

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 20, 2015

Item 9, Report No. 2, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 20, 2015.

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2014 GENERAL ELECTIONS ACCESSIBILITY REPORT

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk/Returning Officer, dated January 13, 2015:

Recommendation

The City Clerk/ Returning Officer recommends:

1. That a copy of the report be forwarded to the City's Accessibility Advisory Committee and the Directors of Education for the York Region District School Board and the York Catholic District School Board.

Contribution to Sustainability

The administration of fair elections in an impartial manner is a fundamental statutory responsibility of City Clerks who are the Returning Officers for municipalities and school boards in Ontario. The highest priority for Municipal Returning Officers is to carry out their duties in accordance with the provisions of the *Municipal Elections Act, 1996* and an established set of election principles. It is also the responsibility of election administrators to manage expenditures and other resources in a manner which contributes to the financial and operational sustainability of the municipality.

Economic Impact

Measures to address barriers facing voters and other election stakeholders who have disabilities have for the most part been incorporated into the base budget for the election since they exist to the benefit of all voters. Accessible voting appliances used in the election including consumables and attachments (such as sip and puff devices, paddles), programming for the devices, and magnifying screens, cost under \$3000.

Communications Plan

A link to the 2014 General Elections Accessibility Report will be posted to the City's election website, www.vaughan.ca/elections. It is being recommended that a copy of the report be forwarded for information to the City's Accessibility Advisory Committee and the two school boards whose premises were used for voting.

Purpose

This report satisfies the City Clerk/Returning Officer's obligation under section 12.1 of the *Municipal Elections Act, 1996*, to submit a report to Council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

Background - Analysis and Options

Section 12.1 of the *Municipal Elections Act, 1996* specifies that a Clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. Subsection 45(2) of the *Act* requires that in establishing the locations of voting places, the Clerk shall ensure that each voting place is accessible to electors with disabilities. Providing accessible elections is also one of the core principles that guided the election team in planning and delivering the 2014 general municipal and school board elections.

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A threefold approach was taken to planning accessibility for the 2014 General Municipal Elections. Firstly, every facility to be used as a voting location had to be physically accessible – that is to say that there were to be no physical barriers to persons with disabilities from entering the voting place and exercising their right to vote, or to otherwise participate in the elections on behalf of a candidate or as election officials. Secondly, the needs of voters with disabilities other than those relating to physical accessibility were to be addressed so far as reasonably possible. The third element focused on communications and training.

1. Physical Accessibility at Voting Locations

City of Vaughan sites:

City facilities were used extensively during the elections for meetings, training and voting. All City sites were fully accessible.

School Board sites:

On December 16, 2013 and March 24, 2014, the City Clerk/Returning Officers for the City of Vaughan and the City of Markham as well as a senior member of each election project team met with senior administrators from the York Region District School Board and the York Catholic District School Board respectively to discuss a variety of topics related to the elections. The purpose of the meetings was to facilitate planning and problem solving given the number of school sites to be used as voting locations. The need for accessible locations was emphasized and both Boards committed their support through such things as supporting the City's voting site inspection process, and agreeing to remedy identified deficiencies (such as inoperative door-assist devices). In addition, the Boards agreed to support the City's longtime request for Voting Day to be deemed a Professional Administrative Day (PA Day).

The designation of Voting Day as a PA Day had a significant positive impact on election administration, the most significant of which from an accessibility perspective was the reduction of parking congestion at the schools, allowing voters to park closer to the voting place.

The Boards recognized the accessibility responsibility and assured election staff that school board personnel would support the initiative, advising that internal communications would be sent to prevent any last-minute changes that might undermine the effort to provide full physical accessibility.

Notwithstanding the preparation, one significant impediment to accessibility was brought to the attention of Election Management on Voting Day. A voter attempted to vote at a school but found their access to the school obstructed. The voter, who used a walker, walked from home but attempted to enter the voting place through an entrance that was not a designated accessible entrance. The result was that the voter's access to the poll was impeded by stairs, and the voter returned home. The voters' complaint was received by the election management team and the matter was investigated. The result of the investigation showed:

- That since the voter walked to the voting place, they were not aware of the accessible entrance to the building located off the parking lot;
- That although the voting place inspection report identified the accessible entrance, there were no signs pointing to that entrance except from the parking lot.

The voter was contacted by election staff by phone and accepted an offer to be driven by staff to the voting location. Additional staff were assigned to direct voters to the entrance and exterior and interior signs were posted to prevent further occurrences.

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Condominium sites:

In January of 2014 the management at the thirty-one condominiums and one apartment used as voting locations in the 2010 elections were mailed a letter requesting that space in their building be provided for a voting location. The letter requested agreement on such considerations as:

- a) The space being accessible to election officials 8:30 a.m. to 9 p.m. on Voting Day;
- b) Open, unobstructed and hazard free access for all voters during voting hours;
- c) The space being clean, well lit, and comfortably heated, with washroom facilities available for election officials;
- d) Telephone service for election officials (as necessary);
- e) The absence of political signs and/or political advertising material or literature;
- f) Accessible electrical outlets being available;
- g) Accommodation for furniture deliveries/pick-up prior to/after Voting Day (as necessary); and
- h) Adequate cellular reception.

Building management was offered a meeting should there be questions or concerns, and were advised that in the absence of an agreement voting would not take place at the location and that residents would have to attend a neighbourhood location to vote.

Of the thirty-two locations, eight locations did not respond to the first mailing and a second mailing was sent. No responses were received to the second mailing so phone calls were made and two messages left when necessary. In one instance, although a signed agreement had been returned our accessibility audit inspection team for the area had great difficulty gaining access to inspect the building and as a result voting was moved to the library across the street.

In early October when the Voter Information Notices were mailed some residents of 2504 Rutherford Road and 5 Emerald Lane complained that their building would no longer be used as a voting location. Anecdotal assertions were made that voters with walkers would be unable to vote unless the voting took place on premises.

Accessibility Audit:

In May and June of 2014, four teams from the City Clerk's Office completed a three page accessibility audit report for all voting locations under consideration. The audit included a checklist of items such as the measuring of door and ramp widths, turning radii, the availability of automatic accessible door entrances, adequate lighting, accessible parking, and an assessment of any physical plant that might form a barrier to accessibility.

Removal of physical barriers:

Seven schools had power assisted door buttons but were operated by office staff inside the facility so an election official was required to be assigned as a Customer Service Officer whose duties included assisting electors by opening the door to the voting place.

The layout of the various voting locations included space for a five-foot turning radius between the tables and voting screens. This ensured that sufficient space was incorporated in the layout for ease of movement for those electors who use mobility devices such as walkers, scooters and wheelchairs.

When designing the layout for the voting places, extra seating was included in the plan for use by voters and scrutineers. During the training process, election workers were directed to be attentive to voters requiring a chair while waiting in lines as necessary.

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Voting locations used yellow vinyl signs to designate the accessible entrance. In addition, yellow and black "bag signs" bearing the universal accessibility symbol were placed at the street entrance to each voting location. Voting locations were placed as close to accessible entrances/accessible parking as was possible, except for condominiums and seniors residences/nursing homes where voting was for resident use only.

2. Non-physical barriers

Accessible voting appliance:

Four Advance Vote locations over ten days were outfitted with an accessible voting appliance that helped address the needs of voters who might have difficulty in negotiating a paper ballot:

- City Hall October 11, 12, 14 – 21, 9 a.m. to 8 p.m.;
- Father Ermanno Bulfon Community Centre October 11 - 12, 18 - 21, 9 a.m. to 8 p.m.;
- Dufferin Clark Community Centre October 11 - 12, 18 - 21, 9 a.m. to 8 p.m.; and
- York University October 14 – 15, 9 a.m. to 8 p.m.

The availability of accessible voting appliances at all four locations was broadly advertised.

The appliance consisted of a tactile controller with large buttons distinguishable by shape and colour. Each button had a Braille label next to it. The device itself was connected to the vote tabulator, and connected to the device were a set of headphones, and at the voter's option, a set of paddles or a sip and puff device. At the request of a voter, the device could be used to allow the voter to vote independently by listening to instructions and the voices of candidates pronouncing their names through the headphones. Though the process could take in excess of twenty minutes, by pressing buttons on the tactile controller (or by using paddles, or the sip and puff device, depending on the nature of the disability) a voter would cause a ballot to be printed using a dedicated printer connected to the vote tabulator. The printer would produce a ballot that looked like any other ballot used in the election – including randomized marks within the voting spaces that appeared as if they were produced by hand. The ballot would be output into a special secrecy folder, and from the secrecy folder be deposited into the vote tabulator where it would be scanned and tabulated *like every other ballot used in the election*.

Every candidate was invited to speak their name into a recording device so that the pronunciation of their name would be properly made for voters using the accessibility device. In addition, sample ballots were made available so that voters could familiarize themselves with their possible selections.

As in 2010, only one voter made use of the accessible voting device. The voter was provided with transportation to the City Hall Advance voting location and was able to vote independently.

Vote Marking by a 'Friend' or Election Staff

Pursuant to paragraph 4 of subsection 52(1) of the *Municipal Elections Act, 1996*, Deputy Returning Officer's were empowered to administer oral oaths to permit electors who needed assistance in voting to have such assistance as the Deputy Returning Officer considered necessary. Oral oaths were administered to both the voter and the person acting as the voter's 'friend' in marking the ballot according to the voter's instructions. In some cases, election officials, already having taken oaths to maintain the integrity and secrecy of the voting process, filled the role.

Proxies:

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Voters who chose not to vote at a voting location had the ability to appoint another person as their voting proxy pursuant to section 44 of the *Municipal Elections Act, 1996*. Proxy voters could vote at any of the Advance Vote locations or at the voter's designated location on Voting Day. Fourteen proxies were issued in 2014.

Voterlookup.ca and Am I On the Voters' List – Online applications:

New for 2014, the Municipal Property Assessment Corporation (MPAC) provided the ability to check and update the Voters' list online. Although advertised extensively by MPAC and the City of Vaughan, relatively few Vaughan residents took advantage of the opportunity. The voterlookup.ca tool was available for 5 months.

In addition, once the voters' list was posted, the City of Vaughan continued the service by allowing people to add their name to the voters' list "provisionally". This meant that at the voting location the Voter only had to show their identification and sign a form to complete the legislated revision process and receive a ballot. One hundred and eighty-four people added their name provisionally.

Other Devices:

Many people with visual impairments do have some element of vision. To assist voters and staff, magnifying sheets were provided as a standard supply item at every voting location. Customer Service Officers were available to assist at multiple poll locations to help demonstrate to voters how to mark a ballot. Each ballot also contained a sample voting space (the space between the head and tail of the red arrow pointing to the name of a candidate). Deputy Returning Officers were instructed to show every voter how to indicate their vote(s) with reference to the sample voting space.

Institutions - Retirement Homes:

Pursuant to Subsections 45(7) and 46(3) of the *Municipal Elections Act 1996*, dedicated voting locations were provided at nursing homes/retirement homes meeting the 20/50 respective bed threshold set out in the *Act*. Pursuant to Committee of the Whole Report No. 9, Item 3 adopted by Council on February 18, 2014, voting was provided for one four hour shift in the morning 10 a.m. to 2 p.m. or afternoon 3 p.m. to 7 p.m. to include either the lunch or dinner meal period.

Meetings with the administrators of each of the qualifying locations were conducted in the Spring of 2014 with follow-ups by telephone in the early Fall to ensure that the residents of these facilities were given full access to the voting process. Specific training was provided to election officials working in these facilities to provide bedside voting as necessary.

Prior to October 27, 2014 to ensure ease of accessibility to residents, on-site revisions to the voters' list were conducted at some of the facilities where the Preliminary Voters' List provided by MPAC showed few (or no) eligible voters.

Voter Information Notices were sent to all of the residents involved, advising them of the reduced voting hours, the location of the poll within their facility as well as the dates of the advance votes. In addition, posters were supplied to the administrators of each facility to display and reinforce the date and times of voting. Identification requirements were communicated well in advance of Voting Day so that residents would have the necessary documents with them.

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3. Communications and Training

Candidate's Information Guide:

During the nomination filing process each registered candidate was provided a candidate's guide issued by the Ministry of Municipal Affairs and Housing and a copy of a joint publication from the Association of Municipal Managers Clerks and Treasurers of Ontario (AMCTO) and the Province of Ontario entitled 'Candidate's Guide to Accessible Elections'. An explanation was given to each candidate on how the document could assist in making a candidates' campaign accessible to voters with disabilities.

Ministry of Municipal Affairs and Housing (MMAH) candidate training on May 15, 2014 conducted in the City of Vaughan Council Chamber included a discussion on accessibility requirements and the legislation related to candidates with a disability. Ministry officials explained that expenses incurred by a candidate that were directly related to a disability were excluded from the permitted spending limit.

During the nomination filing process, candidates were advised that all voting places would be accessible and that accessible voting devices would be used at four locations during the Advance Vote period. Each candidate received a detailed explanation of the types of accessible devices available for independent voting.

Municipal Election Website – www.vaughan.ca/elections:

For 2014 the elections website was integrated into the City of Vaughan's official website for use by both candidates and voters. The election pages followed the City's website accessibility standards and was designed to work across all browsers, and on mobile devices.

Closed captioning was utilized on the "How to Vote" video which provided a demonstration on ballot marking procedures.

In the "Accessibility" section of the website, opportunity was provided to voters and candidates to provide feedback on both voting location accessibility and accessibility initiatives provided during the municipal elections process. No feedback has been received to date.

In the "Voters" section sample ballots were provided with the purpose of familiarizing voters with actual ballot faces so that they could be fully prepared to vote when being issued a ballot at a voting location.

Municipal Election 2014 Brochure:

In the late Summer/early Fall of 2014, in conjunction with the Recreation and Culture Department, an election brochure and advertisement was distributed in 2014/15 Fall and Winter Recreation and Culture Guide. The brochure was supported by a one page advertisement on the back page of the guide itself. The brochure included information such as voting eligibility, when and where to vote as well as information on where accessible voting devices were being made available.

Accessibility Training Component:

In accordance with Ontario Regulation 429/07, Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005* everyone who works for or on behalf of a municipality must receive customer service training regarding their interaction with individuals with various disabilities and how best to provide service. Accessibility training was

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incorporated into the 29 training sessions delivered by the City Clerk's Office staff to all election officials hired to work in the 2014 municipal elections.

New for 2014 was a handbook (attached) for election officials entitled, "Accessible Customer Service Etiquette". This handbook was provided to all election officials as a required element of the training process.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council, particularly SERVICE EXCELLENCE: "Demonstrate Excellence in Service Delivery" and "Promote Community Safety, Health and Wellness".

Regional Implications

N/A

Conclusion

Aside from the absence for a portion of Voting Day of sufficient signage at one voting location there were no significant barriers identified in the course of the 2014 elections that related specifically to voters with disabilities. Despite the City's efforts at providing accessible voting opportunities, only one voter availed themselves of the opportunity to use an accessible voting device. For 2018, a more focused approach will be made, and the following are under consideration:

- a) reducing the provision of accessible voting devices to a single location such as City Hall, by appointment, but in doing so:
 - i. offer the service throughout the voting period, up to (and perhaps including) Voting Day;
 - ii. offering/providing free transportation;
- b) more aggressive outreach to organizations representing persons with disabilities;
- c) research on improvements that can be made to accessible voting appliances;
- d) research on the possibility of mobile voting opportunities;
- e) including the needs of voters with disabilities and consideration to be given to the potential use of internet voting in future Vaughan elections.

Suggestions made by the City's Accessibility Advisory Committee and other interested parties will also be given full consideration.

Attachments

Accessible Customer Service Etiquette – Handbook for Election Staff

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

