receiving a penalty for failing to vote on election day. Given that the central concern of family members is the fear of a fine, rather than a fear that the person with an intellectual disability will make an uneducated voting decision or damage the integrity of the electoral system, the ultimate outcomes – disenfranchisement – is alarming.

The Australian Law Reform Commission has proposed that a more proportionate and pragmatic response to this fear would be to waive compulsory voting for people who lack voting decision-making capacity. Specifically, the ALRC has recommended the repeal of the unsound mind clause in favour of an exemption from compulsory voting for people who lack decision-making capacity.[15]

The 'unsound mind' clause is often enacted *for* people with intellectual disability who have not had the opportunities to learn about politics and voting in a cognitively accessible way. While there are many reasons for this that we outline in this submission, it is clear that people are removing themselves or being removed from the electoral roll because they have been left out of the discussion around policy and politics. There is an evident need for political information to be accessible to all people, and ensuring that articles 8, 21, and 24 of the UN CRPD are being reached, and supporting the enfranchisement of people with intellectual disability to fully participate as political citizens in Victoria.

While the *I Can Vote* team is fully supportive of the removal of the unsound mind clause, we are not convinced that a compulsory voting exclusion is the most appropriate response as there are a range of other strategies that must be investigated first. In particular, we believe that the full potential of evidence-based support practices (such as Supported Decision Making, group learning, and Person-Centred Active Support) and political citizenship campaigns (*I Can Vote* and various electoral commission-driven campaigns) to drive outcomes has not yet been fully realised in Australia, and should be tested before people with intellectual disabilities are again marginalised by an exemption from compulsory voting.

Opportunities to Overcome Legal Barriers:

We believe that many families resort to utilising the unsound mind clause as a result of a lack of knowledge, tools and resources to support their family members throughout the political awareness and voting pathway. In particular, we have found legal barriers are tied closely to information barriers, wherein family members resort to removing their loved ones from the electoral roll as a result of the fact that many people with intellectual disabilities are excluded from politics and political discussions,

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[15] Australian Law Reform Commission 2014, 'Repeal of the 'unsound mind' provision', *Australian Government,* accessed 18 April 2020, <https://www.alrc.gov.au/publication/equality-capacity-and-disability-in-commonwealth-laws-alrc-report-124/9-electoral-matters-2/repeal-of-the-unsound-mind-provisions/

both offline and online, as a result of the absence of cognitively accessible political education, information and debate.

As noted in the section on Political Content Barriers (see page 4), online and social media (such as *I Can Vote's* 'Meet the Candidates' page) provide an opportunity for people with intellectual disabilities to overcome barriers related to the absence of cognitively accessible political information. We believe that accessibility of political information and conversation is likely to empower people who might otherwise have been removed from the roll to become politically aware and make informed voting decisions at elections. As a result, online cognitively accessible political content provides an avenue to overcome legal barriers to political participation.

Secondly, we also believe that social and online media provide the opportunity for the communication of other alternative mechanisms through which families may avoid resorting to removing their family member with an intellectual disability from the electoral roll. In particular, we note existing mechanisms within the power of the VEC that allow for the waiving of fines on a case by case basis for people with an intellectual disability. The *I Can Vote* campaign online and print resources outline acceptable and non-acceptable reasons why a person with an intellectual disability may have failed to vote on election day. This tool is designed to discourage the mis-use of the unsound mind clause.

The *I Can Vote* team urge the VEC to utilise their social media and online presence, amongst other offline avenues, to clarify and standardise the acceptable reasons for which people with intellectual disabilities may be excused from fines associated with failing to vote. These mechanisms should be accessibly communicated through social media and online pages, as well as within print materials, broadcast media and in-person presentations.

We believe that a combination of the following education and engagement tools, with the support of the government, the Commission, and the disability sector, offers opportunities for political discussions and learning that are afforded to the general population, and encourage a knowledge and understanding of current politics for people with intellectual disability:

- Dual read guides and forms, available both online and in quality printed formats
  - » There is an ongoing currency of the need for printed materials for many people without access to new and online technologies
- Partisan campaign videos which are hosted on a cognitively accessible platform.
  - » Videos need to be short, in easy language, and captioned
- Social media as a support for an inclusive voting campaign
  - » Including posting of each video on social media, and paid boosting to support the drawing of support and creation of a base of allies

Summary:

Barrier:

▸ People with intellectual disabilities may be prohibited from voting by a parent or carer as a result of 'unsound mind' clauses within the Commonwealth and State/Territory legislation which facilitate the removal of people deemed to be of 'unsound mind' from the electoral roll.

Misconception:

▸ Votes cast by people with intellectual disabilities can damage the integrity of the electoral system through voter fraud or undue influence.

Our Findings:

▸ Laws which disqualify people with intellectual disability from voting on the basis of assumptions about mental (in)capacity are discriminatory.

▸ The perceived risks associated with the participation of people with intellectual disabilities in voting can be mitigated through current voter fraud protections and legitimate disability support practice.

▸ Greater cognitively accessible political content and clear, standardised and widely communicated mechanisms to waiver fines for people with intellectual disabilities in legitimate circumstances can be utilised as an alternative to disenfranchisement.

Recommendations:

▸ Remove clauses within Victorian and Commonwealth electoral legislation which disqualify persons of 'unsound mind' from voting and/or outline the method for such disqualification;

　» The Electoral Act 2002 (VIC) states in a number of places that people are entitled to vote if they are qualified to enrol under the Constitution Act 1975 (VIC)

　» The Constitution Act 1975 (VIC) states that a person of 'unsound mind' is not entitled to vote

　» The Electoral Act 1918 (Cth) requires a certificate from a medical professional, and no requirement to engage in a Supported Decision Making process prior to removal.

▸ Support the provision of cognitively accessible political content and disability support resources in both online and offline formats as an alternative to use of the unsound mind clause.

▸ Standardise and systematise current electoral commission arrangements that allow people with disability to have fines waived through discretionary case by case engagement with electoral commissions. However, this should be a stop gap to be used in addition to improved support and community attitudes.

▸ Utilise online and offline communication platforms to widely communicate such arrangements which allow people with disability to have fines waived in legitimate circumstances as an alternative to use of the unsound mind clause.

Disability Support Practice Barriers

International and local research has suggested that some support staff refrain from providing voting support to people with intellectual disabilities out of a desire to protect their clients from perceived risks associated with voting or out of fear of unduly influencing the people they support.[16] [17] [18] It has also become clear that at times, support staff make discretionary judgements about whether a person with an intellectual disability is capable of voting.[19] Findings from a study developed in partnership with the Living with Disability Research Centre identified that some support workers in the disability sector are concerned about the legitimacy of supporting people with intellectual disabilities to build political awareness and vote .[20] The research also indicated that few disability support staff in Victoria have had any experience in supporting people with intellectual disability to participate in voting. There are many online learning modes and modules that are currently available to the disability sector. The development of a compulsory training module on the right to vote, and practical support methods could be easily and cost effectively distributed through the disability sector in Victoria.

> *"It is really hard to understand what politicians are saying a lot of the time.*
> *But the I Can Vote website shows me a video of the various candidates, so I*
> *can work out for who I want to work for."*

> *Cameron Bloomfield, Self-Advocate*

Research has shown that even support staff who strongly affirm the *right* of people with intellectual disability to vote and exercise political citizenship are hesitant to translate this into *practice* if not resourced with clear guidelines around how to support people with intellectual disabilities through every step of the voting journey, including navigating risk. [21] [22] In our experience, we have found that without connection to practice, information about the right to vote alone will not assist supporters, carers and family members to reliably address the risks and barriers faced by voters with disability.

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[16] Keely, H, Redley, M, Holland, A & Clare, I (2008), 'Participation in the 2005 general election by adults with intellectual disabilities', *Journal of Intellectual Disability Research,* vol. 57, no. 3, pp. 175-181.

[17] Bell, D, McKay, C & Phillips, K (2001), 'Overcoming the barriers to voting experienced by people with learning disabilities', *British Journal of Learning Disabilities*, vol. 29, no. 1, pp 122 – 7.

[18] Bigby et al., 2019

[19] Despott, 2017, pp. 14.

[20] Ibid.

[21] Redly, M 2008, 'Citizens with learning disabilities and the right to vote', *Disability and Society,* vol. 23, no. 4, pp. 375-84.

[22] Hawkins, R., Redley, M., & Holland, A.J. (2011). Duty of Care and Autonomy: How support workers managed the tension between protecting service users from risk and promoting their independence in a specialist group home. *Journal of Intellectual Disability Research*, 55(9), 873–884.

We have found a number of evidence-based support practices to be instrumental in reducing barriers to political participation for people with intellectual disabilities:[23]

‣ Supported Decision Making

‣ Person Centred Active Support

‣ Learning Circles

‣ Risk Management and Enablement

Supported Decision Making

Supported decision-making is a process of assisting people to make their own decisions so that they have can have control and ownership over their actions, goals and the things that are important to them.

In the context of political participation, this includes supporting a person with intellectual disability to develop an awareness of their political agency, an understanding of politics, and build capacity to make voting decisions.

Person Centred Active Support

Person Centred Active Support places the person at the centre of organisational planning, processes, staff training, scheduling and interpersonal relationships.

This support practice is built on the premise that people with intellectual disabilities should be supported to experience genuine engagement and capacity building in all activities and to build stronger relationships.

Learning Circles

A Circle of Support is a group of people that comes together, on a regular basis, to assist a person with a disability to develop, support and action their goals and aspirations. More information can be found at www.cosam.org.au, and NDIA ILC-funded national resource centre for Circles of Support and Microboards.

A variation of the Circle of Support model was used in Sweden to build political awareness and develop election readiness. These learning circles created opportunities for people to learn about politics and citizenship from diverse sources and voices in a safe environment.

In the previous WA election, *Microboards Australia* worked with 5 individual Microboards to support informed voting. They worked with each Microboard to identify and discuss the key concepts of voting, map the issues important to the person with disability, and consider the parties that best aligned with those issues. The groups also used the *ABC Vote Compass*, a tool that helps a person discover how their views compare with those of the major parties.

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[23] Despott & Leighton, 2017.

4 of the 5 adults who participated voted for the first time following this program. One chose to vote via postal vote, while the others successfully voted at a voting centre with well-designed planning and supports, including being prepared with scripts if challenged by any electoral staff or volunteers.

Following this program, all 5 people have voted with support in both state and federal elections.

Risk Management and Enablement

Risk management and enablement in disability support is premised on the notion that taking risks is an essential part of growth. Effective risk management in disability support involves distinguishing perceived risks from actual risks, then devising strategies to mitigate such risks.

In the case of political participation, this involves acknowledging that many of the perceived 'risks' associated with voting are unfounded or premised on outdated assumptions about mental capacity.

The actual risk associated with not being able to exercise political agency (i.e. disenfranchisement and social exclusion) is far more serious than any perceived risks associated with the electoral participation of people with intellectual disability. I Can Vote is an example of a project grounded in this approach.

Opportunities to Overcome Disability Support Practice Barriers

Inclusion Designlab found that it was essential that these practices were incorporated within the 2018 *I Can Vote* campaign in order to resource families, support staff and advocates with the tools to support political citizenship and electoral inclusion. As such, the *I Can Vote* campaign leveraged web technologies (in addition to offline distribution) in order to provide people with disability and their supporters with an evidence-based practice toolkit designed to assist carers, friends and family members to support people with intellectual disabilities through the pathway to political awareness and voting.

By providing a dual-read guide (a publication called *I Can Vote* to accompany the website of the same name) and a *Plan to Vote* form for supporters of people with intellectual disabilities, it was found that the *I Can Vote* campaign was able to build capacity among disability staff, carers, families and advocates to have conversations, make plans, and provide guidance to people with intellectual disabilities throughout the voting journey. It also served to dispel myths about the illegitimacy of voter support to ensure that people with intellectual disabilities were not barred from voting as a result of discretionary judgements about a person's (in)capacity or the perceived risks of voting.

Our campaign was also able to make use of online media technologies to produce a campaign web portal that has been carefully co-designed with people with intellectual disability and Acquired/Traumatic Brain Injury (ABI/TBI). The *I Can Vote* website has been designed with a focus on cognitive disability, featuring colour coding, contextualised images, easy language and captioning, and provides an easily navigable interactive portal to watch easy language videos from political candidates. The website is proof that web technologies, if carefully designed, can be used as disability support tools to build the capacity of people with intellectual and cognitive disability to understand politics, develop political opinions and ultimately participate in voting.

We acknowledge that the *I Can Vote* website may not be considered accessible for people with disability other to intellectual disability. The web design and configuration for disabilities are often mutually exclusive. *I Can Vote* made a conscious effort to ensure cognitive accessibility, building in other accessible mechanisms where this was possible within the website.

Summary:
Barrier:

▸ A use of discretionary capacity judgements and a lack of understanding surrounding the legitimacy of voting support among carers and support staff are key barriers to electoral inclusion for people with intellectual disabilities;

Misconception:

▸ The act of supporting a person with an intellectual disability to vote may be illegitimate and risk the integrity of the electoral system.

Our findings:

▸ If provided with adequate training and resources, carers are able to provide legitimate support through all steps of the pathway from building political awareness to becoming an informed voter.

Recommendation:

▸ Support the provision of guidelines, tools and education for carers on how they can offer legitimate voting support using evidence-based disability support practice.

Attitudinal Barriers

People with intellectual disability also face significant barriers to voting as a result of societal assumptions about mental capacity. Researchers in the United States[24] and Australia[25] have identified that apathy or negative attitudes toward voting among parents and family members significantly impact electoral participation for people with intellectual disabilities. In particular, this research has suggested that some people with intellectual disability are denied voting education and support as a result of assumptions among family members and carers that voting is too difficult or not important

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[24] Agran, A, Maclean, W & Arden Kitchen, K (2016). "My voice counts too": Voting participation among individuals with intellectual disability. *Intellectual and Developmental Disabilities,* vol. 54, no. 4, pp. 285-94.
[25] Bigby et al., 2019.

to the person that they support.[26,27] Unfortunately, this is also often the case where some supporters do not see the importance of access to new and online technologies as a method of education, fun, and engagement with online communities.

> *"I wanted to vote but Mum said… 'You wouldn't understand what they're talking about so we're not going to be here' … I haven't voted since."[28]*
>
> *Anonymous, Bigby et al., 2019*

The effects of these attitudes are further compounded by unfounded societal assumptions about a lack of interest in voting among people with intellectual disability. Rather, there is evidence that many people with intellectual disabilities are interested in participating in voting and have a desire to have a say in how their society operates.[29] Disinterest in voting is not an exemption afforded to the general population.

In our experience, negative attitudes toward voting among family members and carers can be overcome through the provision of resources for supporters of people with intellectual disability which highlight the importance of voting and provide a simple step-by-step guide through the voting process. We found that parents or other family members often removed people from the electoral roll because they believed that it was too difficult to assist a person with intellectual disability to vote. We have found that providing resources and advice to families and supporters that underscores the importance of voting and offers a pathway through the voting process significantly reduces attitudinal barriers experienced by people with intellectual disability.

> *"… I've never gone down to one of the schools… because the guards there won't let no one – won't let my mum or my dad come help me."[30]*
>
> *Anonymous, Bigby et al., 2019.*

Negative attitudes or misconceptions about mental capacity among voting centre staff are noted to be a tangible barrier to electoral participation for people with intellectual disability.[31] La Trobe University's research – conducted in partnership with Inclusion Melbourne – identified that people with intellectual disabilities experienced inconsistent levels of support from voting centre staff when voting. While some indicated that they were adequately supported by voting centre staff, others indicated that voting centre staff had not accommodated their support needs. While our findings relate to Victorian elections. This in inconsistent with the Victorian Electoral Act 2002 s.94, which entitles a person with disability to appoint a person of their choice to assist with their vote, or with support from an electoral official with another official or a scrutineer present.

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[26] Ibid.
[27] Agran, M & Hughes, C. (2013). "You can't vote - you're mentally incompetent": Denying democracy to people with severe disabilities. Research and Practice for Persons with Severe Disabilities, 38(1), 58-62.
[28] Bigby et al., 2019
[29] Agran, Maclean, & Arden Kitchen, 2016
[30] ibid., 28.
[31] Bigby et al., 2019.

Opportunities to Overcome Attitudinal Barriers

While our *I Can Vote* campaign in 2018 did not seek to address training shortages for electoral and voting centre staff surrounding support accommodations for people with intellectual disabilities, it is our view that this gap is more appropriately filled through the application of disability awareness training to this cohort by electoral commissions as this work is apolitical.

It should be noted however, that this gap is not the primary cause for low voting participation of people with disability. Rather, our team has, using a multimedia approach, sought to raise awareness among people with intellectual disabilities and their supporters regarding (a) the right to vote, regardless of assumptions of mental capacity, and (b) the right to be supported throughout the voting journey. Further work should, however, be carried out to review training of electoral and voting centre staff to ensure that people with intellectual disability are consistently able to use the support to which they are entitled at voting centres.

Summary:

Barrier:

▶ People with intellectual disabilities are restricted in their access to voting as a result of negative assumptions about mental and legal capacity among family members, carers and occasionally voting centre staff.

Misconceptions:

▶ People with intellectual disabilities are not interested or do not have the capacity to vote in elections.

▶ Electoral commissions consistently accommodate support needs for people with intellectual disabilities.

Our findings:

▶ Many people with intellectual disabilities have the capacity to understand politics and are eager to have a say in their democracy.

▶ Attitudinal barriers created by carers and families can be reduced through the provision of support materials, particularly when accompanied by peer support and positive stories. These include stories of voting and improved political awareness.

▶ The effects of negative attitudes of electoral staff may be tempered by ensuring that carers, families and people with intellectual disabilities are aware of their right to support at the voting centre.

▶ Further work must be done to ensure that voting support needs are consistently accommodated at the voting centre.

Recommendations:

- Create and promote both online and offline tools to raise awareness among support professionals, carers, advocates, and families of people with intellectual disabilities about the importance of voting, the right to vote regardless of assumptions of mental capacity, and the right to be supported.
- Advocate to the Victorian Electoral Commission to include information and instructions on appointing a voting assistance in line with the Electoral Act 2002.
- Ensure that all electoral and voting centre staff consistently accommodate all types of evidence-based disability support at the voting centre, including formal recognition of supported decision-making supports.

Campaigning for electoral inclusion of people with intellectual disability

Inclusion Designlab has promoted the need for a model of cognitively accessible political content for many years, including through:

- The publication of articles in Journals and news sources;
- Several meetings with self-advocates with intellectual disability and parliament representatives to discuss the importance of the UN CRPD articles around voting, and how these are currently being experienced by people with intellectual disability in everyday life;
- Extensive demonstrations and micro-presentations of the *I Can Vote* system and evidence-based approaches to supporting voting to each interested politician, party representatives, and government/ministerial representatives. This approach is laborious, however created a good relationship between the project team and those interested;
- A long-term and resource demanding search for funding partners;
- Constant awareness that the Australian Electoral Commission and Victorian Electoral commission feel hesitant about work consisting of supported decision making and voting;
- Phase 1 pre-pilot for *I Can Vote*, which included the initiation and scoping of a full campaign, champion videos, and a proof of concept web portal with cognitively accessible information.

While we applaud the electoral commissions' attempt to develop and facilitate learning groups, Inclusion Designlab feels that the evidence from Australia and international jurisdictions demonstrates that groups need to be run by a third party who can confidently and objectively facilitate political content. This is evidenced by research conducted in Sweden on the experiences of voting with an intellectual disability[32]; the learning circles developed in Mitt Val (My Choice);

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[32] Kjellberg A, & Hemmingsson H. 2013. 'Citizenship and Voting: Experiences of Persons with Intellectual Disabilities in Sweden' in *Journal of Policy and Practice in Intellectual Disabilities* Vol.10 No.4 pp 326-333 December 2013.

Distinctive options (civic peer learning group in Sunbury, Victoria); Study groups created during *I Can Vote 2018*; and Microboards Australia supporting individual Microboards to support a person to vote.

The Inclusion Designlab team received significant positive feedback from a range of stakeholders, including election candidates, members of parliament, disability organisations, self-advocates, advocates and families about the work they do on electoral inclusion. There was significant interest online, with a social media reach of over 100,000 people in the short time the campaign was active. In particular, in discussions with people with intellectual disability who had participated in the 2018 *I Can Vote* campaign, it was reported that resources were highly beneficial for building political awareness, creating voting support structures, and developing skills in voting decision-making.

The inaugural campaign was nominated, and awarded the prestigious Zero Project award in Vienna in early 2019, in recognition of innovative design for *I Can Vote 2018.*

The future of *I Can Vote*

The pilot of our project demonstrated that the *I Can Vote* campaign is sound, its components are appropriate and the materials and tools are effective in removing barriers to voting for Victorians with intellectual disability. The past 18 months have allowed us to refine the campaign and assess the scalability of the project. We have worked to integrate our findings from the first campaign and 'package' it for use in other jurisdictions. We believe that a moderate amount of support would allow the *I Can Vote* campaign to grow to an extent that it can have a widespread positive impact on the electoral inclusion of Victorians with intellectual disability.

There is a wide range of elements that are brought together by I Can Vote. These elements contribute to the holistic approach to supporting the political citizenship of a person with intellectual disability:

- ▸ Stories from peers and self-advocates with intellectual disability and Acquired/Traumatic Brain Injury
- ▸ Accessible website with easy to use search functionality for:
    - » People with intellectual disability
    - » People with ABI/TBI
    - » People who are Vision Impaired or have low vision
    - » People who are Deaf or hard of hearing

    *These are often mutually exclusive in website design and configuration. *I Can Vote* has focussed primarily on Intellectual Disability and ABI/TBI, however have worked to make sure that the website is as compatible as possible for all disability supports.
- ▸ Accessible video content from political candidates
- ▸ Efficient online system which allows for:
    - » Impartial representation of all candidates
    - » Script submission, translation, and feedback process with easy language translators

- » Videography which is either self-filmed and uploaded, or produced and uploaded by the *I Can Vote* contracted film crew
- ▶ Resources for supporters
- ▶ Information to create and facilitate political discussions in small groups
- ▶ Social media campaign
- ▶ Australian and International Research
- ▶ Incorporation of evidence-based practices
- ▶ Understanding of Australian democracy

I Can Vote offers Victoria the opportunity to demonstrate its global leadership in electoral inclusion. The campaign brings together a diverse range of knowledge, and specialities to work effectively and successfully for an election. The campaign brings together world-class research into inclusive elections, evidence-based disability support practices, the lived experience of self-advocates, the nuanced understanding of democracy and the Australian political system, accessible formats for intellectual and cognitive disability, and an easy to use online portal for all users. For *I Can Vote* to be successful for future elections, it is important that these parts are maintained, and encouraged to participate fully.

Our recommendations for the operationalisation of *I Can Vote* moving forward are outlined below:

Program Operationalisation

It is essential that the *I Can Vote* campaign is operationalised by an impartial third party who is able to publish and disseminate political information. As a result, operationalisation cannot be managed by electoral commissions, who are unable to produce partisan information. The Inclusion Designlab *I Can Vote* team is happy to have leadership in the operationalisation of the campaign moving forward and welcomes operational partners.

Campaign Funding

It is appropriate for governments to fund the *I Can Vote* campaign as long as the program has suitable cross-party support, the contents of the program are transparent and agreed upon before funding, and there is widespread community and stakeholder support for the initiative. In our discussions with members of parliament, we have found that the campaign has attracted significant support across the party divide.

Web Portal

In our experience, we have found that this campaign works best when provided in a central portal. Our 'meet the candidates' web portal at www.icanvote.org.au/meet-the-candidates is a one-stop-point for people with intellectual disability to access a broad range of political content so that they are able to make informed decisions about the candidates/parties which most accurately represent their ideas and beliefs. This portal removes the difficulty that would be involved with tracking down each candidate's own website and locating easy language content.

Online Presence

For *I Can Vote* to reach the widest possible audience of people with intellectual disability, the proper utilisation of, and access to, social media within Australia is essential. for this to be successful, the accessibility for online connection for many people with intellectual and cognitive disability needs to be improved. This includes advocacy from government and politicians to the NDIS to allow the funding of internet enabled devices, and ensuring that internet access is a guaranteed right for all, particularly for people living in supported accommodation facilities.

Political Content

In order for *I Can Vote* to continue to act as an impartial and unbiased third-party platform for the dissemination of cognitively accessible political content, it is imperative that the political content continues to be written by candidates and parties themselves with support from easy language translators. Candidates/parties may produce their own videos or may seek support from the *I Can Vote* team to produce video recordings of candidates voicing their policy platforms. The production of such content could be funded by candidates/parties themselves, who have political incentive to advertise their policy platforms. There is also potential for the government to set aside funding to cover the small cost of the production of one video for each candidate. In addition to a main policy platform video, candidates/parties should be permitted and encouraged to produce and upload additional easy language resources for people with intellectual disability.

Disability Sector

In order for the campaign to be successful, it is essential that people with intellectual disability are supported to access the *I Can Vote* resources that have been produced. In this sense, we are seeking a commitment from the disability support sector to employ evidence-based practice and supported decision-making frameworks within their practice. It is also essential that people with intellectual disability are afforded equitable access to ICT in order to access online *I Can Vote* resources.

Campaign Evaluation

The *I Can Vote* team is eager for reliable local academic evaluation of the program, and research into the impact of this campaign on the voting of people with intellectual disability.

Summary of Recommendations

- Every candidate to have an easy language video produced and uploaded to an independent, cognitively accessible website such as *I Can Vote.*

- Support the development and distribution of political and campaign materials in cognitively accessible formats; including in both online and offline contexts.

- Develop and disseminate support planning resources for people with intellectual disabilities and their carers surrounding voting and political citizenship.

- Support the NDIA to promote and fund voter support logistics, group-based learning as per learning circles model, and education, planning and support.

- Ensure access to funding to reduce the technological and internet disadvantage faced by people with intellectual disabilities in Victoria.

- Remove clauses within Victorian electoral legislation which disqualify persons of 'unsound mind' from voting and/or outline the method for such disqualification;
    » The Electoral Act 2002 (VIC) states in a number of places that people are entitled to vote if they are qualified to enrol under the Constitution Act 1975 (VIC)
    » The Constitution Act 1975 (VIC) states that a person of 'unsound mind' is not entitled to vote

- Support the provision of cognitively accessible political content and disability support resources in both online and offline formats as an alternative to use of the unsound mind clause.

- Standardise and systematise current electoral commission arrangements that allow people with disability to have fines waived through discretionary case by case engagement with electoral commissions. However, this should be a stop gap to be used in addition to improved support and community attitudes.

- Utilise online and offline communication platforms to widely communicate such arrangements which allow people with disability to have fines waived in legitimate circumstances as an alternative to use of the unsound mind clause.

- Support the provision of guidelines, tools and education for carers on how they can offer legitimate voting support using evidence-based disability support practice.

- Create and promote both online and offline tools to raise awareness among support professionals, carers, advocates, and families of people with intellectual disabilities about the importance of voting, the right to vote regardless of assumptions of mental capacity, and the right to be supported.

- Advocate to the Victorian Electoral Commission to include information and instructions on appointing a voting assistance in line with the Electoral Act 2002.

- Ensure that all electoral and voting centre staff consistently accommodate all types of evidence-based disability support at the voting centre, including formal recognition of supported decision-making supports.

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Relevant Legislation
National Disability Insurance Scheme Act (NDIA Act) 2013 (Cth)

The Constitution Act 1975 (VIC)

The Disability Act 2006 (VIC)

The Disability Discrimination Act 1992 (Cth)

The Electoral Act 1918 (Cth)

The Electoral Act 2002 (VIC)

The Equal Opportunity Act 2010 (VIC)

United Nations Convention on the Rights of Persons with Disabilities

Victorian Charter of Human Rights and Responsibilities Act 2006

Appendix 1: Overview of the 2018 Victorian Election 'I Can Vote' Campaign

In the months leading up to the 2018 Victorian Election, Inclusion Melbourne ran a pilot campaign for more inclusive, and accessible political content for people with intellectual disability. This world-first campaign can be articulated in 2 distinct phases which occurred in the lead up to the election, *Proof of Concept* and *Election Campaign*.

Phase One: Proof of Concept

Following the success of the Inclusion Designlab publications 'Electoral Inclusion' and '*I Can Vote*', funding was sourced to develop a proof of concept for inclusive and accessible election materials. This proof of concept consisted of an interactive website to host materials, and sample or 'champion videos of current members of Victorian parliament.

Website Development

The project team worked with a web developer to create a website that was capable of hosting existing materials, as well displaying common information – such as how to prepare to vote - in an accessible, step-by-step, way for people with intellectual disability.

La Trobe University's ABI/TBI academics and self-advocates were consulted to ensure that people with acquired and traumatic brain injuries (ABI/TBI) with cognitive impacts were able to access the website confidently and successfully.

The website was designed specifically for people with cognitive disability, using photos, images, videos, along with easy language, and an option to listen to the text. Websites designed for people with disabilities often lead to one group's accessibility needs taking priority over those of others. The project team endeavoured to accommodate the needs of people with vision impairment, deaf people, and people with cognitive impairments.

Lived Experience Videos

Four people with very different stories of voting were asked to share their story in a short video for the website. These videos highlight some of the common barriers to voting and understanding political content faced by people with intellectual disability, or ABI/TBI.

Champion Videos

A selection of Victorian politicians was chosen from all current parties to participate in the *I Can Vote* Champion Videos. candidates were approached based through professional networks. Eight candidates representing the breadth of the political spectrum participated. Videos were filmed by a professional film crew at Parliament House, their offices, or a studio. Candidates read from a script that was originally written by themselves, and translated into easy language with support from the *I Can Vote* team.

It was important for the *I Can Vote* team to ensure that the candidates spoke about their policy platforms, rather than speaking specifically about disability and voting. It was important that the intended viewers received the same content as anyone else would.

Phase Two: Pilot Election Campaign 2018 (Victorian State Election)

New Resources

Three fact sheets were created to assist in the recruitment of political candidates to the campaign;

- **About the *I Can Vote* project**: describes the history of the work completed by Inclusion Designlab, and why a campaign for cognitively accessible election and policy material is needed.
- **Are you an election candidate in the 2018 Victorian State Election?:** encourages candidates to communicate their message in an accessible way, highlighting how *I Can Vote* can support this cheaply. This fact sheet also includes the 3 steps for creating an accessible video through *I Can Vote*.
- **Pathways to Voting:** discusses the 5 steps to voting that people go through to vote in an election. This was taken from the VEC-funded *Electoral Inclusion* and *I Can Vote* publications, created in 2017 and early 2018.

Recruitment of Politicians for New Videos

All political party candidates, and independents, were contacted in the months prior to the election with basic information about *I Can Vote*, and how to become involved in this campaign. All parties were contacted with the opportunity to meet with 2 project representatives, a person with lived experience of voting with intellectual disability, and a project coordinator.

Candidates and representatives who agreed to meet were all receptive to the project and saw the need for this campaign, with some smaller parties citing financial or external barriers to participating in 2018.

Social Media Presence

I Can Vote developed a social media presence through Facebook, utilising this to promote the pilot through engaging posts about the status of electoral inclusion in Victoria, resources created by the *I Can Vote* team, and videos created by candidates or political parties through the *I Can Vote* website.

Selected posts were boosted though Facebook's paid boosting system, which had a reach of over 100,000 in the short time the pilot campaign ran. This approach was surprisingly cheap and very effective.

Website Development

A short video explainer of the website, and how to use the website was created and uploaded to the home page. This was filmed with a person with intellectual disability.

The website search function was updated to allow users to choose their electorates from a list, and the relevant videos of candidates in their area would appear.

The Website was updated and expanded to include an automated portal for political candidates to submit draft scripts, videos, and payment for easy language translation.

1. A candidate submits their draft script and payment for translation (and video where chosen)
2. The script would be sent at random to a translation partner of *I Can Vote* (one of three organisations)
3. The script would be made available in the portal for candidates to review, and make comments/edits
4. The script would be finalised for filming.
5. The candidate would choose a time to be filmed at the Channel 31 studios, or be prompted to upload a video filmed themselves.
6. Video would automatically be uploaded to the website, and appear when a website user chose the relevant electorate.