



## **REPORT ADM-2014-018**

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**TO:** Mayor and Members of Council

**FROM:** Donna Tremblay, Deputy Clerk

**REPORT DATE:** August 1, 2014

**SUBJECT:** 2014 Municipal Election - Accessible Election Policy and Procedures

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### **RECOMMENDATIONS**

That Report ADM-2014-018 regarding 2014 Municipal Election - Accessible Election Policy and Procedures be received; and

That Council adopt the Township of Puslinch Accessible Election Policy.

### **PURPOSE**

The purpose of this report is to provide Council with information regarding the Township's Accessible Election Policy and Procedures for the 2014 Municipal Election.

### **DISCUSSION**

#### **Background**

On December 17, 2009, the *Municipal Elections Act* was amended to include the following clauses, as they relate to candidates and voters with disabilities.

*12.1 (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c.233, Sched. 21, s.8(8)*

#### ***Report***

*(2) Within 90 days after voting day in a regular election, the clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities. 2009, c.33, Sched. 21, s. 8(8).*

In January, 2010, the Township established policies and procedures with respect to Accessible Standards for Customer Service & Use of Assistive Devices. These policies and procedures were followed during the 2010 Municipal Election.

In November 2010, a Memorandum entitled “2010 Municipal Election – Conducting Accessible Elections” was prepared by the Township Clerk and provided to the Mayor and Members of Council for their information.

The Township has undertaken a review of the November 2010 Memorandum and 2010 Township of Puslinch Policy and Procedure regarding Accessible Standards for Customer Service & Use of Assistive Devices, and have developed policies and procedures specifically governing the provisions of election information and services to persons with disabilities for the 2014 Municipal Election. Attached as Schedule “A” to this report is a copy of the policies and procedures for Council’s review and information.

These policies and procedures will be monitored during the process and any improvements or enhancements will be implemented if possible during this election or recommended for future elections.

The Clerk will submit a report to Council concerning the identification, removal and prevention of barriers that affect candidates and electors with disabilities following the election.

These policies address not only staff training but a number of other areas such as the provision of election information, accessible voting locations, assistance to candidates and electors and accessible voting technologies.

## **APPLICABLE LEGISLATION AND REQUIREMENTS**

*Municipal Elections Act, 1996,*

*Ontarians with Disabilities Act, 2001 (ODA)*

*Accessibility for Ontarians with Disabilities Act, 2005, (AODA)*

## **FINANICIAL IMPLICATIONS**

Costs for the use of assistive devices and accessible voting technologies were included in the 2014 Budget.

## **ATTACHMENTS**

Schedule “A” – Policies and Procedures Governing the Provision of Election Information and Services to Persons with Disabilities.



**Department:** Administration

**Date:** August, 2014

**Subject:** **ACCESSIBLE ELECTION POLICY**

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**Policy Statement:**

The Corporation of the Township of Puslinch (hereinafter referred to as the Township) is dedicated to improving accessibility, removing barriers for people with disabilities and meeting the requirements in all Standards and Regulations set within the *Accessibility for Ontarians with Disabilities Act, 2005* (hereinafter referred to as the AODA) and the *Municipal Elections Act, as amended*.

The Township, through the development of policies and procedures will endorse accessibility and ensure the needs of those with disabilities are accommodated. Consideration will be given to ensure all policies and procedures support independence, dignity, integration and equal opportunity. All services shall be delivered in a timely manner required of the nature of the service and if special accommodations need to be made.

**Scope:**

This policy is applicable to all Township staff and individuals hired for election purposes.

**Purpose:**

This policy, in accordance with the AODA and all Standards and Regulations and the *Municipal Elections Act, as amended*, demonstrates commitment to ensuring all persons with disabilities are given equal opportunities to the goods and services offered by the Township.

The established procedures shall ensure compliance by recognizing the use of assistive devices, support persons, service animals, an accessible feedback process, availability of documents in an alternate format, notice of service disruptions and applicable accessibility training.



The Township shall incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so.

**Reference and Related Documents:**

Accessible Standards for Customer Service & use of Assistive Devices – Corporate Policy & Procedure

Accessible Election –Corporate Procedure

**Subject:** ACCESSIBLE ELECTION

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**Purpose Statement:**

The procedures describe all the accessibility requirements outlined under the *Municipal Elections Act, 1996*, the *Ontarians Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*.

Election staff will ensure reasonable efforts are made to provide election information and services in a manner that respects the independence and dignity of persons with disabilities. Equal opportunity shall be given to all persons to use, benefit and obtain election information and services.

The delivery of election information and services to persons with disabilities shall be:

- emphasized through mandatory election training
- made accessible by the use of service animals, support persons, assistive devices, unless otherwise prohibited by law
- a component of the standard Election practice

**Scope:**

These procedures are applicable to all Election Staff performing works on behalf of the Township Clerk.

**Definitions:**

**Barrier** is defined by the Accessibility for Ontarians with Disabilities Act, 2005, and means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

**Disability** is defined by the Accessibility for Ontarians with Disabilities Act, 2005, and means:

- (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 and Insurance Act, 1997*.

**Service Animal** as outlined in Ontario Regulation 429/07 is a service animal for a person with a disability if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

**Support Persons** as outlined in Ontario Regulation 429/07 means a support person in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

### Procedures:

#### 1. Staff Training

All staff carrying out election duties will be trained to recognize and ensure that persons with disabilities are served in a manner that accommodates their needs.

Training will include:

1. How to interact and communicate with persons with various disabilities.
2. How to interact with persons with disabilities who use assistive devices or require the assistance of a service animal or support person.
3. How to use voting equipment and assistive devices to deliver election services.
4. What to do if a person is having difficulty accessing election information or services.



### 2. Staff Assistance

#### Election Information

Candidates and electors with disabilities will be able to receive information and copies of election documents in a format that takes into account their disability. The format may be agreed upon between the requester and the Township Clerk. Notice of this provision is located on the Township's Election Webpage at [www.puslinch.ca](http://www.puslinch.ca) and is included in election notices placed in the local media.

#### Notice of Temporary Service Disruption

If there is a temporary disruption in the delivery of election information or services, Township Staff shall provide public notice on the Township's Election Webpage, at the physical site of the disruption and when possible in the local media. The notice shall include the following information:

- reason for the disruption,
- expected duration of the disruption,
- if available, an alternative means of obtaining the service.

Every effort shall be made to provide alternative methods of providing the information or service to persons with disabilities.

Township Staff are available to assist with any issues that may arise with respect to providing a barrier-free election and can be reached by way of the following contact information:

Telephone: 519-763-1226

In Person: Municipal Offices  
7404 Wellington Road 34  
Puslinch, ON N1H 6H9

Fax 519-763-5846



Email: [election2014@puslinch.ca](mailto:election2014@puslinch.ca)

Mail: Township of Puslinch  
7404 Wellington Road 34  
Puslinch, ON N1H 6H9

### 3. Assistance to Candidates

#### **Service Animals**

Candidates and scrutineers are permitted to be accompanied by a service animal at all Voting Locations and other designated election locations.

#### **Campaign Expenses**

Expenses that are incurred by a candidate with a disability are directly related to the disability, and would not have been incurred but for the election to which the expenses relate, are excluded from the permitted spending limit for the candidate.

### 4. Assistance to Electors

#### **Voting by Proxy**

A person with a disability that is homebound or otherwise unable to go to a Voting Location may appoint another person to act as a voting proxy to cast a ballot on his or her behalf. The appointment must be made on the prescribed form available at Township Municipal Offices. The person being appointed as a proxy will be required to take a statutory declaration before a Commissioner of Oaths. Township Staff can administer this oath (Municipal Offices, 7404 Wellington Rd 34, Puslinch, ON N1H 6H9). Once completed, the voting proxy may be exercised at any advance voting location or on Election Day. On Election Day the proxy must be exercised at a Location for whom the proxy is voting. The Voting Proxy Form will be available September 15, 2014.

#### **Voting Locations**

Information regarding Advance Voting opportunities and Election Day voting information will be available on the Township's election webpage at [www.puslinch.ca](http://www.puslinch.ca).



### Parking

Designated or reserved parking for people with disabilities and seniors is to be provided in close proximity to the entrance of the Voting Location where possible. Accessible parking spaces will be clearly marked and in full compliance with the Township's Parking By-law 5000-05. Routine checks will be made to ensure all entrances remain barrier free through the course of the day.

### Entrance to the Voting Locations

All entrances to the Voting Location will be easy to access and barrier free. Every effort shall be made to ensure that the door into the Voting Location is wide enough for a wheelchair or scooter to pass through easily. The door hardware is to be accessible and operated by a person using a closed fist. If the doors are heavy, awkward to open or have handles that are in close reach, where possible they will be propped open in a safe manner, an alternative entrance will be provided, or election staff will be available to assist.

### Interior Voting Area

Access to the interior voting area and voting booth shall be level and easily traversed. Any doormats or carpeting shall be level with the floor to prevent potential tripping hazards. All voting areas are to be well lit and seating made available.

### Accessible Voting Booths

Accessible voting booths will be available at each Voting Location. Voting booths will be low in height and have a wide area to allow for individuals who use a wheelchair or scooter to vote independently and secretly. Magnifying sheets will be made available to assist an individual with low vision.

### Accessible Voting Technologies – Advance Voting

The Advance Voting Location will be equipped with a ballot marking device for a voter with a disability. The Ballot Marker Device produces a human and machine readable marked paper ballot from a blank sheet of paper, completely indistinguishable from a paper ballot marked by hand. The voter uses headphones to hear a ballot presentation and a handheld controller can also be operated by assistive devices such as a sip and puff and paddles, for voters who are unable to use their hands to press the selection buttons.



When a voter wishes to use the accessible voting features, the election worker positions the voter behind a privacy screen near the tabulator equipped with the ballot marking device. The election worker then inserts a blank sheet of ballot paper into the printer slot of the device and provides the voter with the headphones and the handheld controller. The election worker then keys in the ballot ID number on the tabulator.

The voter hears the audio ballot and uses the controller to adjust volume, speed of the audio presentation, move between contests, and select votes. The audio presentation will confirm votes selected for voter verification. When the vote has been made and confirmed all their vote selections they use the handheld controller to print their actual paper ballot. The printer device will automatically process the blank sheet of paper, printing the full ballot on the sheet complete with the vote markings selected by the voter.

The printed ballot is indistinguishable from a ballot marked by hand because the unit has a library of random handmade marking images which it prints on the ballot, so that the printed markings look just like marks made by hand with a pen. This feature ensures that if the paper ballots are later reviewed by election officials, they will not be able to determine which ballots were made by the Ballot Marker Device, thereby maintaining voter privacy.

The paper ballot printed by the Ballot Marker Device will emerge from the unit hidden under a covering and will be placed in a secrecy folder. The election worker will then insert the ballot into the scanner component of the tabulator.

While an accessible voting session is in process, the tabulator can simultaneously process paper ballots inserted by other voters, allowing the single tabulator to handle both voting channels and maintain the flow of voters.

### **Service Animals**

Electors requiring service animals are permitted to be accompanied by a service animal at all voting locations.

### **Support Persons**

Persons with disabilities may be accompanied by a support person within the Voting Location. In addition, an Election Official in each Voting Location can assist a voter. Prior to entering the voting booth, the Election Official shall, in conjunction with the



person with the disability, determine the extent to which they need assistance and the best way in which this assistance can be provided. Where a Voting Location is located in an institution or retirement home, the Election Official can attend on voters in their specific living areas or at their bedside to assist them to vote. All Election Officials are sworn to an oath of secrecy.

It is the responsibility of all Election Officials to make as many accommodations as needed to ensure an elector with a disability is able to cast a vote with comfort and ease.

### 5. Feedback Process & Additional Information

#### Feedback Process

Feedback regarding the manner in which the election services are provided to persons with disabilities may be submitted to Township Staff by the following methods:

Telephone: 519-763-1226

In Person: Municipal Offices  
7404 Wellington Rd. 34, Puslinch, ON N1H 6H9

Fax: 519-763-5846

Email: [election2014@puslinch.ca](mailto:election2014@puslinch.ca)

Mail: Municipal Offices  
7404 Wellington Rd. 34, Puslinch, ON N1H 6H9

Website: [www.puslinch.ca](http://www.puslinch.ca)

In addition, the Township does offer an Accessible Customer Service Feedback Form located on the Township's website at [www.puslinch.ca](http://www.puslinch.ca) under the Bulletin and Events Page.

Once completed this form will be forwarded to Township Staff for action. In addition, staff working in the Township offices can complete the feedback form and submit feedback on behalf of the persons with a disability. Alternatively, the form may be printed and provided to the person for manual completion. Completed forms are date stamped and forwarded to Township staff who will respond to the candidate or elector



directly within three (3) business days providing an anticipated action and timeframe for a full response, where appropriate.

The feedback process provides election staff with an opportunity to take corrective measures to prevent similar recurrences, address training needs, enhance service delivery and provide alternative methods of providing election information and services.

### **Additional Information**

#### **Administration Department**

The Administration Department is located at the Municipal Offices (7404 Wellington Rd. 34, Puslinch, ON N1H 6H9). Administration staff can answer any questions you may have about running for office, the election in general or specific provisions for those persons with disabilities.

#### **Election Website**

The Township of Puslinch's Website is continuously updated to reflect the most recent developments and information. Visit the site for an up-to-date list of candidates and other important messages or events throughout the election year at [www.puslinch.ca](http://www.puslinch.ca).

#### **Ministry of Municipal Affairs and Housing – Election Website**

This website contains information about municipal elections, the Province of Ontario 2014 Municipal Elections Candidates and Voters Guide and the Ministry's commitment to promote greater accessibility for voters and candidates with disabilities  
<http://www.mah.gov.on.ca/Page219.aspx>

#### **Service Ontario – e-Laws**

This website contains all current statutes including the Municipal Elections Act, 1996, the Ontarians with Disabilities Act, 2001 and the Accessibility for Ontarians with Disabilities Act, 2005, [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

#### **Reference and Related Documents:**

Accessibility Policy