

<b>Accommodations for Electors</b>	City Clerk's Office – Election Services
	<b>Policy No.:</b> POL-ELE-001

## 1. Policy

The City Clerk is committed to ensuring that elections are accessible and that eligible electors have an opportunity to exercise their right to vote in municipal elections and/or by-elections. This includes, but is not limited to, considering the needs of electors with disabilities.

## 2. Application

This policy applies to election officials designated by the City Clerk, electors, proxy voters, appointed staff in institutions and retirement homes, interpreter(s) for an elector and/or friends or family members assisting an elector during a City of Toronto municipal election and/or by-election.

## 3. Authority/Legislative reference(s)

Section 12(1) of the Municipal Elections Act, 1996 (MEA) states that the City Clerk may provide for any matter or procedure that is not otherwise provided for in an Act or regulation and that, in their opinion, is necessary or desirable for conducting the election.

Section 12.1(1) of the MEA states that the City Clerk shall have regards to the needs of electors and candidates with disabilities.

## 4. Accommodations for Electors

To meet the needs of electors, the City Clerk provides the following accommodations and alternative voting methods:

### 4.1. Appoint a Proxy Voter

If an elector is unable to attend a voting place to cast their ballot, they may appoint a proxy to vote on their behalf by completing an application after the Clerk has certified all qualified candidates. Refer to the City Clerk's procedure on *Issuing, Certifying and Processing Voting Proxies*.

## **4.2. Ballot Transfers**

If an elector is unable to vote at their designated voting place and makes a reasonable request to the City Clerk prior to voting on election day, they can transfer their ballot to an alternate voting place within the same ward. Refer to the City Clerk's procedure on *Ballot Transfers*.

## **4.3. Accessible Voting Equipment**

The Voter Assist Terminal (VAT) is a ballot-marking device that allows electors with disabilities and other special needs to mark their ballot privately and independently. The features include a touch screen, an audio component, a Braille key pad, a Sip/Puff tube device, a Rocker Paddle/Foot Switch and zoom features to adjust font sizes and colour contrast.

A VAT will be available in each ward during the advance vote period and on election day. Voting place staff will be available to assist electors who wish to use the VAT.

## **4.4. Personal Assistance to Electors**

As outlined in the City Clerk's *Customer Service Standards*, all election officials are required to take mandatory customer service training and each is provided with the Accessible Customer Service Handbook. Election officials are also trained to interact with people with disabilities who are accompanied by either a support person or a service animal.

Accessibility Officers are placed at sites with physical barriers to provide personal assistance to electors when required.

If an elector requires assistance inside the voting place, they may bring a friend along or ask an election official for assistance. Refer to section 4.7 for rules around accompanying an elector behind the voting screen.

## **4.5. Translated Materials and Language Services**

If an elector requires assistance in a language other than English, key election information is available in other languages on the Toronto Elections website ([www.toronto.ca/elections](http://www.toronto.ca/elections)) in October of an election year.

If an elector requires assistance in a language that is not listed on the website, electors may call 311 for greater access to over-the-phone interpretation in more than 180 languages.

Efforts are made to place voting place staff with second language skills in areas where they will be most helpful but specific translation services are not provided on advance vote or election day. An elector may ask anyone who is not a candidate or a scrutineer to act as an interpreter for them. Refer to section 4.7 for rules around acting as an interpreter at the voting place.

Brochures on 'How to Vote' will also be available in multiple languages at all voting places.

#### **4.6. Curbside Voting**

If an elector is able to travel to a voting place but is physically unable to go inside, they can request to have their ballot brought to their vehicle, outside of the building or to another area within the voting place. Someone will need to go inside the voting place to let the election official(s) know that the elector requires curbside voting. Refer to section 9 of the City Clerk's procedure *Voting place management on election day*.

#### **4.7. Voting Place Declarations**

The City Clerk requires a declaration (see Appendix "A") to be taken at the voting place in the following scenarios:

- (1) An elector requests a ballot and their name has already been marked "voted" on the voters' list, indicating a ballot has already been issued to that elector.
- (2) An interpreter for an elector is required to interpret communications between the elector and election official.
  - An interpreter may be anyone who the elector asks to assist them in translating communications in order to vote, but cannot accompany the elector behind the voting screen to assist with marking the ballot unless they are a friend and have taken the appropriate declaration.
  - A child may act as an interpreter if they are 6 years of age or older and the designated election official is satisfied that they are competent to act as an interpreter on behalf of an elector (see Appendix "B")
  - An interpreter may act more than once, but a declaration must be made each time.
  - An election official who acts as an interpreter is not required to take a declaration.
  - An interpreter cannot be a candidate or scrutineer.
- (3) A friend of an elector is required to assist and accompany the elector behind the voting screen area to mark the ballot as directed by the elector.

- A friend of an elector may be anyone who the elector asks to assist them in order to vote, including accompanying the elector behind the voting screen area to mark the ballot.
- A friend may act only once, except if that person is an election official, working in a nursing home, and/or a family member.
- An election official who acts as a friend of an elector is not required to take a declaration.
- A friend of an elector cannot be a candidate or scrutineer.

The Clerk is responsible for deciding whether declarations are to be made orally or in a written format. Where oral declarations are required, they shall be recorded.

#### **4.8. Home Visit Pilot Program**

As part of a 2018 pilot program, if an elector is homebound and unable to attend a voting place without unreasonable difficulty, they may request a home visit before the end of the advance voting period. Under this program, election officials will visit the electors' place of residence at a scheduled time during the advance vote period with the materials to allow them to vote via paper ballot, providing assistance as needed. Refer to the City Clerk's procedure on *Home Visit Pilot Program for Home-bound Electors*.

#### **4.9. Quarantines at voting places in institutions and retirement homes**

The MEA requires the City Clerk to provide voting places at institutions (long-term care) and retirement homes on election day. These facilities will be staffed by a Deputy Returning Officer (DRO) and a Ballot Deputy Returning Officer.

In the event of a quarantine at an institution and/or retirement home, the first priority is the safety of the people present, including voting place staff. In this instance, the City Clerk may recruit and appoint an authorized person who works at the facility to act as a DRO in order to go "bed to bed" to the elector(s) in the affected area to obtain their vote.

Where there is a matter of a public health nature, like an infectious disease outbreak at the voting place on election day, the City Clerk shall use her powers to provide for any matter or procedure that is not otherwise provided for in the MEA.

Where there is a unit or a floor under quarantine, any candidate or scrutineer present may not be permitted to visit the affected areas.

## **5. Related Policies/Procedures/Guidelines/Information**

City Clerk's Customer Service Policy [Providing Services to People with Disabilities.](#)

City Clerk's [Customer Service Standards](#)

City of Toronto's [Multilingual Information Provisions Policy](#)

**Date Approved:     May 2018**

## Appendix "A" – Voting Place Declarations

### Declaration #1 – Voter

#### Use:

- When an election official, candidate or scrutineer objects to a person voting, as outlined the MEA s. 52(1)2
- When an elector is already marked as voted, but indicates they have not yet voted

#### Voter Qualifications: (Municipal Elections Act, 1996 s. 17(2))

A person is entitled to vote in this election if on voting day they are:

- A Canadian citizen; and
- At least 18 years old; and
- A resident in the City of Toronto; or
- A non-resident of the City of Toronto, but they or their spouse own or rent property in the City; and
- Not prohibited from voting under any law

#### Note:

- A person may only vote once in this election
- If a person lives in the City of Toronto and owns or rents another property in the City of Toronto, they must vote in the ward in which they live

#### Declaration:

I, \_\_\_\_\_, declare I am a qualified voter and I have not already voted in this election.

## **Declaration #2 – Interpreter**

### **Use:**

- When a voter requires the assistance of another person to communicate with the election official

### **Restrictions:**

- A person may act as an interpreter more than once but must take the declaration each time
- Interpreters cannot go to behind the voting screen with the voter
- A candidate or scrutineer cannot be an interpreter

### **Declaration:**

I, \_\_\_\_\_, declare I will, in my role as interpreter, truthfully translate any declaration, document or question put to the elector and the answer.

## **Declaration #3 – Friend of a Voter**

### **Use:**

- When a voter requires the assistance of another person to mark their ballot

### **Restrictions:**

- A friend may go to the voting screen area with the voter to mark the ballot
- A person may act as a friend only once, except in nursing homes or for family members
- A candidate or scrutineer cannot act as a friend of a voter

### **Declaration:**

I, \_\_\_\_\_, declare I will:

- Mark the ballot as directed by the voter
- Not try to influence the voter in making their choice
- Keep secret how the voter has voted

## Appendix "B" – A Child Acting As An Interpreter

A child 6 years of age or older may act as an interpreter for an elector at the voting place. The designated election official must be satisfied that the child in question is competent to act as an interpreter on behalf of an elector.

- (1) If a child is acting as an interpreter at a voting place, the designated election official shall:
  - (a) Greet the elector and the child.
  - (b) Ask the child their age:
    - (i) If the child is less than 6 years old, explain to the elector that children must be at least 6 years old to act as an interpreter and proceed to step 3(b)(ii)
    - (ii) If the child is 6 years old or older, proceed to step 1(c).
  - (c) Ask whether the child understands:
    - (i) That an interpreter must translate everything honestly and that it is against the law to break any of the voting rules and to lie.
  - (d) Read Declaration #2 (see Appendix "A") to the child and ask if they understand it.
- (2) If the child understands the declaration sufficiently, the designated election official will read the declaration aloud once again and ask the child to repeat it.
- (3) During the dialogue, the designated election official will use their judgement to assess whether the child understands what is being said.
  - (a) If the child does understand, the designated election official will:
    - (i) Continue, following the ballot-issuing steps outlined in the *Voting place management on election day* or *Voting place management during advance vote* procedures.
    - (ii) Write Declaration #2 in the Notes column of the physical voters' list (on election day) or the Comments section of VoterView (during advance vote).
  - (b) If the child does not understand, the designated election official will:
    - (i) Not continue, and explain to the elector that they cannot proceed in having the child act as a translator because the child does not seem to understand what is being said.
    - (ii) Work with the elector to identify other tools and resources to address language barriers to help enable them to vote, including:

- The *How to Vote Booklet*, available in 25 languages and braille at all voting places.
  - The Language Line, available to all election day workers via 311, providing over-the-phone interpretation in over 180 languages.
  - Other election workers at the voting place who may speak the elector's language.
  - Friends or family members who may be able to attend the voting place to act as an interpreter.
- (4) A child may act as an interpreter more than once, but must take the declaration each time.
- (5) Interpreters cannot go behind the voting screen with the elector.