



Citizens With Disabilities – Ontario

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“Together We Are Stronger”

WRITTEN SUBMISSION ON:

BILL 231, Election Statute Law Amendment Act, 2010 AN ACT TO AMEND THE ELECTION ACT AND THE ELECTION FINANCES ACT

SUBMITTED TO:

**Standing Committee on the Legislative Assembly
Wednesday, March 24, 2010 at 2:00 pm
Committee Room 151
Queen's Park**

PRESENTED ON BEHALF OF CITIZENS WITH DISABILITIES – ONTARIO (CWDO) by Tracy Odell, CWDO Treasurer and Second Vice-chairperson

Who CWDO Represents

Citizens With Disabilities – Ontario (CWDO) was incorporated in 2005 under the Ontario Corporations Act. Since being incorporated, we have grown from an organization with a handful of members in the GTA to represent members in almost every electoral riding in Ontario.

Our members have a variety of types of disability – mobility, vision, hearing, mental health, learning and developmental disabilities.

Because of our cross-disability representation and our membership base well established in almost every electoral riding, the Council of Canadians with Disabilities recognized our organization and appointed us as its provincial representative for Ontario. We are proud of our growth and of this recognition.

Our Mandate

Citizens With Disabilities – Ontario (CWDO) is committed to the rights of all persons to participate fully in the civil, cultural, economic, political and social life of our communities. CWDO actively promotes the rights, freedoms and responsibilities of persons with disabilities through community development, social action, and member support and referral. Our primary activity is public education and awareness about the social and physical barriers that prevent the full inclusion of persons with disabilities in Ontario.

What is the Intent of Bill 231?

In preparing this submission, we asked ourselves, “What is the intent of Bill 231?”

In a free and democratic society, every person has the right to vote. Ontarians with disabilities are no exception to this rule. In fact, this right is protected in the Charter of Rights and Freedoms and is reflected in the Preamble of the Ontario Human Rights Code.

Bill 231, in the opinion of CWDO, does not meet any objective or spirit of ensuring Ontarians with disabilities can be included in future elections and electoral processes. Unfortunately, through the use of permissive language like the word “may”, Ontarians with disabilities could be further excluded from participating in the electoral process. “Authorizing” an elections officer to have accessible equipment is not the same as “requiring” it to be in place.

We commend the government for its effort to accommodate persons with disabilities through “special” election equipment, even to visit at our home if necessary to cast our vote. However, CWDO’s goal would be to ensure the need for such extreme measures as a visit at home would be few and far between. The more accessible the process is, the fewer extraordinary measures will be required.

The Premier committed to a review of all legislation – and made this commitment publicly to the AODA Alliance. The purpose of the review was to identify and remove barriers in existing legislation. It is just as critical that new legislation proposed does not create new barriers, and that we use such opportunities to enhance accessibility.

We support the recommendation of the AODA Alliance to strengthen Bill 231 to:

- (a) Make it effectively ensure the removal and prevention of all barriers impeding voters and candidates with disabilities in provincial elections;

- (b) Make comparable provision requiring removal and prevention of the barriers which impede voters and candidates with disabilities in municipal elections. These are typically the same barriers; and
- (c) Provide effective monitoring and enforcement to ensure that there is full compliance with these accessibility requirements.

Getting Back to Basics

CWDO knows that Ontarians with disabilities want to participate in our community life. Could anything be more basic than the right to vote and to have assurance that your vote counts? Ask women who fought for our right to vote and ask people of African descent who fought through the civil rights movement. A lack of an accessible polling station and voting facilities is the same thing as saying, “No persons with disabilities allowed.”

We must have the opportunity, if we wish, to put our names forward for election. We need to be able to find out who is running in elections, the candidates’ positions on issues, and the policies the candidates are putting forward to the voters. We need to be able to go to our polling stations. We need to get into the facilities with dignity, cast our ballots with our right to privacy, and be assured that our votes will be counted.

The proposed amendments in Bill 231 do not protect the rights of Ontarians with disabilities to vote. The legislature needs to review this proposed bill with an “accessibility lens” to determine if it is creating new barriers or helping to remove barriers already in place.

CWDO’s Recommendation

CWDO believes that Bill 231 has good procedural amendments that will help to clarify the electoral procedures. However, there is nothing to correct the access barriers that have prevented and will continue to prevent Ontarians with disabilities from being able to exercise our right to vote.

CWDO’s “Accessibility Lens” for this Legislation

- Which of these amendments will give Ontarians with disabilities access to the initial procedures of registering our names to be considered in an election?

- What amendments in Bill 231 assure Ontarians with disabilities that the campaign materials of candidates will be accessible to us?
- What amendments in Bill 231 assure Ontarians with disabilities that the public “All Candidates Meetings” will be accessible to us?
- What amendments in Bill 231 assure Ontarians with disabilities that our polling stations will be accessible?
- What amendments in Bill 231 assure Ontarians with disabilities that the procedures at our polling stations will grant us the access required to vote **independently** and **privately** so we will have a secure voting procedure?

CWDO recommends the addition of one more amendment to Bill 231. This amendment would ensure that access issues regardless of type or severity of disability, are considered in each and every step of an electoral procedure. This recommended amendment is:

Add, in the definition section of both the *Ontario Elections Act* and the *Elections Finance Act*, the following:

“Access” means compliance to the accessibility standards set out in regulation under the *Accessibility for Ontarians With Disabilities Act*.

CWDO is well aware that currently the only accessibility standard, is set out in Ontario Regulation 429, that being the Accessibility Standards for Customer Service. We also are aware that the accessibility standards for information and communications have gone through the process, as CWDO participated in that process, and the proposed standards are currently with the Minister’s office. The proposed information and communications standards do cover most issues in respect of access to information, like websites and printed materials. However, a candidate for an electoral process is not a business, nor are they a government department, and therefore these standards may not apply to them.

CWDO submits to this committee, that by including such a definition into the Legislation, the procedures that candidates would have to follow in the future would become more accessible.

CWDO is also aware that the proposed accessibility standards for the “Built Environment” would include the basic requirements for public space to become accessible for Ontarians with disabilities once proclaimed. CWDO is just as aware that polling stations are in buildings that are not captured by these standards once proclaimed. CWDO also participated in the development of these standards and, like the proposed information and communications standards, these too, are currently before the Minister.

CWDO submits to this committee that by adopting such a definition into the Legislation, the requirements would include that physical barriers to Ontarians with disabilities would be removed as locations would have to be found that were accessible.

In summary, it is CWDO's position that the amendments in Bill 231 do little to protect Ontarians with disabilities in the electoral procedures. It is CWDO's assertion that by referencing the accessibility standards being developed under the AODA, and by making sure that the reference includes each aspect of elections from nominations of candidates to the completion of the polling process, Ontarians with disabilities would enjoy greater access in Ontario elections – access we deserve, as citizens of this province.

Thank you for giving CWDO the time to bring forward concerns of Ontarians with disabilities. We trust that you will seriously consider this single recommendation of CWDO.

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