

Clerk's Guide To Conducting Accessible Elections



With level access at virtually all parking stations, electors with limited mobility could exercise their right to vote.

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This guide was developed in partnership with the Accessibility Directorate of Ontario

A Clerk's Guide to Accessible Elections

Accessible Elections

MEA, Sec. 45(2)

Reg. 429/07

Then

Section 45(2) of the MEA required the following:

"In choosing a location for a voting place, the clerk shall have regard to the needs of electors with disabilities."

Additionally, the Ontarians with Disabilities Act also influenced how we met the needs of our electors.

These requirements led many municipalities to implement a variety of tools, equipment and procedures into their election procedures ranging from magnifying screens to audio ballots to touch screen equipment and even vote by mail. All of these tools have proven successful.



Now

To better ensure accessibility for our electors the Act now places responsibility on the Clerk who is responsible for conducting the election to have regard to the needs of electors and candidates with disabilities.

With respect to voting places, Sec. 45(2) of the MEA has been repealed and replaced with the requirement that each voting place be accessible to electors with disabilities. While the act does not define "accessible" one should consider the built environment of the voting location including, but not limited to parking, entrance, visibility, proximity to public transit, path to the voting room within the facility, washrooms, lighting both inside and outside, etc.

Do your election processes reach out to ALL of your electors?

Accessible Customer Service Standard

Effective January 1, 2010, in accordance with the Accessibility Standards for Customer Service, reg. 429/07, we must all provide accessible customer service.

The Customer Service Standard requires the following provisions:

- Provide accessible customer service training for all election staff, including election officials and third parties
- Establish procedures for responding to feedback
- Allow for the use of service animals and support persons
- Provide notice of temporary disruptions of service
- Provide documents in alternate format that take into account a person's disability
- Provide notice of availability of the above documents

What are 'alternative formats'?

People with disabilities use methods other than standard print to access information.

These methods are referred to as **alternative formats**. An alternative format could be an electronic version, large print, Braille, audio formats, reading writing or drawing information, using assistive listening devices, providing sign language interpreters and interveners or simply repeating, clarifying or restating information. The standard requires that providers take into account the person's disability when meeting their request for documents required by the standard.

Customer Service Standard

9. (1) If a provider of goods or services is required by this Regulation to give a copy of a document to a person with a disability, the provider shall give the person the document, or the information contained in the document, in a format that takes into account the person's disability.

(2) The provider of goods or services and the person with a disability may agree upon the format to be used for the document or information.

What do we need to do?

The Accessible Customer Service Standard states that we must:

Establish Policies, Practices and Procedures

The procedures must respect the dignity and independence of our electors and the election process should ensure that the policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity. As well, the election process must allow for assistive devices and any communications shall be in a manner that takes into account the person's disability.

Allow for the Use of Service Animals and Support Persons Provisions

Note, it might not always be apparent whether an animal is a service animal. Ensure your elections officers are familiar with and follow your municipality's accessible customer service policy. A service animal is allowed to go anywhere the public is allowed. You must never interact with a service animal when it is working. Remember "No touch, no talk, no eye contact."



Provide Notice of Temporary Disruptions of Service

Section 53 of the MEA, permits the Clerk to declare an emergency if he or she is of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the MEA. The clerk is required to make arrangements that he or she considers advisable for the conduct of the election. These arrangements should include providing notice of a temporary disruption of service. The notice must include the reason, anticipated duration, a description of alternatives, and must be placed in a conspicuous place on the premises. Based on the method of election, therefore, one must contemplate all aspects of the elections and plan for potential impediments where involvement with electors is concerned (e.g. access to voting locations, website or telephone interruptions, access to the Clerk's Office, etc.)

Provide Training for All Staff and Volunteers (and Third Parties)

Municipalities must provide training on providing accessible customer service to all staff who deals with the public or who develop policies. They must also ensure any third party vendors who provide services on their behalf also provide training to their staff.

The scope of the training shall include:

- Review of the purposes of the Act and the requirements of the accessible customer service regulation – Ontario Regulation 429/07
- How to interact and communicate with persons with various types of disability
- How to interact with persons who use an assistive device or service animal
- How to use equipment or devices available to assist with the provision of services
- What to do if person is having difficulty accessing the service
- You must keep records of the training provided, including the dates on which training was conducted and the number of people who were trained. It is helpful to keep a list of attendees.

For more information go the Guide to the Standard

http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario/accession/compliance/customer/comp_training.htm on the AccessOn website (see page 49 of Guide)

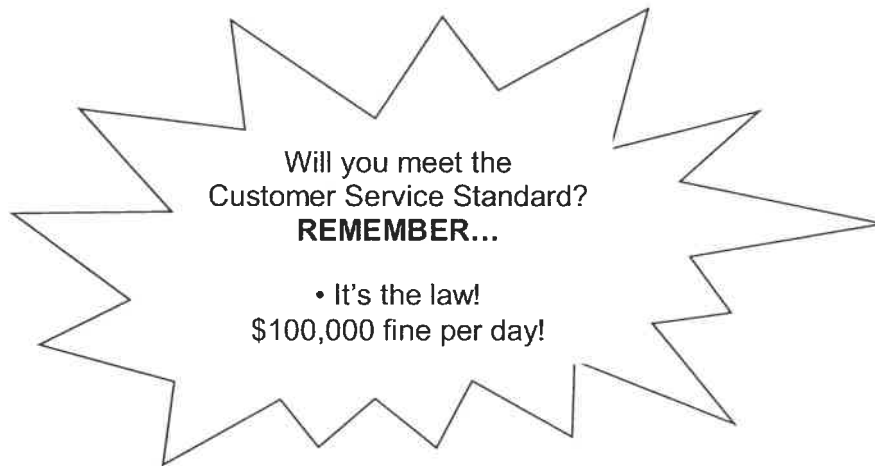
Procedure for Responding to Feedback

The standard requires municipalities to set up a process that provides every person the opportunity to give feedback on the provision of municipal services to people with disabilities. This process must also indicate the action to be taken when feedback is received.

Ensure elections are accommodated in this corporate feedback process.

Notice of Availability of Documents / Alternative Formats

All organizations shall provide, upon request, any documents required by the Accessible Customer Service Standard in a format that shall take into account the person's disability. You should ensure that a notice is placed in a conspicuous place at your voting locations, or on the municipality's website, or communicated by any other method as is reasonable under the circumstances.



Integrated Accessibility Standards Regulation (IASR)

Effective July 2011, in accordance with the Integrated Accessibility Standards Regulation, we must ensure our services are integrated and incorporate the four standards: Information and Communications Standard, Employment Standard, Transportation Standard and Public Spaces Standard.

General Requirements of the IASR

- Provide training for all election staff, including election officials and ensure third parties have had training. Training to include standards applicable to individual and Human Rights Code.
- Establish policies, practices and procedures and provide a copy to election staff.
- Create a Multi-Year Accessibility Plan.
- Incorporate accessibility features when designing or acquiring self-service kiosks.
- Incorporate accessibility criteria and features when acquiring goods or services.

Information and Communications Standard

Under the Information and Communication Standard we must provide information and communications in a manner that is accessible for people with disabilities.

- In a timely manner.
- At a cost no more than regular cost to others.
- Consult with person regarding suitability of an accessible format or communication support.
- Notify public regarding availability.
- Ensure feedback system that was developed under the Customer Service Standard is accessible.
- Any emergency preparedness information that you provide to the public must be available in alternative formats upon request (emergency procedures, plans or public safety information).

- Ensure website is accessible by 2021 WCAG 2.0 Level A initially and increase to Level AA, and all information backdated to 2012 must be accessible.

Employment Standard

The Employment Standard is to promote the hiring of people with disabilities and encourage employees to disclose. It is intended to support people with disabilities throughout the employment cycle. If you have paid staff that are being hired or existing employees working on the Election process and or voting day, then the Employment Standard will need to be adhered to.

It only applies to paid employees and does not apply to volunteers and other non-paid individuals.

There are three sections to the Employment Standard:

1. Recruitment
2. Assessment
3. Selection

1. Recruitment

The Recruitment process is how we look for employees. We have to notify both employees and the public about the availability of accommodations in the recruitment process. This can be done using a statement “accommodations are available upon request.” If an applicant requests an accommodation then you would provide it for them.

2. Assessment

The assessment process is for the identification and evaluation of knowledge, skills and abilities (e.g. screening, interviewing, reference and police check, psychological or computer skills training). You must ensure that the participant is aware that accommodations are available and that accommodations arranged meet the needs of the individual due to their disability.

3. Selection

When offering employment you must notify the applicant that you have policies in place to support people with disabilities. You also have to notify your own employees of these policies; encouraging your own employees to disclose and then accommodate appropriately.

You must have processes in place to meet the diverse needs of employees to create an environment that encourages employees to remain employed:

- Provide accessible formats and communication supports to perform the job.
- Have a Documented Individual Accommodation Plan

- Consider disability with Performance Management
- Take into account persons disability when considering Career Development and Advancement
- Have a Return to Work Process
- Have a Redeployment Process
- Workplace Emergency Response Information – if an employee requires assistance in an emergency what is the process?

Transportation Standard

It is important that voting locations are located on an accessible transit route.

The Transportation Standard has many deliverables that Conventional and Specialized Transportation Service Providers must implement and follow. For the days of voting, you may want to consider the following items under the Transportation Standard if you are a Municipality and responsible for transit:

- You must make available to the public current information on accessibility equipment and features of your vehicles, routes and services.
- Information must also be available in alternative formats
- If accessibility equipment on a vehicle is not functioning and equivalent services cannot be provided, conventional transportation service providers and specialized transportation service providers must take reasonable steps to accommodate persons with disabilities.
- If routes or scheduled service is temporarily changed, make alternative accessible arrangements and ensure communicated in manner that takes into consideration the person's disability.
- Ensure transit staff are:
 - Not charging a fee to support person accompanying a person with a disability.
 - Not charging a higher fare to a person with a disability.
 - Announcing pre-boarding verbal announcements if requested of route, direction, destination or next major stop.
 - Trained on safe use of accessibility equipment and features, acceptable modifications to procedures in situations where temporary barriers exist or accessibility equipment on a vehicle fails and emergency preparedness and response procedures that provide for the safety of persons with disabilities..
 - Ensure adequate time if provided to safely board, be secured and de-board and assistance provided upon request.
 - Assist with safe and careful storage of mobility aid and assistive devices
 - Allows person to travel with medical aid.
 - Allows for boarding and de-boarding at closest available safe location as determined by operator.

- Knows how to deploy lifting devices, ramps or portable bridge plates upon request of a person with a disability

For a complete listing of all deliverables under the Transportation Standard refer to Section 33, Transportation of the Integrated Accessibility Standards

http://www.e-laws.gov.on.ca/html/source/regs/english/2011/elaws_src_regs_r11191_e.htm

Design of Public Spaces

If you are a Municipality or Public Sector Organization and are designing public spaces that are being used for voting you may wish to consider these deliverables under the Design of Public Spaces. The timelines do not begin until January 1, 2017 are only for newly constructed or redeveloped spaces.

The Design of Public Spaces includes:

1. Recreational Trails/beach access routes
2. Outdoor Public Eating Spaces
3. Outdoor Play Spaces
4. Outdoor Paths of Travel*
5. Accessible Parking*
6. Service Related Elements*
7. Maintenance and Restoration*

Items 4, 5, 6 and 7 are the only items that would apply to voting locations and again only apply if doing a major renovation or a newly constructed space.

Outdoor Paths of Travel

If you were creating a new path of travel (outdoor sidewalks or walkways designed for pedestrian travel and associated elements; ramps, stairs, curb ramps, rest areas and accessible pedestrian signals) then you would need to follow the dimensions listed under the Design of Public Spaces, which outlines path widths, ramp dimensions and slope measurements, particulars for stairs and rest areas. You can access the actual dimensions and deliverables from Ontario Regulation 413/12, Section 80.21, Exterior Paths of Travel, Design of Public Spaces http://www.e-laws.gov.on.ca/html/source/regs/english/2012/elaws_src_regs_r12413_e.htm

Accessible Parking

If you were creating new Accessible Parking spots specifically for day of voting then you would want to comply with the measurements set out under Public Spaces Standard for Accessible Parking. This would only apply if parking was on an accessible route, if space was new and if after date of January 1, 2017.

There will be two kinds of parking: Accessible Parking and Van Accessible Parking. These are the new measurements for parking.

- Type A – wide parking spot 3400 mm with signage “van accessible”
- Type B – standard 2400 mm
- There must be an Access Aisle between parking spaces with a min width of 1500 mm that extends full length of parking space, marked with high tone diagonal lines

Further details can be acquired from Ontario Regulation 413/12, Section 80.32, Accessible Parking, Design of Public Spaces http://www.e-laws.gov.on.ca/html/source/regs/english/2012/elaws_src_regs_r12413_e.htm

Service Related Elements

If you were constructing new service counters, then one service counter would have to be able to accommodate a mobility aid and be identified with signage. The countertop height must be usable by a person seated in a mobility aid and have sufficient knee clearance to accommodate a forward approach.

There are other specifics if you are creating new waiting areas with fixed seating, or constructing new fixed queuing guides, which in most instances would not be happening at a voting location. If you required information or details you can refer to from Ontario Regulation 413/12, Section 80.41, Service Counters, Section 80.42, Queuing Guides, Section 80.43, Waiting Areas listed in the Design of Public Spaces

http://www.e-laws.gov.on.ca/html/source/regs/english/2012/elaws_src_regs_r12413_e.htm

Maintenance

If you create new Public Spaces for voting, then you have to have procedures for preventative and emergency maintenance of the accessible elements and include them in your Multi-Year Accessibility Plan. You also have to have procedures for dealing with temporary disruptions.

So how do we incorporate all of this?

1. Consider Incorporating More Than One Method of Casting a Ballot

Technology is continuously evolving and thus there are many new assistive tools available to meet a variety of challenges that our electors may face. These technologies include, but are not limited to: touch screens, audio, sip and puff, computers, etc.

Examples of some alternative voting methods are:

Touch screens:

A touch screen voting unit permits individuals to vote by touching the candidate's name on the screen. It may also include an audio component for voters who are visually impaired. Although some elements of running an election are similar (e.g. booking voting locations, hiring election officials, issuing voter notification cards, etc.), conducting an election using touch screen voting equipment is quite different from conducting a manual count election. The ballots are electronic and are only displayed on the touch screen voting unit. The ballot card is inserted into the touch screen voting unit which then displays the appropriate ballot. Voters also have the option of audio ballot with some touch screens.

Thumbswitch / joystick method:

This is a thumbswitch audiovote which can be attached to a poll count tabulator.

Electors wear ear phones and make their selections by pressing a thumbswitch for the candidate they wish to vote for.

Audiovote sessions result in an electronic ballot stored on the tabulator hard-drive.

Hand held touch pad:

- a hand-held device (with Braille labels, and buttons with different shapes and colours) is attached to the poll count tabulator.
- electors wear ear phones and make their selections by pressing a Thumbswitch for the candidate they wish to vote for
- the controls allow you to adjust volume, pause and repeat audio messages, and even adjust the audio tempo.
- selections result in an electronic ballot stored on the tabulator hard-drive or an image of the ballot indistinguishable from a ballot marked by hand. can be printed and inserted into the poll tabulator.

Other assistive devices:**Sip-and-puff:**

A sip and puff allows electors to make their selections by sipping or puffing through a straw. Disposable mouth pieces are required for each elector. This is used by voters who are unable to use the touch screen or hand-held devices.

Magnifier, Templates or Braille Ballots:

A simple magnifier allows someone with low vision to magnify the information. Templates can aid in allowing an individual to put an X in the appropriate spot and Braille Ballots allow someone who cannot see to be able to read the information using Braille.

It is always important to ensure that assistive devices allow someone to independently vote. Staff should be trained on assistive devices so that if there are complications or someone needs assistance they are able to provide it.

2. Consider Where Your Electors Will Be Required To Vote

Internet, telephone and vote by mail are solutions that facilitate the opportunity for electors to cast their ballot from a “vote anywhere any time” perspective (during the voting period). Where electors are required to attend a specified voting location to cast their ballot, be sure to consider the following when selecting the voting locations^{1,2}.

3. Voting Places: Getting There And Getting In...

- Is the voting location located on a route that is served by accessible public transportation?
- Is the name and address of the building clearly visible from the street and sidewalk?
- If needed, is there a pedestrian crosswalk close by? Crosswalks served by an audible and visual traffic-crossing signal are preferred. Where there is

¹ Quick Reference Guide to Accessible Constituency, Riding Association, Central Party and Campaign Offices, Office Accessibility Checklist, Accessibility for *Ontarians* with Disabilities, August, 2009

² Checklist: ACCESSIBLE VOTING FACILITIES, ADAPTED FROM THE “Polls apart Access Checklist”, with permission granted by the Pollen shop: www.thepollenshop.co.uk.

a change in level, for example where the sidewalk meets the street, curb cuts are necessary.

- Is accessible parking available for electors? At least one accessible parking space should be provided on the shortest, safest accessible route to the accessible building entrance.
- Is the accessible parking space clearly marked with the International symbol of Accessibility?
- Is the parking space firm and level?
- Are curb cuts provided? All sidewalks should have curb cuts at locations near parking and along the route to the primary entrance. Provide the shortest, safest accessible route to the accessible building entrance and voting space.
- Is the space large enough to meet the needs of an elector who uses a van equipped with a wheelchair lift?
- Are the parking spaces and route of travel properly maintained? Snow and ice should be removed and uneven surfaces repaired as soon as possible.
- Is the route to the entrance accessible? Accessible routes should be unobstructed and have continuous, smooth, hard surfaces with no abrupt changes in level and should not require the use of stairs. Plan to have routine checks made throughout the day.
- Is the route wide enough so someone using a wheelchair, scooter, or service animal can travel safely?
- Is the voting location easily identified by signage? • Is the sign easy to read and understand?
- Is the entrance accessible? If there are steps, there needs to be a ramp so people using mobility aids or who have mobility impairments can get in. Steps, even a small single step, can make a voting facility inaccessible to many people with disabilities and seniors.
- Is the ramp well designed and safe? Does it have handrails on both sides? Does it have a suitable slope? If the ramp is temporary, is it securely attached to the steps so it cannot slip or wobble?



- Is the door hardware accessible? Are there lever or pull handles? Be sure the door hardware passes the “fist test”. This means it can be operated by a person using a closed fist.
- Is the doorway wide enough for a person using a wheelchair or scooter to pass through?
- Is the door easy to open? If the doors are heavy, awkward to open or have handles that may be out of reach, can you prop them open in a safe manner? If you do prop them open, make sure you don't obstruct the entrance and nearby floor space.
- Is the entrance easy to see?
- Is the entrance well lit?
- Is the location of the entrance and voting within the voting place close to the access from the parking lot? Minimize travelling distance for voters (to the accessible entrance or voting space).

4. Getting to the Ballot Box...

- Is there level access from the entrance of the voting location to the voting area? Internal stairs are just as much of a problem as external ones. It may be necessary to install ramps.
- Are doormats level with the floor to prevent potential tripping hazards? If not, you may consider removing them, provided of course this does not create further hazards. Beveled edges are also helpful.
- Is the flooring non-slip, even and level? Highly polished surfaces can be slippery for some users, while thick carpeting and loose rugs or mats can cause people to trip or get stuck. Glare from polished surfaces can be a problem for people with visual impairments.
- Is the voting location well lit? Even on a sunny day, some people with low vision and other visual impairments may need the lights switched on to ensure they can vote independently.
- Is the voting location on a ground floor unless elevator available?
- Are there seats available for people to rest if needed?
- Are corridors inside the voting facility spacious enough for a wheelchair or scooter to pass through comfortably? Obstructions such as stacked

furniture or piles of boxes can cause problems for visually impaired people, as well as people with limited mobility.

- Is there enough space inside the voting area for a wheelchair or scooter to move about easily?

5. Voting...

- Is there a voting booth that is low and wide enough to enable a wheelchair or scooter user to vote independently and secretly?
- Is there a large print notice of the ballot? Is it displayed close to the voting booth where it is easily visible for someone who needs to use it? It needs to be low down on the wall and not blocked by other notices, signs or structures. Placing it in the voting booth is recommended.
- Do the ballots have large print text?
- Are there magnifying sheets available to help a person with low vision to read the ballot?
- Is there a tactile template to help visually impaired electors to vote without assistance?
- Assistive Devices can include (but not limited to): TTY Telewriter, Telephone relay service, keyboard, pointing device, information in Braille, automatic door opener, hearing and amplification devices, wheelchair or scooter.

6. Making Provisions for Support Persons

A support person may make the mark on the ballot for someone with a disability, or may read the ballot aloud for them. There are no prescribed oaths to be taken by support persons assisting an elector. The clerk may choose to require persons giving assistance to electors to take an appropriate oath in front of the DRO²

7. Making Provisions for Service Animals

Animals, in general, might not be permitted in some voting locations, such as schools, churches. Under the Customer Service Standard, a service animal is allowed to go anywhere the public is allowed. When an election is being held service animals must be allowed to remain with the person with a disability. Add this to your voting location checklist when determining voting locations.

² See "Oral Oath Of Friend Or Interpreter," Appendix VII, Form EL27.

8. Know Your Electors' Needs and Communicate Your Solutions

During your planning process, consider contacting your local organizations, such as the CNIB, Canadian Hearing Society etc and discuss with them your proposed accommodation plans. This will assist you to better understand their needs while communicating to their members the alternatives planned for deployment to facilitate accessibility. Also consider reviewing your plans with your local accessibility committee. Again, they are a valuable resource in providing input and feedback.

Communicate! You could have the Cadillac suite of accessibility solutions, but if your electors requiring these tools/solutions are not aware of their options they will not be maximized and your goals will not be met. Include information regarding the accessibility services you are providing in your general advertising (such as any advertising regarding advance vote and voting locations).

9. Train Your Election Officials

Ensure that your election officials are well informed of the voting process as well as all of the available tools and assistive devices and how they may be used. They should be sensitive to each elector's needs. Some electors with disabilities may not need help while others may. Everyone is different. Train them on how to provide customer service to people with different disabilities and be aware of the alternative formats you provide.

10. Ensure Signage and Literature Accessible

As per the Information and Communications Standard we have to ensure communication is accessible. When creating signage and/or any literature make sure to use:

- Accessible fonts (sans serif) like Arial or Verdana
- Good colour contrast
- No italics
- Use upper and lower case - No ALL CAPs
- Use eggshell, matte or non-glare finish
- Tactile – raised at least 0.8mm above
- Braille – (Grade 1) braille
- Follow CNIB Clear Print Guidelines and Clear Writing Principles

11. Post-Election Accessibility Report

Within 90 days of voting day, the Clerk shall submit a report to council about the identification, removal and prevention of barriers that affect electors and candidates with disabilities (s. 12.1 (2)). It is suggested that Clerks keep a “running list” of all the special initiatives during the election year to easily prepare this report. Note, there is no prescribed format for this report. If you are posting the information to your website, you should ensure that the document is accessible.