



REPORT FOR INFORMATION

Plan to Address Barriers in the 2018 Election

Date: May 18, 2018

To: City Council

From: City Clerk

Wards: All

SUMMARY

The City Clerk is the person designated by the MEA to conduct the municipal election and performs a statutory role in this regard, independent from the City. To ensure public confidence in the democratic process, the City Clerk must maintain neutrality in performing their election duties and municipal councils cannot direct the City Clerk in their role.

The Municipal Elections Act, 1996 (MEA) requires the City Clerk to have regard to the needs of electors and candidates with disabilities including preparing a plan to identify, remove and prevent barriers that effect electors and candidates with disabilities and make it available to the public. The City Clerk has met this statutory requirement and the plan is available to the public on the City's election website.

This report responds to Executive Committee recommendations including:

- Plan to address language barriers in the 2018 election;
- Fund for candidates to address accessibility in campaigns; and
- Recruitment of election workers with disabilities.

FINANCIAL IMPACT

Funding for the 2018 municipal election is included in the City Clerk's Office 2018 Operating Budget submission and is fully recovered from the Election Reserve Fund with net zero impact.

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

DECISION HISTORY

At its meeting on May 14, 2018 the Executive Committee in considering recommendations from the Toronto Accessibility Advisory Committee, recommended the City Clerk report directly to City Council at its May 22, 2018 meeting on the plan to address linguistic barriers in the 2018 election.

The Executive Committee also requested the City Clerk to (1) use all reasonable efforts in election recruitment to achieve the goal of hiring a number of people with disabilities for election work that is, at a minimum, reflective of representation in the general population and (2) review options for the creation of a dedicated fund to assist Toronto municipal candidates for the upcoming municipal election and future elections to provide accessibility accommodations for candidates, campaign volunteers, and the general public to promote greater civic participation and an enhanced democracy.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX34.25>

At its meeting on April 19, 2018, the Toronto Accessibility Advisory Committee considered the presentation by the Deputy City Clerk on the Accessibility Plan for the 2018 election and recommended to Executive Committee:

<https://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-114778.pdf>

Link to Presentation:

<https://www.toronto.ca/legdocs/mmis/2018/ex/bgrd/backgroundfile-114779.pdf>

Issue/Background

The MEA establishes roles and responsibilities of the City Clerk, which are to be exercised independently, and municipal councils with respect to elections and by-elections. To ensure the integrity, fairness and transparency of municipal elections, unless the Act provides a specific role, municipal councils have no authority to direct the conduct of an election.

The City Clerk is the person designated by the MEA to conduct the municipal election and performs a statutory role in this regard, independent from the City. Under the MEA, the City Clerk must conduct the election according to the following principles:

- The secrecy and confidentiality of individual votes is paramount;
- The election should be fair and non-biased;
- The election should be accessible to the voters;
- The integrity of the process should be maintained throughout the election;
- Voters and candidates should be treated fairly and consistently within a municipality;
- There should be certainty that the results of the election reflect the votes cast; and
- The proper majority vote governs by ensuring that valid votes are counted and invalid votes are rejected so far as reasonably possible.

To ensure public confidence in the democratic process, the City Clerk must maintain neutrality in performing their election duties and municipal councils cannot direct the City Clerk in their role.

The MEA also requires the City Clerk to have regard for the needs of electors and candidates with disabilities including preparing a plan to identify, remove and prevent barriers that affect electors and candidates with disabilities and make it available to the public.

COMMENTS

Pursuant to the MEA, the City Clerk has posted the 2018 municipal election plan that identifies and addresses barriers for electors and candidates with disabilities. It was developed in consultation with persons with disabilities and community organizations and builds on recommendations from the 2014 Election Accessibility Report. The Election Accessibility Plan provides an overview of election initiatives aimed at improving accessibility for voters and candidates for the 2018 election organized across six key areas including:

- Consultation
- Communication and Information
- Voting Places
- Voting Options and Accommodations
- Assistance to Candidates
- Accessible Customer Service

The 2018 Election Accessibility Plan is available at:

<https://www.toronto.ca/city-government/elections/general-information/election-accessibility-plan/>

The City Clerk also provides candidates with resources to support accessible campaigning, includes accessibility in candidate information sessions, and makes information and resources available to candidates in accessible formats.

1. Plan to Address Language Barriers for Electors

The MEA provides authority for a municipal council to pass a bylaw allowing the use of languages other than English in notices, forms and other information provided under the Act. Toronto City Council adopted By-law 1176-2009 to authorize election information be made available to electors in any language which Statistics Canada identifies was spoken and understood in the home of at least two percent of a ward's population.

The City Clerk will implement a number of initiatives in the 2018 municipal election to prepare voters, whose first language is not English, to vote and provide support in voting places in accordance with By-law 1176-2009.

These initiatives include:

- Voter information mailed to every resident in Toronto including where electors can find key election information in 25 languages.

- Toronto's election website and MyVote application enables electors to translate the information into multiple languages.
- Use of geo-target software in election advertising to reach people with English as a second language and translate election information based on a person's Internet browser language settings.
- Election 101 delivered to community leaders, and ethno-cultural service providers to build their capacity to educate their communities about the voting process in a way that is culturally and linguistically relevant and appropriate.
- Information sessions at community events attended by people with English as a second language to provide translated materials on how to vote and an opportunity to familiarize themselves with the voting process before Election Day.
- Representation from organizations that serve people with English as a second language on election outreach networks to elicit input and feedback on initiatives and activities to address language barriers for electors.
- A How to Vote Booklet available in 25 languages and braille at all voting places.
- Strategic recruitment and placement of election workers with second language skills to voting polls wherever possible.
- Access by election day workers during advance vote and on election day to the Language Line with interpretation services available in more than 180 languages.
- Ability for electors to bring a friend or family member (with the exception of scrutineers and candidates) to assist with interpretation as long as they swear an oath to attest that they will interpret honestly and not influence how the elector votes.

2. Fund for Candidates to address Accessibility of Campaigns

Sections 88.8(4) and 88.12(4) of the Municipal Elections Act, 1996 explicitly provides that municipalities cannot make a contribution (including money, goods or services) to any candidate, registered third party advertiser or political party during an election.

This legislative provision prohibits the City from creating a dedicated fund to assist candidates to make their campaigns accessible. The City Clerk will raise this issue with the Ministry of Municipal Affairs for possible legislative amendments for future elections.

3. Recruitment of Election Workers with Disabilities

The City Clerk actively seeks to recruit persons with disabilities to work as voting place staff and election trainers through community outreach, leveraging partnerships with disability service providers and distribution of employment posters and postcards to organizations across Toronto.

Data is currently not collected that identifies voting place staff on the basis of disability. The City Clerk will review opportunities to measure the outcome of recruitment efforts to persons with disabilities including adding a voluntary question to our post-election employee survey asking staff to identify if they have a disability.

CONTACT

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SIGNATURE

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