

Authority to Implement Alternative Voting Method for Home-Bound Electors

Date: April 3, 2017

To: Executive Committee

From: City Clerk

Wards: All

SUMMARY

The purpose of this report is to seek authority from Council to establish a home visit program that would allow home-bound electors the ability to vote from their place of residence in the City's municipal and school board elections. This service would be provided to electors who are unable to attend a voting place without unreasonable difficulty due to illness, injury or disability.

Section 42 (1)(b) of the *Municipal Elections Act, 1996 (MEA)* provides Council the authority to pass a by-law authorizing electors to use an alternative voting method that does not require them to attend a voting place in order to vote. Under the *MEA*, the City Clerk is given the statutory responsibility to develop the required policies and procedures she deems necessary to conduct the election and which meet the principles of the *MEA*.

The last day for Council to pass a by-law authorizing this program for the 2018 municipal general election is May 1st, 2017.

RECOMMENDATIONS

The City Clerk recommends that City Council authorize the establishment of a home visit program for home-bound electors in the City's municipal and school board elections, and pass a by-law substantially in the form of the draft bill attached as Attachment 1.

FINANCIAL IMPACT

The cost of implementing a home visit program for home-bound electors will be dependent on the numbers of voters taking up this alternative voting method.

The cost for a home visit program is not known at this time and will be part of the base costs to deliver the municipal election. Preliminary estimates for the 2018 Municipal Election Event of \$10.0 million gross and \$0 net have been included in the 2018 Outlook as part of the 2017 Operating Budget for City Clerk's Office. The costs for the 2018 Municipal Election, based on requirements of the amended *MEA*, will be reflected in the City Clerk's Office 2018 Operating Budget, with funds fully recovered from the Elections Reserve.

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

DECISION HISTORY

At its meeting on March 31, April 1 & 2, 2015, Council received for information the City Clerk's report on the Identification, Removal and Prevention of Barriers to Accessibility in the 2014 election.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX4.3>

COMMENTS

Elections Must Be Accessible

The City Clerk has a statutory obligation to ensure that the needs of electors with disabilities are properly considered, and an important part of the preparation for each election is making sure that every eligible elector has the opportunity to vote. The City Clerk works closely with both persons with disabilities and the organizations that represent them to identify and remove barriers to voting and make the City's elections more inclusive and accessible.

The City Clerk provided a variety of voting options and provisions in the 2014 Election including Voter Assist Terminals, ballot transfers, proxy voting and curbside voting. However, staff received feedback that, other than proxy voting, there were insufficient options available to enable home-bound electors to vote. Hence, there is a need to pursue an alternative voting method to address these concerns and a home visit program is proposed. Initial discussions on the possible program with the Elections Accessibility Outreach Network have generated positive feedback from participants.

Other Canadian Jurisdictions Have Implemented Home Visit Programs

A number of jurisdictions across Canada, spanning all orders of government, currently have home visit programs that provide home-bound electors with the ability to cast a ballot from their place of residence.

The eligibility criteria for these programs are all very similar, taking an honour system approach whereby the elector must affirm that they cannot attend a voting place or returning office due to a physical disability or health issue. In each case the request for

the service is initiated by the elector (or on their behalf by a relative or caregiver), election officials set up an appointment, and teams of a minimum of two election workers are sent to the elector's residence to facilitate the vote.

A general overview of jurisdictions that currently offer home visit programs is provided in Attachment 2.

Adapting a Home Visit Program to the City of Toronto

Should City Council pass the necessary by-law, the Clerk will proceed with the development of a home visit program for home-bound electors that draws from the experiences of other jurisdictions while tailored to the needs of Toronto.

The specific parameters of the program will take into account a number of important considerations:

Consultation

An important part of developing a home visit program for the City of Toronto will be obtaining information from other election officials running similar programs to learn what works best and what issues need to be taken into account. Organizations and advocates representing persons with disabilities will also be included in developing the program to ensure it meets the needs of these electors.

Eligibility

As there exists no data repository identifying home-bound persons in the City of Toronto, approval of home visits will need to use an honour system approach similar to the other electoral jurisdictions outlined in Attachment 2. In addition to meeting the eligibility criteria required of all Toronto electors, individuals requesting a home visit will need to affirm that they cannot attend a voting place without unreasonable difficulty due to illness, injury or disability.

Also to be considered is whether to include the caregivers of home-bound electors as eligible home voting participants, which has been the case in a number of other jurisdictions offering home visit programs.

Estimated Uptake and Cost

The best resource for estimating the potential uptake of a Toronto home visit program comes from Elections Ontario, which offered a similar service in both of their past two general elections. Although Elections Ontario did not advertise the launch of their program, approximately 3,900 home-bound votes were cast across the province during the 2011 election and 4,031 in the 2014 election. Of the home-bound votes cast in 2014, just under 800 occurred in the City of Toronto.

As 2018 would be the first time the City of Toronto offers a home visit program, costs can only be loosely estimated based on similar programs in other jurisdictions. It is too early to determine these costs until the specifics of the program have been clearly

established. As per section 7(1) of the *MEA*, the municipality is required to pay the costs of the election as soon as possible after the Clerk signs the certificate verifying the amount.

Training and Safety

Since election staff will be entering the private residences of electors, ensuring the safety of both election workers and those voting will be a top priority. Election workers serving home-bound electors will be required to undergo a Toronto Police Service Vulnerable Sector Screening prior to their hiring. In addition, staff will consult with divisions such as Toronto Employment and Social Services (TESS) to gain a better understanding of the procedures and best practices for implementing a home visit program.

All applicants who have been successfully screened and hired will receive training on both health and safety and AODA Accessible Customer Service standards for serving persons with disabilities.

Program Review

The home visit program is intended as a pilot project for the 2018 election, after which it will be evaluated. The results of this evaluation—including changes to the program for future elections—will be included as part of the Clerk's statutory requirement to report about the identification and removal of barriers affecting electors with disabilities within 90 days after voting day.

Through the implementation of a home visit program as an alternative voting method for home-bound electors, the City will continue to improve the accessibility of its elections and further enable electors to exercise their right to vote.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1 - Draft Bill Authorizing a Home Visit Program for Home-Bound Electors
Attachment 2 - Jurisdictions with Home Visit Programs

CITY OF TORONTO

BY-LAW

To amend City of Toronto Municipal Code Chapter 53, Elections, to authorize the use of alternative voting by home visits.

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

Whereas the City wishes to remove barriers to elections and voting for persons with disabilities;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 53, Elections, is amended by adding the following as a new § 53-2:

The use of home visit voting for home-bound electors is authorized for municipal elections in the City of Toronto.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Attachment 2 - Jurisdictions with Home Visit Programs

Electoral Jurisdiction	Eligibility Criteria
Canada	<ul style="list-style-type: none"> • Elector is unable to read, or is unable to vote independently because of a physical disability; and • Elector is unable to personally go to a Returning Officer office or an Additional Assistant Returning Officer office because of a physical disability.
Ontario	<ul style="list-style-type: none"> • It is impossible or unreasonably difficult for the elector to attend a returning office • The elector needs assistance completing the application to vote by special ballot, because of the inability to read or write.
Quebec	<ul style="list-style-type: none"> • Elector is unable to move about for health reasons (with a witness signing a declaration to affirm); or • Elector is a caregiver living at the same address as home-bound elector
Manitoba	<ul style="list-style-type: none"> • Elector is unable to go in person to a voting place due to a disability; or • Elector is providing care to a person who is unable to leave their home
Saskatchewan	<ul style="list-style-type: none"> • Elector is unable to vote during the election or advance vote day(s) because of a disability; or • Elector is a caregiver of a home-bound elector, and lives in the same electoral district as them
Nova Scotia	<ul style="list-style-type: none"> • Elector has a disability, is ill, or is in any other way not able to attend a polling station or vote independently by mail-in ballot.
Newfoundland / Labrador	<ul style="list-style-type: none"> • No formal eligibility requirements; any eligible elector requesting a home visit is approved
New Brunswick	<ul style="list-style-type: none"> • Elector is unable to attend a voting place without undue hardship; or • Elector is a caregiver at the same address as a home-bound elector
Brampton	<ul style="list-style-type: none"> • Elector is unable to leave their home to attend a voting location due to injury, illness, or disability

Electoral Jurisdiction	Eligibility Criteria
Montreal	<ul style="list-style-type: none"> • Elector is unable to move about for health reasons (with a witness signing a declaration to affirm); or • Elector is a caregiver living at the same address as home-bound elector
Calgary	<ul style="list-style-type: none"> • Elector is unable to leave their home on election day due to injury, illness, or disability; or • Elector is a caregiver at the same address as an eligible home-bound elector
Regina	<ul style="list-style-type: none"> • Elector is unable to attend at an established polling place to vote by reason of disability or limited mobility; or • Elector is a resident caregiver of an elector who is unable to attend at a polling place to vote by reason of disability or limited mobility and, because of the required care, is unable to attend at an established polling place
Saskatoon	<ul style="list-style-type: none"> • Elector is unable to attend an established polling place to vote by reason of disability or limited mobility; or • Elector is a resident caregiver of an elector who is unable to attend at a polling place to vote by reason of disability or limited mobility and, because of the required care, is unable to attend at an established polling place