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Official Report of Debates (Hansard)

Wednesday 24 March 2010

Journal des débats (Hansard)

Mercredi 24 mars 2010

**Standing Committee on
the Legislative Assembly**

Election Statute Law
Amendment Act, 2010

**Comité permanent de
l'Assemblée législative**

Loi de 2010 modifiant des lois
en ce qui concerne les élections

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
Greffière : Tonia Grannum

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Hansard Reporting and Interpretation Services
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 24 March 2010

Mercredi 24 mars 2010

The committee met at 1201 in room 151.

ELECTION OF VICE-CHAIR

The Chair (Mr. Bas Balkissoon): We'll call to the meeting of the Standing Committee on the Legislative Assembly to order. The first order of business is the election of a Vice-Chair. Are there any nominations? Mr. Zimmer.

Mr. David Zimmer: I'd like to nominate Yasir Naqvi as Vice-Chair of the committee.

The Chair (Mr. Bas Balkissoon): Are there further nominations? There being no further nominations, I declare the nominations closed and Mr. Naqvi elected Vice-Chair of the committee. Congratulations to Mr. Naqvi, who's not here, but we'll mail it to him.

SUBCOMMITTEE REPORT

The Chair (Mr. Bas Balkissoon): The next order of business is the report of the subcommittee on committee business. Mr. Delaney.

Mr. Bob Delaney: Your subcommittee met on Tuesday, March 9, 2010, to consider the method of proceeding on Bill 231, An Act to amend the Election Act and the Election Finances Act, and recommends the following:

(1) That the clerk of the committee, with the authorization of the Chair, post information regarding public hearings on Bill 231 on the Ontario parliamentary channel and the committee's website.

(2) That the clerk of the committee send information regarding public hearings to Canada NewsWire.

(3) That the Ministry of the Attorney General provide the committee with briefing binders prior to the public hearings.

(4) That interested parties who wish to be considered to make an oral presentation contact the clerk of the committee by 4 p.m. on Thursday, March 18, 2010.

(5) That, if all witnesses cannot be accommodated, the clerk provide the subcommittee members with the list of witnesses who have requested to appear by 4:15 p.m. on Thursday, March 18, 2010, and that the subcommittee members provide the clerk with a prioritized list of witnesses to be scheduled by 5 p.m. on Thursday, March 18, 2010.

(6) That the committee cover reasonable costs incurred by witnesses related to accessibility issues as authorized by the Chair.

(7) That the length of time for all witness presentations be 15 minutes.

(8) That the committee meet for public hearings on Wednesday, March 24, and Wednesday, March 31, 2010, from 12 p.m. to 3 p.m., subject to witness demand.

(9) That the deadline for written submissions be 5 p.m. on Wednesday, March 31, 2010.

(10) That the deadline for filing amendments be 2 p.m. on Wednesday, April 7, 2010.

(11) That the committee meet for clause-by-clause consideration on Wednesday, April 14, 2010, from 12 p.m. to 3 p.m.

(12) That the research officer provide the committee with a summary of witness presentations either on April 1, 2010, or April 7, 2010.

(13) That the clerk of the committee provide all committee members with a copy of the final report of the Select Committee on Elections.

(14) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Chair, this is the report of your subcommittee.

The Chair (Mr. Bas Balkissoon): Shall the report of the subcommittee be adopted? Agreed.

ELECTION STATUTE LAW
AMENDMENT ACT, 2010LOI DE 2010 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS

Consideration of Bill 231, An Act to amend the Election Act and the Election Finances Act / Projet de loi 231, Loi modifiant la Loi électorale et la Loi sur le financement des élections.

ELECTIONS ONTARIO

The Chair (Mr. Bas Balkissoon): We'll move to the first deputant. The first deputant is Elections Ontario: Mr. Greg Essensa, Chief Electoral Officer; Loren Wells, Deputy Chief Electoral Officer; and Jonathan Batty, director of election finances and general counsel. Please

come forward. You have 30 minutes to make your presentation. If there is any time left at the end of your presentation, we will allow questions from all three parties.

Mr. Greg Essensa: Thank you, Mr. Chair and members of the committee. I would like to thank the committee for inviting me to appear today.

I have appeared before members of this House three times in connection with the reforms being proposed in Bill 231. My first appearance was in December 2008 before the Select Committee on Elections, where I outlined my vision of how Ontario's election laws could be updated to better serve electors. We need to put electors first. In support of those recommendations, in February 2009, I provided the committee with proposed reforms to the Election Act, the Election Finances Act and the Representation Act.

My second appearance was in May 2009, when I was invited to speak to the select committee about political advertising and, in particular, about the rules on third party advertising. Many of the proposals that I made to the select committee are reflected in the report it tabled in June 2009. Many of those same proposals are also found in Bill 231.

As I have mentioned previously, there is no better time than the present to modernize Ontario's election laws. However, if election laws are updated, then we need to have sufficient time to implement the changes and assist the public in understanding what they mean.

I have been following the introduction and second reading debate on Bill 231. I am glad to have the opportunity to appear before this committee to talk about the future of elections in Ontario. I know this committee, and ultimately the Legislative Assembly, will take great care in its deliberations as it considers what it hears from me and other witnesses in these public hearings.

As I suggested in my February 2009 written submission, I think there are three fundamental democratic principles that need to be taken into account when our election laws are being reformed: First, individuals need to be fully able to exercise their democratic electoral rights; second, individuals need to be served in a modern, responsive, and efficient manner; and third, election officials need to be accountable, and the process we administer needs to be transparent and impartial.

There is a balance that must be struck between these principles. While every person who has the right to vote should have some way of doing so, the integrity and scrutiny of the voting process must not be compromised, and the voting process should not be overly complex or expensive to administer.

In practice, this means voters in Dryden have as equal an opportunity to cast their ballots as voters in Brampton; it means seniors, students, persons with disabilities, new Canadians and others who face barriers and challenges are all served efficiently; and it means Ontarians need to be confident that the voting process is administered fairly and economically.

I want to assure the committee that the election officials, including Ontario's 107 returning officers and

the tens of thousands of people who work in our polls, take these principles very seriously.

I would like to speak to you today about the future of elections in this province. It is my primary duty to ensure that Elections Ontario is diligent in serving and assisting the electorate. As Elections Ontario considers how we can best fulfill our responsibilities to the electorate, I want to speak to you about three things: first, the tools to better serve the electorate that Bill 231, if passed, will give Elections Ontario; second, other reforms to consider in the future; and finally, how we, together, can ensure that all electors are put first.

Bill 231, as I mentioned at the start of my presentation, reflects many of the proposals that were suggested to and adopted by the all-party Select Committee on Elections. Of the many changes proposed in Bill 231, I would like focus on a few of the most significant amendments for electors.

Special ballots: Bill 231 would eliminate the seldom-used proxy-voting process and replace it with a special ballot process. Special ballots will allow electors to vote without having to go into the polls. These provisions will ensure that eligible electors, whether they are in Ontario, elsewhere in Canada or out of the country, will have the ability to vote, for example, by mail. This will benefit post-secondary students, snowbirds, persons with disabilities or people who are overseas, including those who are serving in the Armed Forces.

The second area is home visits. Allowing housebound electors to cast their ballots using a special ballot kit would dramatically improve the accessibility of voting. This is not currently allowed in provincial elections, but is permitted federally. Bill 231 includes provisions, similar to those in the Canada Elections Act, that would allow home visits. A housebound elector will be entitled to have a home visit and to apply for a special ballot application and, if requested, assistance with voting.

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The third area in Bill 231 I'd like to address is alternative voting equipment. Electoral agencies have been told for many years by some voters with disabilities that the current paper-based ballot process is inaccessible to them. Bill 231, if enacted, would allow for the sort of accessible voting equipment we tested with success at advance polls in two recent by-elections. This would put Ontario at the forefront of federal and provincial jurisdictions in improving the accessibility of the voting process.

The fourth area is the new staffing model. People don't mind lining up to vote. It is an important part of their civic duty. However, it frustrates them when they are in a long line in front of one table and five other tables have no lineups at all. It defies common sense, and they are right to be frustrated. Lineups are not caused by mismanagement. They aren't the fault of the election workers, who are stationed there for 12 hours straight. Our workers would like nothing better than to help people vote quickly and efficiently.

The law, as it's currently written, allows only two workers to process people through the polls. There are

much better client service models present. For example, banks found this out long ago, when they eliminated individual lineups in front of each teller. Bill 231, if enacted, will allow for a new staffing model to be used in locations with more than one poll.

Similar to the Canada Elections Act, Bill 231 also proposes that mobile polls be used to serve more than one institution in an electoral district. This will allow electors to be served quickly and expertly by specially tasked and ultimately fewer election workers.

There are some matters, however, that were raised before the select committee that have not been specifically addressed in Bill 231. There are a few areas in particular that I'd like to briefly touch upon today.

The use of schools on polling day: One recommendation that I continue to support is the idea that a polling day should fall on a school holiday, a weekend or on a professional development day. I think that would help address the challenges that returning officers face in finding accessible rooms, and resolve some of the security concerns that school officials have expressed.

The area of election finances: There are two election finance matters that I addressed in my previous submissions and which I would like to mention again today. If at some point there is going to be a review of the election finance process and the law defining it, the Legislative Assembly may wish to examine the rules concerning third party advertising. In my presentation to the select committee, I suggested that there were four things the Legislative Assembly could look at, given the experiences in other jurisdictions:

- (1) Should Ontario adopt third party spending limits?
- (2) Should Ontario adopt third party contribution limits?
- (3) Should Ontario try to limit third party advertising spending to the amounts it raises prior to and during an election?
- (4) Should Ontario adopt stricter registration and anti-collusion provisions?

The other matter the Legislative Assembly may also wish to consider is rules concerning administrative penalties. Currently, late filings of financial reports remain a problem under the Election Finances Act. Apart from being prosecuted and fined upon conviction, there is no proportionate sanction for those who fail to comply with the law because of carelessness or lack of attention. For example, the campaign that files six months late gets the same public subsidy as the campaign that files on time.

It would put Elections Ontario on par with other provincial regulators and with other electoral agencies if it had the authority to issue reprimands, suspensions and other administrative sanctions without having to recommend formal prosecutions for admittedly minor infractions.

Before I leave you today, I want to talk to you about what we can all do ensure that electors are put first in the electoral process. Elections Ontario must be diligent in serving and assisting the electorate. I am especially aware that Elections Ontario has to serve all electors. We serve

seniors, students, persons with disabilities, aboriginal and First Nations peoples, new Canadians, inmates and any and all others who face unique barriers.

For election officials, there is no greater satisfaction than knowing people have been able to vote. If someone is unable to vote or has encountered a barrier because of something we have done or failed to do, then we have not done our job properly.

Having administered elections for over 25 years, I can tell you that something will always go wrong somewhere. It is our responsibility, however, to solve problems when they arise.

My job is to tell you the tools we need to make sure every elector has the opportunity to vote. That is why I appeared before the select committee and recommended the adoption of special ballots, mobile polls and the use of accessible voting equipment. My job is also to ensure that I give returning officers the tools they need to do their jobs.

I want to spend a few minutes talking about accessibility, as I know how important this issue is. Returning officers are required by the Election Act to report to my office on accessibility. My office is then required to make public these reports. For the 2007 general election, summary information was reported in June 2008. I have brought a copy of that report, along with copies of the reports from each returning officer, to give to the committee for its reference.

With regard to the polls in the general election three years ago, returning officers were asked, "What percentage of your voting locations provided barrier-free/level access, and if that was less than 100%, what were the reasons for this?" They were also asked, "Did you have to build a ramp, install a push button or take any other measures to make any voting location accessible?" Collectively, it was reported after the 2007 general election, 99% of voting locations across Ontario were barrier-free.

In the February 4, 2010 by-election in Toronto Centre, the Toronto Sun reported that one of our polling locations wasn't accessible. We told electors it would be. It was not accessible because of a last-minute room change. The AODA Alliance also contacted me after polling day: A candidate complained to them about five locations where there was poor signage, debris and difficult access. These reports, which I take to be true, sadden me. We now know a lot more about accessibility than we had in the past. We need to fix these things on polling day. It is too late to learn about them after the election. This proves in my mind that Elections Ontario needs to be doing a much better job of ensuring accessibility for electors. We are working on this already.

I know that to date, returning officers have not been given adequate tools to provide for accessibility, measure accessibility and report on accessibility. Under the new standards of the Accessibility for Ontarians with Disabilities Act, Ontario is not required to have a fully accessible built environment until 2025. Nonetheless, Elections Ontario will do what it needs to ensure accessibility at the polls. In very specific terms, this means that

we will give field staff a more detailed accessibility guide to use for selecting and operating voting locations. This means that if electors face an unexpected barrier, they can easily call upon our workers for help.

We need to provide our workers with better resources, tools and processes to serve all electors. Elections Ontario will be consulting persons with disabilities and others on our detailed accessibility guide. In this process, we expect to be working closely with Elections Canada and the Association of Municipal Clerks and Treasurers of Ontario, as they also have an interest in this area.

We cannot and will not do this alone. We are committed to building effective partnerships with other service providers, parties, candidates and the communities we serve to get this job done.

I thank you for inviting me to appear today. I am happy to answer any questions that you may have.

The Chair (Mr. Bas Balkissoon): Thank you. We'll start with the Conservative Party. We do have about four minutes.

Mr. Ted Chudleigh: Thank you, Mr. Chairman, and thank you for appearing before us. We look forward to these hearings.

Third party spending, contribution and fundraising limits were mentioned in your report, but they didn't make it to the legislation. If you were rating the things in Ontario that skewed election results, where would you put that third party spending?

Mr. Greg Essensa: I think because third party spending rules were introduced in 2007, it's a relatively new phenomenon that Elections Ontario has had to deal with. What I suggested to the select committee: In my research, looking across the country, every other jurisdiction across the country has some form of either spending limit or means in which third parties have some form of restraint on their funds that they are able to utilize during a campaign. The recommendation I had made to the select committee was, this is something that the Legislative Assembly, were it willing to turn its mind towards electoral finance reforms, should turn its mind towards, given what's occurring in the rest of the country.

1220

Mr. Ted Chudleigh: Thank you. We respect that.

The other issue was the issuing of electronic tax receipts. Our party would like to see the issuing of electronic tax receipts. Charities have the right to issue electronic tax receipts, the federal government is able to issue electronic tax receipts, and yet it's not in this bill. Should electronic issuing of receipts be in this bill? Should Ontario be doing the same thing as other jurisdictions across Canada, including the federal government, as it would be a significant saver of time and money for political parties in Ontario? Would you agree that electronic receipts should be in here?

Mr. Greg Essensa: During my representations before the select committee, I advocated for the modernization of the electoral finance reforms in that particular area. Electronic receipting is one of the areas that I did

recommend should be taken into consideration by the select committee.

In the current bill, Bill 231, there is a provision that would require the Chief Electoral Officer to design and implement or put in place a database for the use of parties to, in fact, provide electronic receipts to contributors, political parties and constituency associations.

Mr. Ted Chudleigh: This act comes into force, I believe, in June 2011. The next election is October 2011. Do you see that time frame of implementation of the whole new act, four months before an election, as problematic? Should this be put off to the election after the next one?

Mr. Greg Essensa: One of the things that I had advocated to the select committee that was important from my perspective was the introduction of this legislation in a timely fashion so that, in fact, we at Elections Ontario could make the appropriate changes, because there are significant changes that are contemplated by this bill that have direct operational impact on the services that we deliver. Having this bill passed in a timely fashion was something that I very clearly indicated was a priority from my perspective.

Pertaining to the electronic receipting, it is a very aggressive timeline to have it ready for June 2011, and that is something that we articulated as well in our presentations before the select committee.

Mr. Ted Chudleigh: Does it scare you?

Mr. Greg Essensa: As always, I will do as requested by the Legislative Assembly, and we will put every effort in place to make sure that that is fulfilled as currently—

The Chair (Mr. Bas Balkissoon): Thank you. We will move on to the NDP. Mr. Prue?

Mr. Michael Prue: A couple of things, and I thank you for your report. I apologize for being a few seconds late: I was out there at the Greek flag raising. Since I'm the only one in my caucus who speaks even a smidgen of Greek, I was out there. It's good to see you again.

You write the report—and I don't find any fault with anything that you said or you wrote, but two things I'd like to ask: You talk about future legislative reforms, you talk about school use on polling day and election finances as they relate to third parties, but there's nothing about election finances as they relate to political parties. I know this was a pretty hot and contentious subject. I know the city of Toronto, from whence you came, has recently moved to ban union and corporate donations and just have individual donations. The federal government has done that; some of the other provinces have done that. You don't write anything about that. Do you think we ought not to go there, or is it just not a priority?

Mr. Greg Essensa: From my perspective, I would concur with you. There is a trend across the country that we are seeing, whether it be at the federal level, at the provincial or at the municipal level, where jurisdictions have moved toward banning corporate and trade union donations in the political arena. From our perspective, there are higher-priority issues, I guess I would respectfully say—that we need to put the elector first and

foremost at the front of the process, and in doing so, the bill addresses many of those issues on special ballots, mobile polls, new staffing models, accessibility reforms, where I truly believe that that needs to be the focus and the emphasis from Elections Ontario.

Mr. Michael Prue: I understand that, but you talked about future legislative reforms, and you did not include this as one. Do you not think that there should be a reform?

Mr. Greg Essensa: I think that's something that the House, the Legislative Assembly, would need to grapple with themselves. That's more of a policy issue than one that I would—

Mr. Michael Prue: Okay. The second thing is the unfortunate incident in Toronto Centre with a gentleman in a wheelchair having to be carried down the stairs. I was not there; I only read the Toronto Sun and a few comments that followed that.

Mr. Lepofsky, who is well known to all of us, has written a very strong and intense paper outlining 24 concerns or areas that he wants us to move on. Were you copied on that?

Mr. Greg Essensa: Mr. Lepofsky actually sent that to me late yesterday.

Mr. Michael Prue: So you've had a chance to read it. Is there anything in what he has written that causes you any concern? I looked at it. It all seemed to me to be eminently doable and the right thing. I'm not sure of the costs or how they're going to be implemented. Would any of that cause you any grave concern in terms of either costs or implementation?

Mr. Greg Essensa: One of the things we're undertaking at Elections Ontario is an examination of what the financial impact would be of all of the recommendations. Given that we only received Mr. Lepofsky's brief yesterday afternoon, I've not had the opportunity to fully vet what those cost implications would be, but that is something that we're undertaking now.

Mr. Michael Prue: Thank you very much.

The Chair (Mr. Bas Balkissoon): We'll move to the government side. Mr. Zimmer.

Mr. David Zimmer: Mr. Sorbara.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara?

Mr. Greg Sorbara: Thanks, Chair. Just to begin by saying, as the Chair of the Select Committee on the Elections Act—David was the co-Chair—we worked very closely with Greg Essensa. I want to tell you, as someone who participated in the committee that selected him, we are very well served indeed by a Chief Electoral Officer who understands our process very well and understands the process of holding strong democratic elections as well as anyone in the country. We're very well served, and we've been working closely together.

I wanted to just ask about the issue relating to accessibility of polls. It's one that arises time and again. At this point, this act that we are considering does not require that every single polling station be accessible as understood by communities looking for accessibility. Is that right?

Mr. Greg Essensa: That is correct.

Mr. Greg Sorbara: Given the hundreds and hundreds of polling stations across the province, what percentage would you say are accessible now? How are we doing, in other words?

Mr. Greg Essensa: What was reported after the 2007 general election was that 99% of our polls were accessible. What we understand better now is—as we're learning more and more about accessibility features, and the standards are being reviewed under the AODA, I think that we are quite confident that some of those numbers perhaps weren't exactly accurate, given the standards that we would apply today.

One of the things that we are doing at Elections Ontario now is embarking on a fairly aggressive consultation process where we will be working with focus groups to assess what the quality standards and accessibility standards need to be and what the barriers are that we need to remove to ensure that we can comply and become as fully accessible as possible, given the current restraints that perhaps pertain in some locations that we need to utilize for voting. We intend to fully engage the disability community in those consultations to ensure that the standards that we put in place—that we get them right.

Mr. Greg Sorbara: Just finally on that topic, if this committee and this Legislature ultimately decided to impose that sort of a standard in this act, do you feel that it is a standard that Elections Ontario could deliver in a timely fashion in preparation for the October 2011 election?

Mr. Greg Essensa: If the Legislature, the House, deemed it necessary, we would make every effort to achieve that standard, yes.

Mr. Greg Sorbara: If I've just got another second, maybe we could make public our disagreement on the issue of school closings and elections. People know that we have many of our polling stations in schools, and the Chief Electoral Officer believes that on election day schools should be closed. Just to give you an opportunity to restate your case, what kind of issues do you run into which lead you to argue—repeatedly, I might say—that schools should be closed on election day?

1230

Mr. Greg Essensa: I will turn no further back in my mind than to the February 4 issue that was widely reported in the Toronto Sun. The issue on that particular day resulted as a matter of the principal notifying our returning officer at 11 o'clock the night before that the gymnasium that we had already inspected, already deemed to be accessible, was not going to be available because of a volleyball playoff game that had to be played in that school.

Mr. Greg Sorbara: So volleyball trumped politics?

Mr. Greg Essensa: The location that the principal indicated to our returning officer was accessible and that we were going to be relocated to, in fact, unfortunately turned out not to be accessible. To me, that reinforces my argument as to why polling day should be either a school

holiday or on a weekend, because if that were the case, if that were the law, that issue never would have arisen, that school would not have had—

Mr. Greg Sorbara: Could we solve it by prohibiting volleyball on election day?

The Chair (Mr. Bas Balkissoon): We have to move on. Thank you very much for taking the time to be with us today.

ONTARIO HUMAN RIGHTS COMMISSION

The Chair (Mr. Bas Balkissoon): Our next deputant is the Ontario Human Rights Commission: Barbara Hall, chief commissioner. You have 15 minutes. If you leave any time at the end of your presentation, there will be questions from all parties. I would ask you to state your name first for the record and then begin your presentation.

Ms. Barbara Hall: Barbara Hall, chief commissioner of the Ontario Human Rights Commission. It's a pleasure to be here and speak about an issue of access to democracy, and voting within that. I'm very pleased to appear before you today on behalf of the Ontario Human Rights Commission.

The OHRC commends the government for introducing provisions to improve the accessibility of our electoral system for persons with disabilities. We support the use of special ballots by mail, mobile polls for voting in institutions, home visits, accessible voting equipment and the study of other accessible methods. We have concerns however, shared by others, about what is not in this bill.

The bill does not require the use of accessible voting equipment and procedures, nor does it require polling stations to be set up in accessible locations as a right. Barrier-free participation is a right, and not only for voters with disabilities. The bill contains no provisions to address accessible electoral processes for candidates with disabilities, such as requiring accessible locations for campaign offices, nomination and campaign meetings, debates, and related events. There is no requirement that campaign and other election materials be made available in electronic and other accessible formats.

The bill does not address disadvantages faced by candidates with disabilities or potential candidates who may be discouraged from running because of disability-related expenses. Sign language interpretation and captioning may be necessary for deaf or hard-of-hearing candidates to participate at meetings and events. There are no provisions to have disability-related expenses be exempt from contributions or spending limits, nor be included for full reimbursement by Elections Ontario. Doing so would help meet the human rights standard that the cost of accommodation should not be borne by the person with disability, but rather shared broadly in society.

We recognize that similar concerns are also being raised by groups such as the ARCH Disability Law Centre, the AODA Alliance, the Canadian Hearing Society and the Council of Canadians with Disabilities.

Indeed, some of these concerns have already been addressed elsewhere.

Bill 212 on good government amended the Municipal Elections Act so that, starting with this fall's municipal elections, each voting place must be accessible to electors with disabilities; clerks must submit, within three months of voting day, a report to councils about the barriers affecting both electors and candidates with disabilities; and expenses related to a municipal candidate's disability will be excluded from spending limits.

A few human rights cases have also gained ground on some of these issues. Going back to 2000, the commission settled two complaints that required the city of Ottawa to ensure that voters with visual disabilities could cast their vote independently and in secret. Just last month, the decision of the Canadian Human Rights Tribunal in the Hughes case now compels Elections Canada to change its leasing policies, signage and training and to ensure that its polling stations are accessible, as well as to implement a public complaints and reporting process. With respect to that case, I'd also note that an award of damages was made to Mr. Hughes in the area of \$10,000. That shows that not moving forward also has a cost. We think it would be better to put the resources into upgrading as opposed to being paid out when people are denied access.

Despite these gains, voters and candidates with disabilities continue to face barriers. Relying on Ontario's human rights system should be a last resort. Legislative reform must match or, better yet, exceed these gains. The best way to eliminate accessibility barriers and avoid complaints is to make sure that legislation and policy prevent them in the first place. This would demonstrate that Ontario is serious about its commitment to barrier-free access.

Voters and candidates with disabilities want to participate fully in the political process. They have the right and we all have the obligation to make it happen. The Canadian charter recognizes this. It states in section 3 that every citizen has the right to vote or be qualified as a candidate, along with the right to be free of discrimination because of disability, in section 15. The Ontario Human Rights Code recognizes this: The duty to accommodate disability applies to all those involved in the electoral process. And now, the UN Convention on the Rights of Persons with Disabilities, ratified by Canada—with the support of the provinces—just two weeks ago, requires government to take steps to ensure that voting procedures, equipment, facilities and materials are accessible and that persons with disabilities have the opportunity to vote in secret and run for election on an equal basis.

I believe that all parties of this Legislature support the need to make our electoral system accessible to everyone. I urge this committee to give serious consideration to the individuals and groups coming forward with concerns and proposals to help this bill eliminate all barriers once and for all.

Thank you.

The Chair (Mr. Bas Balkissoon): Thank you. We have about two and a half minutes each, and we'll start with the NDP. Mr. Prue.

Mr. Michael Prue: Good to see you again, Barbara.

The question of cost always rears its head. In some of my discussions with Mr. Lepofsky and others, he indicated to me that discussions he's had with government officials hinge on the difficulty of paying for special voting machines, as an example, at \$11,000 apiece, in every voting station. They're probably not needed in every station, but they're hugely expensive. How do we get around that?

Ms. Barbara Hall: I know that there are some who say that technology is not all the solution. I understand that at times it is, and when it is, \$10,000 a machine versus \$10,000 for damages in a complaint—I think the choice would be with the machine.

I think it's having a range of opportunities, and clearly choice for people with disabilities going to a voting station close by where they know they don't have to do a lot of checking ahead, but as a right they can go and assume that it is there. I think that these are costs to our society that we need to bear.

1240

The Chair (Mr. Bas Balkissoon): We'll now move to the government side. Mr. Sorbara.

Mr. Greg Sorbara: Thank you, Barbara, for coming here and making your presentation.

I just want to say, by way of setting the stage, that during the course of our special committee hearings, we worked very closely with a number of deputants from the disabled community and with Elections Ontario to ensure that we were making real progress. Of course, the question for this committee is now the extent of that progress: the implementation of special ballots, for example, and ridding ourselves of the proxy system, where so many people with disabilities had to basically rely on signing a piece of paper to say, "My friend or that campaign worker Joe Blow—he's going to cast my ballot." We have tried to make sure that everyone that votes, notwithstanding one's ability or lack thereof, gets to mark a ballot in one way or another, including some very sophisticated machinery that allows for voting with the very latest of technologies.

If there were one amendment that you would like to see in this bill, what would that be?

Ms. Barbara Hall: Certainly one of them would be that all polling booths be accessible. I know in the city of Toronto when we moved to that from the era when people polled in a house down the way, which was totally unacceptable—we bit the bullet on that. I think that people have a right, and I heard, as you did, the elections officer saying that if that were the law, he would make every effort to comply with that.

The Chair (Mr. Bas Balkissoon): We'll move to the opposition. Mr. Chudleigh.

Mr. Ted Chudleigh: Thank you for coming, Ms. Hall. It's always good to see you.

The electoral officer suggested that if election day were to move to the weekend, we might see a higher turnout. It strikes me that we would also be able to see more buildings with handicap access available on the weekends, such as schools and those types of things. With declining voter turnout—if my memory serves, in 1995 I think there was about a 64% turnout in my riding; that has now declined. In the last election I think it was 54%, and it's been a steady decline over those years. I think a weekend vote may very well help bring out a larger turnout as well as making more handicapped buildings available. What would you think of that? The government has rejected that idea, but our first two deputants, I think, would agree with a weekend vote.

Ms. Barbara Hall: I'm not familiar with any research on that point. I do know that there are jurisdictions in the country—for example, I know a number of times I've been in Vancouver during municipal elections, and those are often on a weekend. So I have not had an opportunity—

Mr. Ted Chudleigh: A politician such as yourself would have a gut instinct on this, I'm sure.

Ms. Barbara Hall: —to look at what the impact of that is in terms of the numbers. But I think as we look at the cost of things, increasingly we need to look at more flexible models that allow us to use infrastructure that's out there. I think we're all doing that in terms of a lot of things. That may be an option, but that is not based on any statistical knowledge about whether voting goes up if it's on a weekend or not.

I guess another side of that is, for many of the staff, that may end up being more costly because it's time and a half or overtime, or something like that. There are a number of issues.

Mr. Ted Chudleigh: Most of them are volunteers, but I appreciate your instinct on that.

The Chair (Mr. Bas Balkissoon): Thank you very much. I just want to thank you very much, Barbara, for taking the time to come down and make your deputation.

Ms. Barbara Hall: Thank you very much. It's good to see you all.

MS. SUE MORGAN

The Chair (Mr. Bas Balkissoon): We'll move on to the next presenter, Sue Morgan. Is Sue Morgan here?

Ms. Sue Morgan: Yes, I am.

The Chair (Mr. Bas Balkissoon): Okay. You have 15 minutes. I would ask you to state your name for Hansard. If you leave any time at the end of your presentation, we will allow questions of all parties.

Ms. Sue Morgan: Thank you very much for having me. My name is Sue Morgan and I'm from Kitchener, Ontario. I have a very simple story to tell you. The last time we had the provincial election, we received a card in the mail saying that it was wheelchair-accessible. That was fine, but in my concern, I decided to go down and check it out myself, and did so. It was, if it was during

the week and if you needed to go to church—it was accessible to those people—but not on election day.

There was a four- to six-inch cement barrier for me to go up, which I did not do. Fortunately for me, one of the volunteer drivers of a political party, who was waiting for his people to cast their votes, helped me. He went into the electorate and got someone to come out. They came outside in the rain and I could vote then. That was it.

The Chair (Mr. Bas Balkissoon): Okay. We have questions. The government?

Mr. Greg Sorbara: Well, just a couple of questions to sort of flesh out that story. This was the election in 2007?

Ms. Sue Morgan: Mm-hmm.

Mr. Greg Sorbara: And in order to solve the problem, you're saying that one of the election workers running the poll at that time actually came outside—

Ms. Sue Morgan: They all did, from my poll.

Mr. Greg Sorbara: Sure, because there are two or three people who have to oversee the process.

Did you have a discussion with the returning officer for that riding afterward?

Ms. Sue Morgan: No, I didn't. And yes, I know you're all going to say I should have, but—

Mr. Greg Sorbara: No, I'm not going to say that. I think what should have happened is, you should have been able to access the poll without—

Ms. Sue Morgan: Just like everybody else. And if someone had had a cane or a walker, they would have been able to get into the building. But with the power chair, I just could not get over that six-inch rim or curb.

Mr. Greg Sorbara: I take it that you are a committed voter; that is, when election time comes, you go out and vote.

Ms. Sue Morgan: Oh, yes. I vote.

Mr. Greg Sorbara: Generally, when you go to vote, the polling station is accessible: Is that right?

Ms. Sue Morgan: With some barriers, some difficulties. I think the main reason is that people fill out the form beforehand—three months, I think, beforehand. A clerk fills out the form saying that they are accessible. They are not lying; they are wheelchair-accessible. They are accessible in every way. The building itself is accessible, but not necessarily on election day.

Mr. Greg Sorbara: Right. Is it fair to say, then, that sometimes, when you go out to vote, you can get there and sometimes you can't?

Ms. Sue Morgan: No. I've always voted, fortunately. It's just imposing on others to help me.

Mr. Greg Sorbara: One of the thrusts in this bill is that you shouldn't have to impose on others to get you to a place where you can drop a ballot into a ballot box.

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Ms. Sue Morgan: I wasn't able to drop the ballot. I was only able to fill out the ballot, fold it and give it back.

Mr. Greg Sorbara: So they didn't bring the ballot box. Of course, we don't drop it in, in any event. We always have to give it to somebody else.

Ms. Sue Morgan: Yes, we have to give it to the—

Mr. Greg Sorbara: We couldn't leave that process of actually putting the ballot in the box to an individual voter. That would be going far too far.

Anyway, thank you very much for coming in and letting us know about that. I should say that, on behalf of our own party and the select committee, we are determined to make real progress in this area, in this new act, and one only hopes that the next time you go to vote you'll remember your time here and see the changes that have been put in place to make sure that you have access.

Ms. Sue Morgan: I'll definitely make note of those. Thank you very much. I urge all of you to pay attention to Mr. David Lepofsky, who's going to be presenting tomorrow, and his additions to the bill and/or omissions. You'll have to omit some things.

Mr. Greg Sorbara: There is very little possibility in this province of not paying attention to David Lepofsky.

Ms. Sue Morgan: That's true.

The Chair (Mr. Bas Balkissoon): Thank you. We'll move on to the opposition. Mr. Chudleigh.

Mr. Ted Chudleigh: Thank you for being a committed voter. For one who wanders up and down the streets hammering on doors, I appreciate the fact that you are a committed voter. You said you're from Kitchener: Would that be Kitchener-Conestoga or Kitchener-Waterloo?

Ms. Sue Morgan: Kitchener-Waterloo.

Mr. Ted Chudleigh: The report says that there were 100% voting locations.

Ms. Sue Morgan: Yes, and they're wrong.

Mr. Ted Chudleigh: It's interesting. I note that Kitchener-Waterloo is blanked out. There's no answer in that one. I would perhaps ask the Chair or the government as to why that would be. But thank you for being a committed voter, and I'm sorry you had that trouble. I think that, coming from a friendly town like Kitchener, you would always get the job done.

Ms. Sue Morgan: Yes, we do.

Mr. Ted Chudleigh: But it's too bad that you had to have that difficulty.

Ms. Sue Morgan: Thank you.

Mr. Ted Chudleigh: Hopefully, this bill will go a long way to fix that.

Ms. Sue Morgan: It would be wonderful.

Mr. Ted Chudleigh: We think this bill should go a little further in some other areas, but I think it's going to do the job. Would you have—

Ms. Sylvia Jones: Thank you. Briefly, to continue on Mr. Sorbara's questions, you mentioned that you vote in other elections. Has this voting location been used in municipal or federal?

Ms. Sue Morgan: No, this one hasn't. The one that I'm speaking of right now that was used the last time for the provincial election was not used for a federal or a municipal.

Ms. Sylvia Jones: Okay.

Ms. Sue Morgan: When I did have trouble with a municipal election, I contacted our mayor immediately.

Ms. Sylvia Jones: And you were able to vote in that case.

Ms. Sue Morgan: Oh, yes.

Ms. Sylvia Jones: On a different note, but I'm going to ask the question, because you've taken the time to come down to the committee: Have you put your mind around changing the voting day from a Thursday to a weekend? Have you got any thoughts on whether that would make the locations easier to find, to be accessible?

Ms. Sue Morgan: I think it's probably a very good idea if it was open on a Saturday. People who work all day are not going to go out to the polls and vote at night—they really aren't. I'm sorry, but they're not. If it was on a Saturday, I think they would.

Mr. Ted Chudleigh: You would.

Ms. Sue Morgan: Gone are the days when we worked all day and then went out to the polls to vote. You have children to pick up from nursery school and all kinds of things—daycare.

Ms. Sylvia Jones: Thank you.

Ms. Sue Morgan: One change I would make is, I would say that every poll that says it's going to be barrier-free should be audited by a person with a disability, a wheelchair disability. There are many other disabilities, but for buildings, it would be a good idea to have it.

Ms. Sylvia Jones: For physical accessibility.

Ms. Sue Morgan: A physical disability.

The Chair (Mr. Bas Balkissoon): We'll move on to Mr. Prue.

Mr. Michael Prue: The government, in introducing this bill, talked about taking away the barriers of people being able to vote by incorporating electronic voting of various—and I'm sure that that would work for some. But to me, it seems that a person who is disabled, a person in a chair such as yourself, wants to go out on election day and vote with everyone else; wants to actually physically go and put a ballot in the box.

Ms. Sue Morgan: Yes. The only problem with some of these election ballot machines is that it's way up high, where to put the ballot in. If it was lower, at a child's height, for instance, that'd be perfect for us.

Mr. Michael Prue: But this is what I want to get across, perhaps, to some who don't really understand.

Ms. Sue Morgan: I would want to physically go out to vote.

Mr. Michael Prue: You want to physically go, and you should have the right to physically go. You shouldn't have to stay at home and vote electronically.

Okay, some have given an opinion that this may be a costly process. You were in the room when I asked Barbara Hall the question and Mr. Essensa the same question. I don't think that the money is badly spent. I'm liable to be pilloried in the right-wing press. Even if it costs a couple of million dollars to ensure that every disabled person has the same rights as those who are not disabled, it's money that has to be spent.

Ms. Sue Morgan: I think more people with disabilities would get out and vote. I really do. The people

whom I have spoken to have been fearful of going to elections because, although it says it's barrier-free, they don't necessarily find that when they get there. So over the years, they've just decided not to bother, which is really bad.

Mr. Michael Prue: Since turning 21 some 40 years ago, I've voted in many elections. I've gone into many polling places and seen election workers. I don't ever remember seeing a person in a wheelchair as one of the election workers, and I wonder—

Ms. Sue Morgan: I have worked at polls while I've been using a wheelchair.

Mr. Michael Prue: Okay, so it's not impossible, but I'm just wondering whether or not it's because of some of the barriers.

Ms. Sue Morgan: It is. They have to be very, very careful where they place us. The last one that I was placed in—it's a couple of elections ago, not a provincial election—it was just so impossible that I decided not to bother for the next time.

Mr. Michael Prue: Because it's 12 hours long, it would have to have an accessible washroom and all kinds of other things as well.

Ms. Sue Morgan: An accessible kitchen would be nice.

Mr. Michael Prue: An accessible kitchen. Is this something that we should also insist upon, in order to allow ordinary citizens who want to participate in the electoral process in terms of being poll clerks or DROs—

Ms. Sue Morgan: I hadn't thought about it before. Yes, I think that's a very good idea.

Mr. Michael Prue: Should that be included in the legislation?

Ms. Sue Morgan: That would be good, very good.

Mr. Michael Prue: Okay. Thank you very much.

Ms. Sue Morgan: Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much for taking the time to join us and making your presentation.

Ms. Sue Morgan: You're most welcome. Thank you for having me.

DISABILITY AWARENESS CONSULTANTS

The Chair (Mr. Bas Balkissoon): The next presenter is the Disability Awareness Consultants. Lauri Sue Robertson, please come forward. You have 15 minutes. I would ask you to state your name for the record, and if you leave any time at the end of your presentation, there will be questions from all parties.

Ms. Lauri Sue Robertson: Okay, my thing is pretty short, actually. I am Lauri Sue Robertson. The company I own is Disability Awareness Consultants. We are a team of people with a wide variety of disabilities, and we do awareness training and site audits for barrier-free design. I go out and I talk to people about what they need to know on how to work with customers and co-workers who have physical, hearing, vision, speech, learning, intellectual, psychiatric, neurological, chemical sensitivity

or significant facial differences. We have people on our team who have some or all—at least one—of these disabilities. We go out and we talk about what we live with.

My objective here today is to tell you that we need this bill to be stronger. What we really want is for all the places in the bill where it says that they “can” use something, they “might” use something, or they “have permission” to do something to say “must.” It shouldn’t be somebody’s option as to whether or not we have access.

The story I want to tell you is a short one. This happened to me several years ago. You can’t tell now, because my arthritis is in a terrific remission, but I used a chair for 13 years. During the time when I was using my chair, I went to vote, as I do every year, because I’m a devoted NDPer. I tried to work in the polls, but I don’t have the stamina to do 12 hours. The polling place was Birch Cliff Heights Elementary School. It’s an old building with lots of stairs, but it’s got a sign on it that says it’s wheelchair-accessible, and my little voter’s card said that. I wish it had been the weekend, because I’d have had my husband with me to help me.

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I got there and I followed the little sign around, and I’m faced with a solid wall of closed steel doors, because the voting takes place in the basement of the elementary school, in the gymnasium. The doors lead out onto the playground, and for the safety of the children, these doors don’t have doorknobs; they don’t have a window; they don’t have a knocker—nothing.

I went up to the door. My arthritis in those days was bad enough that I couldn’t knock on the door very hard. I couldn’t get out my chair to bang on the door. I tried hollering through the door but nobody could hear me.

By the way, it was wintertime. There was snow all over the place.

I went back and sat in the parking lot until somebody else came along who was going to vote, and I asked this man if he would please go in and tell the people working in the voting to open the back door and let me in, and they did, which was great. I went in and I voted.

Then I spoke to the poll supervisor, I guess is the person who’s responsible for running the poll, and I told him that door should at least be open a crack so that somebody could holler in and say, “Come open the door for me.” He said, “I’m not going to make these volunteers wear their coats all day just so that people with disabilities can vote.” That’s a quote, and it stuck very firmly in my mind.

I think this law needs to be strong enough so that little tinpot dictators like that man can’t get away with telling people that they don’t have the right to come in and vote just because it might be inconvenient.

The polling place was theoretically accessible if the back door was at least cracked a little bit so that somebody could holler in, but he wouldn’t even allow that, because he didn’t want the people who were volunteering to have to sit there with their coats on.

That’s my whole little story.

The Chair (Mr. Bas Balkissoon): Thank you very much. We have about three minutes each. I’ll go to the Conservative Party. Mr. Chudleigh? Ms. Jones?

Ms. Sylvia Jones: I guess I’m going to stay on the theme. You mentioned that if the voting had been on a weekend, that would have made it easier for you.

Ms. Lauri Sue Robertson: Yes.

Ms. Sylvia Jones: So you would support that amendment.

Ms. Lauri Sue Robertson: Oh, very much, because if I had my husband there, at least I’d have had somebody who could have run in quickly. I wouldn’t have had to sit there in the parking lot and just wait for somebody else to come along. So, definitely, the weekend would be far superior, as far as I’m concerned.

Ms. Sylvia Jones: Okay, thank you.

Mr. Ted Chudleigh: You’re familiar with a lot of what’s in this bill.

Ms. Lauri Sue Robertson: Yes.

Mr. Ted Chudleigh: Do you think it’s going to make a difference in Ontario?

Ms. Lauri Sue Robertson: If it’s strong enough, yes.

Mr. Ted Chudleigh: As it’s written, do you think it’s going to make a difference in Ontario?

Ms. Lauri Sue Robertson: It’s bound to make some. I don’t know if it’s going to make enough. I don’t know if it’s going to bring barrier-free access to people with disabilities. It’s going to make some, for sure, but we’d like it to go further. We need for it to go to a point where, like I said, it’s not an option for somebody to decide, “Oh, well, yeah, I guess I’ll keep the back door open and let them in.” He shouldn’t have had that choice. The bill should say that there must be accessible voting places; they must be kept available. It just shouldn’t be an option.

Mr. Ted Chudleigh: Thank you.

The Chair (Mr. Bas Balkissoon): We’ll move to Mr. Prue.

Mr. Michael Prue: Obviously, this boorish man who said this: Can you tell me whether this was a municipal, provincial or federal election, or do you remember?

Ms. Lauri Sue Robertson: I don’t remember, but it was probably provincial. I don’t really recall.

Mr. Michael Prue: What kind of training do you think these poll supervisors should have? Obviously, he would need sensitivity training.

Ms. Lauri Sue Robertson: Yes.

Mr. Michael Prue: But do you think that they all should have the kind of training so that they don’t have attitudes—even if some of them wouldn’t say it—that this man exhibited?

Ms. Lauri Sue Robertson: I think they should at least know enough that if they’ve got poor attitudes, they should keep them to themselves. They shouldn’t yell at people who are sitting in wheelchairs, which often happened to me when I used my chair, because people assumed, since I was sitting down, that I couldn’t hear or else couldn’t think. And they yell at my friend Sam Savona, whom many of you probably know, because he’s

a real activist who uses a motorized wheelchair and has a speech impairment because of his cerebral palsy. When people realize that Sam doesn't talk clearly, and they see that his face is somewhat distorted by his CP, they either ignore him or they scream at him. So, yes, disability awareness training, which I provide, is exactly what people need, to make the polls work better.

Mr. Michael Prue: I asked the last deputant—you were in the room—about disabled people working in the polls. I think there's no better example for people to see the abilities that someone has than to watch them in action, to see that they can do, given the proper tools, the same job as anyone else. It has been estimated that about—I forget the estimate—one in 10 people or so in Ontario has some disability.

Ms. Lauri Sue Robertson: Yes.

Mr. Michael Prue: Yes. I think that's fairly well known. Should we be striving to be an equal-opportunity trainer and employer and making sure that one in 10 people on election day serving in the polls has a disability, so that they have full access and that the public can see that they are involved in the process and have the same rights as everyone else?

Ms. Lauri Sue Robertson: I think that would be wonderful. Personally, when I wanted to do it—like I say, I don't have the stamina to do 12 hours straight, so when they told me that's what it called for, I said no. I would have loved to have worked in the poll, but I knew I wasn't going to be able to do it. Certainly in the years when I was using my chair, the bathroom wouldn't have been accessible and I'd have had a really hard time just being there for 12 hours.

Mr. Michael Prue: We've heard—again, every chance I get I'm going to ask this—that this may be an expensive proposition. Voting machines cost, I've been told, \$11,000. You have other types of voting machines; most of them tend to be high. As one deputant said, you need ones that are accessible for people in a chair. You may need sign language interpreters for the deaf and hard of hearing. You may need electronic or other devices for those who are sight-impaired. Should all of these things be available in the polling booth? Or as some in the government have suggested to me—not openly, not in the debate—that having the opportunity to do an electronic poll will suffice? Is it important to go out in person?

Ms. Lauri Sue Robertson: For a lot of people, it would be, yes. Maybe not for everybody, but certainly for some people it would be important.

If it's too terribly costly to start with, maybe you wouldn't have every polling place in every district accessible, but you should have one in each area that's accessible. I usually vote in the advance polls because the polls are held in a seniors' building that's near me and it's always accessible. The time I voted at the elementary school was the first time I had ever been there in my chair, because we had always voted at the seniors' centre. If that was the one they told me to vote at all the time, I probably would be fine with that.

So I don't know that every building we use has to be accessible, but you shouldn't have to go miles and miles away from your home and you shouldn't have to rely on the kindness of strangers to get in and vote or to be able to express your opinions.

Mr. Michael Prue: That is possible in a city like Toronto, Ottawa or Hamilton, a big city where, if not every one, then the next-nearest poll that did have it would only be a block or two blocks away. I'm thinking about rural or northern Ontario, where that simply is not possible. Should we be making every effort in those polls to make sure that they are all accessible and all have the required tools?

Ms. Lauri Sue Robertson: Absolutely. One thing that people don't realize is the number of people who live in rural areas who have disabilities, often severe physical disabilities—because farming is a very dangerous job. My husband comes from a farming community. Injuries in farming are endemic, and there are many people in the rural areas who don't get out and vote. Maybe it's too hard to actually get there. In many cases, where they would have to vote is maybe somebody else's farmhouse and they can't get in and they can't do it. So, yes, in polling places out in rural areas where there aren't a lot of them, every one of them should definitely be accessible, barrier-free, so that people can get in and vote.

The Chair (Mr. Bas Balkissoon): We'll move on to the government side. Mr. Sorbara.

Oh wait, don't leave yet.

Ms. Lauri Sue Robertson: Oh, sorry. I thought I was being dismissed.

Mr. Greg Sorbara: Not yet; not so fast.

Mr. Michael Prue: They heard you were a New Democrat so they really want a go at you.

Ms. Lauri Sue Robertson: I can talk for 15 hours straight, guys, so this doesn't scare me.

The Chair (Mr. Bas Balkissoon): Ms. Mangat has a question of you.

Mrs. Amrit Mangat: As you have suggested that this bill should be stronger, can you throw some light on how we can make it stronger?

Ms. Lauri Sue Robertson: Wording, I think, is very important. There are places in the bill where it makes it sound as though it's not required—they have voting machines, but it doesn't say they have to use them. They have accessible ballots, but it doesn't say they have to provide them. They've got to be provided. The stuff has to be readily available. I shouldn't have to beg and plead for access. I shouldn't have to plan it six weeks in advance. Sometimes it's very difficult to get in and just exercise your right to vote. It should be easier. After all, that's one of the big issues: Voter turnout is terrible. We want it to be better, and then we say to a whole bunch of the population—because at least 15% of the population has at least one disability—“Well, don't bother coming. It's going to be too hard. We can't be bothered to accommodate you.”

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Mrs. Amrit Mangat: Since you are a committed voter, do you experience those kinds of problems every time?

Ms. Lauri Sue Robertson: Depends upon whether or not it's snowing. Not every time, because sometimes I vote with other people, and many times I vote in the advance polls, so I go to the seniors' centre that's near my house—it's actually a retirement home—and vote there because it's always accessible.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Bas Balkissoon): Thank you for taking the time to come down and join us—

Mr. Joe Dickson: I have one.

The Chair (Mr. Bas Balkissoon): Oh, you have another question? Okay. Mr. Dickson, sorry.

Mr. Joe Dickson: Through you to Ms. Robertson: I'm a little shocked that you had that problem getting in to vote. Obviously the person responsible was either naive, insensitive or perhaps even ignorant. That should—

Ms. Lauri Sue Robertson: All of the above.

Mr. Joe Dickson: —never happen. I wonder, did you have an opportunity to come up with one or two recommendations—other than going to a seniors' home, when you can, for the first level of voting—that would make that problem go away in the future?

Ms. Lauri Sue Robertson: Like Mr. Prue said, certainly awareness training for the volunteers and for the staff so that they are sensitive to the issues and so they realize, "Okay, our back door is not really accessible unless we keep it open, keep a door knocker in there or something, or even a doorbell"—something that people could use.

Mr. Joe Dickson: We're on the same vein, I think. Why wouldn't they have simply installed just a magnetic door buzzer on the outside of the door where the wire goes through that rings a little bell? You can rent them for about \$100.

Ms. Lauri Sue Robertson: Because it takes forethought. You have to be aware, first of all, that there's going to be a problem, and if the people doing the set-up for the voting don't even think about the fact that people aren't going to be able to get in or don't think about the fact that the guy running the poll may decide that it's too nasty to keep the door cracked open, then they don't think about the doorbell.

Mr. Joe Dickson: A legitimate concern. Thank you; that's very important.

The Chair (Mr. Bas Balkissoon): Thank you very much, this time, Lauri—

Ms. Lauri Sue Robertson: Now am I done?

The Chair (Mr. Bas Balkissoon): Thanks for taking the time to come down.

Ms. Lauri Sue Robertson: Thank you all.

DR. RICHARD GRECO

The Chair (Mr. Bas Balkissoon): The next presenter is Dr. Richard Greco. Come on up. Like everyone else,

you have 15 minutes. If you leave time at the end of your presentation, we'll allow questions from all sides. Please state your name for the record and then you can go ahead with your presentation.

Dr. Richard Greco: My name is Dr. Richard Greco. My focus is on accessibility in washrooms and voting booths from Queen's Park to electoral booths—that they're not wheelchair-accessible. That was my main focus, but I will say that my focus has changed. You want sensitivity training? I want to see you here on March 31 all in wheelchairs to see what it takes to buy a wheelchair; what it takes to get yourself in this building with a wheelchair; calling WheelTrans. That's part of my presentation. Why are we waiting for elections for things like non-accessible washrooms? I'll continue with my story.

Non-wheelchair-accessible washrooms from Queen's Park to electoral voting booths and Toronto city hall—subsection 4.4(2), paragraph 1 of this act: improving the voting process for electors. By having wheelchair-accessible washrooms, for many good reasons—like the gentleman before, if there are long lineups, where is someone in a wheelchair or a walker going to go?

Stuck in the washroom at Sunnybrook Hospital on the neurological floor; stuck outside the neurosurgery ward at Sunnybrook Hospital because there are no automatic door openers; stuck in the washroom in the basement at Sunnybrook Hospital because there is no physiotherapy bar on the right side of the toilet. Being paralyzed on my left side, I can't use the washroom. Yes, there is a bar on the left side, but I can't use it on the left because I'm paralyzed on the left.

Queen's Park, basement washroom: stuck there with a security guard watching me struggle with not going to the single disability washroom because of how the door opens.

Also, the men's washroom that is downstairs with an automatic door opener is good to go in and out of the washroom. Once again, the security guard watched me struggle to close the wheelchair-accessible stall door. Yes, there was a bar on the right, but I couldn't close the stall door.

I was at the CNE. I went to one of the men's washrooms, to the disabled stall, which is wide but not long enough. Kids were going by my stall with the door open. Because the stall was not long enough, I couldn't close the door—embarrassing and humiliating.

Am I getting your attention?

To all the elected members with disabled constituents: March of Dimes only has one washroom with an automatic door opener. It has an automatic flushing toilet, which sprays water on the toilet seat, which is disgusting, after you've cleaned the seat, as you move back.

I have directly talked to the maintenance supervisor and executive director, and she mentioned that when they had only one program, one washroom with an automatic door opener was good enough. Now they have many programs, yet they have made four other washrooms without automatic door openers and closers.

The other day, I was having a meeting at the March of Dimes. I saw a little girl trying to wheel herself into one

of the other washrooms in a manual wheelchair. You politicians go in a manual wheelchair and try to open any door, anywhere. She was struggling to get in. She was struggling so much, she couldn't turn on the light and she went to the washroom in the dark. Also, a garbage can is under the light. She banged her feet, getting to the light, so she didn't: I know she went to the washroom in the dark.

I went to visit a friend at the Trinity Bellwoods long-term-care place. I had to go to the washroom in the basement. I had to go, so I didn't worry about the door being manual. Guess what? I was stuck in the washroom once again. After a while, my friend came down because I was taking too long, and attempted to ram the door open with his wheelchair so I could get out. Every door to the Bellwoods apartments has an automatic door opener, but the basement washroom doesn't.

Go to the Lyndhurst hospital, and the inaccessible Canadian Paraplegic Association's west office and washrooms, and the new Easter Seals office's inaccessible outside door. I only got in because some people were smoking outside and they opened the door for me. Go to Toronto city hall, ground level, and go to the washroom by the library, then go to the washroom by the elevators, and then go to the second-floor men's washroom: very difficult to go in and out. Go to Toronto rehab at University Avenue: first floor, second floor, seventh and eighth floors, and try to get in the washrooms in a manual wheelchair. Then go to any movie theatre and try to go to the washroom. Then go to any hotel and check out the washrooms by yourself, and see if you don't get stuck.

This brings me to the electoral booth at 44 Jackes Avenue in Toronto, in the party room. That's where I reside. The outside door is propped open by a stone, and the inside door is closed. Then there is a two- to three-inch drop to get into the party room. There is no wheelchair-accessible washroom.

So if you, the committee, can put automatic door openers on the doors, and add a ramp and a wheelchair-accessible washroom, that will allow me more freedom to go and vote.

Also, Toronto will be hosting the Pan American Games and the Parapan American Games, so I'll be trying to make all parts of Toronto and the province barrier-free as we accommodate the world.

Standardize all washrooms according to the building code and beyond the building code. I have the building codes in my hand; an architect gave them to me. They're very poorly written for wheelchair-accessible washrooms.

I am not waiting until 2025. This year would be a good year to get these requests done immediately.

I went to the Charles Beer presentation on AODA. I heard Mr. John Rae speak and ask Charles Beer if these changes could occur way before then so that he could see the change sooner, because, being 78 and blind, he didn't think he would be around in 2025.

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I'm inspired by his presentation, and I hope you are, to get things done immediately.

The Chair (Mr. Bas Balkissoon): Thank you very much. We have about two and a half minutes each. I will start with Mr. Prue.

Mr. Michael Prue: You pointed out, I think, that one of the very few faults with the Accessibility for Ontarians with Disabilities Act is that it doesn't come into effect fully until 2025. When I was asked, as the disabilities critic for the NDP, to stand up all those years ago, the very first thing that I spoke of, when it was introduced, was: why so long, to 2025?

The Ontario government, in my view, should be leading by example. Should all of these government buildings, all of these MUSH sector buildings that we fund—should they be made to bring the washrooms and other facilities up to standard, well in advance of 2025?

Dr. Richard Greco: Even the seats you're in—I've been in many committee rooms. There are all these seats but no wheelchair can fit in them. Go to Lyndhurst hospital, in the basement, when they have seminars. They have seats all around, but we have to manoeuvre all the wheelchairs around. The rooms should be big enough to accommodate wheelchairs and these chairs also. Absolutely.

Everything needs to be looked at, way before electoral day. Then we know people want to vote for things being addressed.

Mr. Michael Prue: I've asked some of the others a question; I'd like to ask you too. The lady from Kitchener said that she has been a poll clerk. I very seldom see people in chairs or with disabilities acting as poll clerks. Part of the problem is the washrooms, because it's a 12-hour job.

Should we be attempting to get people like yourself to work on election day? Would that interest you, if you had proper facilities?

Dr. Richard Greco: Yes, sure. I've been paralyzed only four years. I drank poisoned blueberry juice and I became paralyzed. I'm only just understanding the needs of the disabled. I used to adjust people; I adjust buildings now.

I go to many people and talk to owners and people in city hall nearly every week to say that things have to change. Places are burning down and new buildings are built, and they're not making them wheelchair-accessible. Who is accountable for when something is not wheelchair-accessible? Answer that to me.

Mr. Michael Prue: The government and the elections commission in Ontario check out buildings for wheelchair accessibility. Should we also ask them include accessible washrooms in the accessible places?

Dr. Richard Greco: And accessible entrances.

Mr. Michael Prue: Right now, I think they understand they have to have accessible entrances, even if they haven't in the past. They understand that we want those now. Should we include accessible washrooms and accessible machines and everything else accessible in all of our facilities?

Dr. Richard Greco: Yes, and get you guys in wheelchairs and see what it's like. That will be your sensitivity

training, whether you do it once a week or whatever. Go through the process of being in a wheelchair, and then you'll move this faster, this bill and these things that have to change, and you don't want to wait for electoral day.

You see how stuck I've been, from hospitals to hotels to different places, just around wheelchair-accessible washrooms.

I'm a teacher; I'm a doctor. I'm not sure I'll be able to teach again because I'm not sure schools are wheelchair-accessible. I'm not getting accommodation from Toronto District School Board around accommodation for a person with a disability. I only have one arm to use.

The Chair (Mr. Bas Balkissoon): Thank you very much. We'll move to the next question: the government side. Mr. Dickson?

Mr. Joe Dickson: Doctor, you're referencing accessible washrooms by wheelchair, and the entrances and whatnot. You were asking the question about why they don't make these changes. In fact, the entrances are law, and have been law for a number of years. Once the building owner or landlord has to make a modification to the front—might want to do an expansion, an upgrade—that, unfortunately, is the only point at which they are forced to make that change. They must do it. It's provincial statute and it's controlled by the municipal bylaws.

I have a question for you. There are other changes where a building may never make a change. They might stay there for another 100 years.

Dr. Richard Greco: That's why I'm here.

Mr. Joe Dickson: Do you see putting some type of time frame on that, that it should be implemented for the betterment of everyone who is in a wheelchair?

Dr. Richard Greco: Yes. I see the Progressive Conservative stimulus fund for changing people's old houses and going to Home Depot to do that. Why don't they have a stimulus process for everyone, every building in all of Canada or Ontario, creating a stimulus to make your place wheelchair-accessible? I'm talking to architects about why they don't build ramps to go into houses so that mothers can go down with carriages and people who are in wheelchairs, right from birth all the way so they can move in their house and live in their house. You don't want to be in a hospital.

Mr. Joe Dickson: Do I have time for one more question, Mr. Chair?

The Chair (Mr. Bas Balkissoon): Yes.

Mr. Joe Dickson: Doctor, if I may, because you're becoming a spokesperson, maybe you can answer this for me. On many elections, particularly municipal and regional, I will have a number of friends call me who are either mentally or physically challenged, and I will take them there. At the last federal election I went to, I had two gentlemen whom I went and picked up and took there. I went to the booth with one of them, as I had always done. I went to go with the second person, and I was stopped. I don't know if you're aware of this, and I'm kind of looking to you for some insight. I was stopped, and they said, "No, you can only go once." These are two dear friends, and I've always helped to get them there. I just wonder if you have any thoughts on

that. Do you see anything wrong, if you, as an example, went to assist more than one person who you had personally driven to vote?

Dr. Richard Greco: No. I think that if you're that caring person who's willing to help people out—unless they're saying that you're influencing their vote in some way. That's the only thing I could see. If you're a caring person and you're one to—like me, I volunteer at Anne Johnston. I'm speaking for people at Bellwoods. I go to pitch for them, and I go, so—

The Chair (Mr. Bas Balkissoon): Thank you very much. We'll move on to the next question. The opposition, Ms. Jones.

Ms. Sylvia Jones: Dr. Greco, thank you for appearing. I wanted to ask you some questions specifically related to Bill 231 and some of the proposals that are coming forward. The Chief Electoral Officer made reference to special ballots, which would be ballots by mail and home visits. Are those things that you would support in the legislation going forward?

Dr. Richard Greco: Sure, those would be helpful. But, again, a person like myself likes to get out and make a difference. You like to get out and cast your ballot so that you're not locked in.

Ms. Sylvia Jones: Absolutely.

Dr. Richard Greco: I'm just getting out today. That's all I'm doing. I'm just getting out.

Ms. Sylvia Jones: You're making a strong case. Thank you.

Dr. Richard Greco: Thank you.

Mr. Ted Chudleigh: Just one short question, to thank you for coming, and I know this building is not particularly handicap—

Dr. Richard Greco: I came here on Friday specifically for that, and I let security watch me struggling to get into the washroom. See, even that: There is an opportunity for—this should be an ongoing process. What I see when I go to Lyndhurst and different hospitals is that they've stopped. They've built the building. This should be an ongoing communication with all disabled.

I've talked to some people on the ODA. I said, "I want to be part of the committee." They said, "The committee is over." I said, "The committee is over? No, it's on an ongoing daily basis." It should be talking to the disabled on a weekly basis. I went to Bellwoods. I'm dealing with a gentleman there who had a workers' comp case, and it has been 16 years that he has been waiting for things to change. It has to be on an ongoing basis. He's going to have major surgery done, and he doesn't know if he can even stay at Bellwoods; he doesn't know. His life is in the air, and I'm trying to do whatever I can for him to help his life be in a better place.

The Chair (Mr. Bas Balkissoon): Thank you very much for coming down.

REV. PETER HUGHES

The Chair (Mr. Bas Balkissoon): The next deputant is Rev. Dr. James Peter Hughes. Just give us a second to allow Dr. Greco to move out.

Come on up. You can take any chair. You have 15 minutes for your presentation. Please state your name at the beginning of your presentation. If you leave any time at the end, I will allow questions from all sides.

1330

Rev. Peter Hughes: Okay, thank you. My name is Rev. Peter Hughes. I am a Canadian citizen born only a few blocks from here. As an infant, I had polio, and I was hospitalized at Sick Kids in 1953. I had a fairly good recovery: I was eventually able to walk, though always with a limp. I served for several decades as a Unitarian Universalist minister. During the last 15 years, I have experienced post-polio syndrome, which has given me increasing disability and caused me to retire from the ministry. Since 2007, I have been living near here in Toronto Centre.

As a physically disabled citizen, I would like to talk to you about the need for regulation to ensure that polling places be fully accessible to all voters so that all might exercise their franchise without having to undergo strenuous ordeals or assaults upon their dignity. As an example of this, let me relate to you my recent experience in trying to vote in two federal elections: the 2008 federal by-election and subsequent federal general election.

In order to get to my polling place, I had to climb up a long, steep slope with my walker then wend my way around a large, sprawling building. The signs—and these weren't handicapped signs—led me to a door where I was confronted with a staircase. I had to release my walker and go down the stairs on the seat of my pants. When I finally got into the polling room, I found that the tables were arranged so that people with assistive devices could not get to the places where ballots were to be marked and cast.

When I finished I was directed to another door to which outside signs did not point. This door had a ramp, but this I could barely get to because of the heavy steel doors leading to it, out of which only one was operable. I had to fold up my walker to squeeze through the door, and when I did, I stepped into a snowbank. The ramp had only been partly cleared of snow, and the narrow path, not wide enough for walkers or wheelchairs, led to the inoperable side of the double doors. In addition, the ramp was steep, meant only as a loading ramp and nowhere near the standard set for handicapped access.

After I made a formal complaint, I found the situation remained largely unchanged at the next election. As it was a warmer season, the snow wasn't there.

Taken aback that such a situation could be allowed to exist, with legal assistance I again complained to Elections Canada. I was sent back a response doubting my veracity and claiming that the building was, in fact, accessible. Then I complained to the Canadian Human Rights Tribunal. Only then did Elections Canada begin to look into the matter and begin to discover how inaccessible their polling station was.

After a hearing in the fall of 2009, a decision was handed down giving orders to Elections Canada regarding the conduct of future elections. The orders resulting

from my complaint to the CHRT instruct Elections Canada that there must everywhere be barrier-free polling places, together with a verification system to ensure that they are accessible. There must be consultation with disabled voters, a review of their accessibility guidelines, a new standard lease for polling stations ensuring that they have level access and are barrier-free, a procedure for receiving, recording and processing verbal and written complaints about the election process.

When I complained, they originally told me that no one in 20 years had sent such a complaint to them, and then we found out that there was no system for receiving complaints. So of course, they didn't get any complaints.

This is not only a federal problem. In the recent Ontario by-election in my district, various disabled voters had difficulties voting that were very much like those I encountered in the federal elections. There may well be—and should be—cases taken before the Ontario Human Rights Tribunal.

I'm willing to grant that most and perhaps even all the people concerned in these federal and provincial elections have the best of intentions. They honestly supposed that some of these polling places were accessible. But they did not test these suppositions by having someone try to enter these premises in a wheelchair, and thus, they were quite frequently mistaken.

As a government and as a people, we've left everything up to good intentions, and good intentions, I believe, are not enough. We must have clear and strict requirements as to how polling stations should be chosen, set up, marked and equipped, or we will have countless polling places advertised as accessible that in fact are not. These requirements must be universal and enforceable. They cannot be left up to discretion and interpretation, for those interpretations will vary and many will be made by people who have little or no expertise into what it is like to be disabled. Therefore, it is up to legislators to craft clear and specific requirements.

According to the Accessibility for Ontarians with Disabilities Act, there should be processes going on over the next 15 or 20 years to improve accessibility in all walks of life, with the goal of making Ontario fully accessible. Crafting a new Ontario Election Act provides a great chance to make the process of voting accessible to all of Ontario's citizens. Yet the current bill addresses only a few of the obstacles to voting—it certainly doesn't deal with physical accessibility—and those aspects it discusses, it leaves largely up to the discretion of officials, a discretion that, in my experience, has so far clearly failed at federal and provincial levels.

Given an opportunity to meet the goals of the AODA, I think we should not put off for years full accessibility, but we should propose effective regulations now. I think we should have Bill 231 discussed and analyzed by people who are experts on accessibility, including those who know the situation of disabled folks best: the disabled electors. We must level the playing field, literally. We must do so by making voting a right and barriers to voting a wrong—a wrong that is clearly identifiable and correctible.

To assist you in considering amendments to Bill 231, I've copied excerpts from the recent Canadian Human Rights Tribunal decision, to which I have referred, dated February 12 this year, containing systemic remedies ordered against the federal government by the Canadian Human Rights Tribunal. My recommendation is that you be proactive and consider these orders while revising Bill 231 to help avoid a similar outcome in this jurisdiction. The full text of the ruling is available online at the Canadian Human Rights Tribunal website. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much. If I could get to my clock, we have about four minutes each. We will start with the government side. Mr. Sorbara.

Mr. Greg Sorbara: Reverend Hughes, I just want to ask you one question that doesn't relate directly to your submissions, which I think were very articulate. You make a strong case for looking at the issues of accessibility further as we complete this bill.

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You may have heard earlier on the Chief Electoral Officer arguing for perhaps weekend voting, Saturday and Sunday, and it sounds like some members of the Conservative Party agree with that. We had lots of discussions on this during the work of the select committee. We prefer the tradition in Ontario of not voting on those days of the week which are, for some parts of the community, seen as holy days: Sunday, in the Christian tradition; Saturday, in the Jewish tradition; Friday, in the Islamic tradition. Indeed, in the 2007 election, we actually moved the date of voting to avoid having a voting day on a day that was considered within the Jewish faith as a holy day.

You've had lifelong experience as a minister. Would you recommend that we move towards having voting on weekends, on days when some members of the community might feel it against their faith, actually, to exercise their vote?

Rev. Peter Hughes: I would think that it would be inconsiderate to do so. In my particular faith, I wouldn't have a problem with myself voting. Nobody in my denomination would have trouble voting on a Sunday, for example. But we would feel that other people would, and we wouldn't like to have anyone discriminated against. I think there are many people who feel quite strongly about that.

I would hesitate to have voting on a day, whether it be a regular day of the week, like Saturday or Sunday or Friday, or whether it be a special time of year—if you did it during the Jewish high holy days or something like that. That would be something that I think would cause people a conflict and would make them feel somewhat insulted.

The Chair (Mr. Bas Balkissoon): Pardon me, Mr. Sorbara. I did make a mistake. It was two minutes each, so I have to move on.

Mr. Greg Sorbara: I'm done.

The Chair (Mr. Bas Balkissoon): Thank you. The opposition: Ms. Jones?

Ms. Sylvia Jones: Just to carry on, on that: One of the reasons why I have been asking presenters whether they feel that a weekend vote would make it easier to find those accessible buildings and rent them out—that was the question to presenters, and I will now ask it to you. Do you believe that choosing a voting day on a Saturday or a Sunday would make it easier to find those barrier-free buildings?

Rev. Peter Hughes: I believe there are many barrier-free buildings. I think that having it on a weekend probably wouldn't make a great difference in that regard. I think that you can find buildings on weekdays. There are plenty of apartment buildings, condominiums, places of business where you can rent space that I think can be made available on weekdays. I don't think it would probably make that much difference.

The one effect, actually, of, say, holding it on a Sunday would be that you couldn't hold it in some of these churches. The place I've tried to vote in was in a church. A lot of these places are grandfathered: They don't have proper access and so forth. So if you had it in more modern facilities, it would be better.

The Chair (Mr. Bas Balkissoon): Thank you very much. I've got to move on to Mr. Prue.

Mr. Michael Prue: First of all, I want to congratulate you, sir. Not many people would go back twice and then go to the Human Rights Commission and go through everything you did in order to get this order. That's the first thing.

Rev. Peter Hughes: Thank you.

Mr. Michael Prue: The second thing is, as I read this order—and I've not read it before—it seems that everything that was ordered in your case is something that is doable and should be done by the province of Ontario. Would you agree with that?

Rev. Peter Hughes: I would agree with that.

Mr. Michael Prue: I'm not so sure the province will want to pay compensation, but maybe we'll never have to, if everything else—

Rev. Peter Hughes: I encourage you to do something so that you don't have to pay people compensation.

Mr. Michael Prue: Exactly. There's monitoring and consultation; there's consultation with voters with disabilities; there's verification of the accessibility of the facilities; there are policies and guidelines; the option for standard lease of polling locations—if they can't find something that is accessible, to lease something else; the signage, the training—it's all here. Should this committee be making recommendations consistent with this order?

Rev. Peter Hughes: I think you should; that's why I brought it in. What is learned in one place—elections in Canada and elections in Ontario are the same process. They involve people going to the polls to vote, and there's nothing essentially different between the two. One's rights of citizenship—it's equally important to exercise your rights as an elector in Ontario as it is in the federal government. They operate on different levels; they control different aspects of our common life. People with disabilities should have equal access to being part of

the electorate that elects our legislators, that helps make decisions.

The Chair (Mr. Bas Balkissoon): Dr. Hughes, thank you very much. Thank you for coming forward and presenting to us today.

ONTARIO FEDERATION OF LABOUR

The Chair (Mr. Bas Balkissoon): We'll move to the next presenter, the Ontario Federation of Labour: Terry Downey and Duncan MacDonald. Like everyone else, you have 15 minutes for your presentation. Please state your name for the record, and if you leave any time at the end of your presentation, we will go to questions from all sides.

Ms. Terry Downey: Thanks for having us. Good afternoon. My name is Terry Downey and I'm the executive vice-president for the Ontario Federation of Labour. With me is Duncan MacDonald, who is a director of many issues, including disability issues, at the Ontario Federation of Labour. Also, I would just let you know that in my former work life I worked at the Ontario Human Rights Commission for 18 years and dealt with many issues on disability.

I welcome the opportunity to present our concerns to you today. The Ontario Federation of Labour is appearing before you to discuss the proposed Election Statute Law Amendment Act, Bill 231.

From our perspective, this proposed legislation must be strengthened. Our brief comments draw on our longstanding support for democratic institutions such as voting and our commitment to making Ontario a more inclusive society for all Ontarians.

The federation constitutes the largest provincial labour federation in Canada, and our hundreds of thousands of members work in all economic sectors in communities across Ontario.

Since our inception in 1957, our constitution has been to protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy and working people. We also seek to preserve the independence of the labour movement from political control; and to encourage workers to vote, to exercise their full rights and responsibilities as citizens and to participate and perform their rightful part in political life, whether it's to do with municipal, provincial or federal legislation.

In our experience, one of the groups that face systematic challenges in exercising their full rights and responsibilities as citizens are persons with disabilities in Ontario. From the early 1960s to the present day, our members who identify themselves as members of this community have brought their concerns about persons with disabilities in Ontario forward. Through such forums as our conventions, these concerns have been discussed and incorporated into our vision, and we have made many accomplishments and are much better for it. Existing legislation at both the federal and provincial

levels such as the Charter of Rights and Freedoms, the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act outline the rights of Ontarians with disabilities.

Our hope for this proposed bill is to make elections in Ontario more accessible for all Ontarians, a goal succinctly put forward in the presentation to the standing committee—which I hope you've heard already, because I haven't been here all day—from the Accessibility for Ontarians with Disabilities Alliance, and if not, you will hear a great presentation from them, because, "Persons with physical, mental or sensory disabilities, whether the disability is visible or invisible, would be able to independently and privately mark their ballot and verify their selection.

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"Persons with disabilities would have full and equal access to all information on where and when to vote and on choices of candidates.

"Persons with disabilities would have full access to polling stations or accessible alternative means to vote when access to a polling station isn't possible.

"Persons with disabilities would have full access to election platforms and other public information from candidates.

"Persons with disabilities can fully participate in all-candidates' debates.

"Persons with disabilities can fully participate in elections as candidates, without" any restrictions on "the funds that can be spent on accommodating the candidate's disability-related needs."

The federation is supportive of the presentation from the Accessibility for Ontarians with Disabilities Act Alliance concerning Bill 231, because that's particularly what is most important to those folks who have disability rights and needs.

What is needed in this proposed legislation is the means to ensure the removal and prevention of all barriers which impede voters and candidates with disabilities in both provincial and municipal elections. What's also needed is effective monitoring and enforcement—as a former human rights officer, I can't tell you how important enforcement is—to ensure that there's full compliance in removing and preventing these barriers.

I'd like to talk about the Ontario government's need to be more responsive and accountable for elections accessibility. During the 2007 provincial election, the McGuinty government promised the AODA Alliance that they would develop an accessible elections plan. I understand that both the Progressive Conservatives and the New Democratic Party made similar commitments. The date of the next provincial election, as we already know, is October 6, 2011. We believe that a strengthened Bill 231 must begin the process for this upcoming election.

There does not seem to be, by our understanding, one minister in the McGuinty government who has overall responsibility for accessibility for elections. The result is that Bill 231 inadequately addresses concerns about provincial elections, while municipal elections, over which the provincial government has legislative author-

ity, are dealt with inadequately in Bill 212, which is the government's good-government legislation. This is an issue which must be addressed as quickly as possible.

There is a need, we believe, for a periodic review and public reporting of the accessibility improvements under Bill 231. By way of example, the Accessibility for Ontarians with Disabilities Act includes provisions for an independent review of the effectiveness of the legislation.

Bill 231 should incorporate both provincial and municipal elections. It should amend the provincial legislation that governs municipal elections and require comparable standards for accessibility of municipal elections.

I want to talk a bit about the exemptions from the provisions of Bill 231. Section 4 of this proposed legislation appears to be, in our view, too broad: broad enough to let Elections Ontario exempt itself from accessibility requirements. This is inappropriate and should be amended. Clearly, we must state that Elections Ontario and the Chief Electoral Officer do not have the authority to exempt themselves from the accessibility requirements in the Election Act or other legislation.

We believe the role for Elections Ontario—section 32 says, “The Chief Electoral Officer may study methods of,

- “(a) improving the voting process; and
- “(b) facilitating voting by persons with disabilities.”

This should be strengthened to require such research and to make the findings public. There are no provisions for the Ontario government to fund such an endeavour. Such research should include experiences in other jurisdictions. We must be prepared to understand and learn from our own experiences and those of others in order to continue to improve our electoral process and the active involvement of all Ontarians.

I'm just going to talk a bit about accessible polling stations. I can tell you that in the polling stations that I've been in—and I vote every election—I don't see too much accessibility there. Even as a sighted person who has a slightly hidden disability, I would find it better to have more accessible polling stations.

Let me describe the concerns that we have: Bill 231 does not impose any requirements that all polling stations are fully accessible to voters with disabilities. It's left to Elections Ontario to choose the polling stations. After the 2007 provincial election, a post-election survey was conducted by Ipsos Reid, which outlined concerns, such as physical accessibility of polling stations, signage identifying the location, the process of voting, privacy and the ability to communicate with staff. Concerns have been raised about the accessibility of polling stations, as you know, in the Haliburton–Kawartha Lakes–Brock by-election. The most recent case was during the Toronto Centre by-election in February 2010, a few weeks ago.

Bill 231 takes a “trust Elections Ontario” approach. A more appropriate approach would be to amend the bill to institute detailed requirements to ensure full accessibility of all polling stations. Such a requirement should be developed in consultation with Ontarians with disabilities. These requirements should and must be in place before October 6, 2011.

Balloting: The most common form of voting, as we know, is paper ballots. The template or overlay, which may be used by voters with low vision, presents challenges, even to myself, to ensure that their vote goes to their preferred candidate. To make sure, they may have to ask a sighted person to check their ballot. This results in a loss of privacy for this voter, something many other voters do not have to experience. Bill 231 must be amended to require that all ballots use large print font to enable as many voters with low vision as possible the opportunity to vote independently.

Accessible voting machines are needed to allow Ontario voters with disabilities to exercise their right to vote. Section 23 of this proposed legislation permits machines but does not require them to be used. Elections Ontario has done research on this issue and has a prototype, which, to my understanding, is priced at about \$11,000. There's no government commitment to provide this kind of technology, so it may not be in wide usage. There may be other appropriate technologies that could also be appropriate, such as over-the-phone voting, which could prove to be useful. Bill 231 must be amended to provide a date when accessible voting will be available for Ontarian voters.

Elections Ontario should consult with Ontarians with disabilities to make public its plans for such technology. We believe Elections Ontario should make the public aware, through accessibility formats, the availability and location of accessible voting technology. There must be consultation with persons with disabilities after the deployment of such technology, to make public the feedback and the changes that need to be made because of this feedback.

Section 25 of Bill 231 provides for a special ballot; that is, a mail-in ballot for a voter. Section 45 addresses the home visit, which determines if a voter is entitled to a special ballot. Bill 231 must be amended to broaden the criteria for home visits to remove barriers to their use. There must be a timely right to appeal if Elections Ontario refuses to provide a home visit for a special ballot. Special ballots and voting procedures must ensure that the voter may independently mark their ballots and verify their choice. This is an issue of dignity.

In conclusion, our brief remarks have suggested improvements to this proposed legislation. These suggestions are consistent with our commitment to democratic institutions and making Ontario more inclusive for all Ontarians. This proposed legislation must address the needs of Ontarians with disabilities. This will only happen if they are actively involved in this process from the very beginning. It is not too late to listen to Ontarians and to improve this proposed legislation so that it does address important issues in a meaningful and positive way. Thank you for allowing us to speak today.

The Chair (Mr. Bas Balkissoon): Thank you very much. We have about 30 seconds each.

Ms. Terry Downey: Oh boy. Sorry about that.

The Chair (Mr. Bas Balkissoon): We will start with the opposition party. Ms. Jones, Mr. Chudleigh, do you have any questions?

Mr. Ted Chudleigh: I was going to ask you how you felt about third party funding, but the time limits probably aren't long enough for you to give a succinct answer, other than you wholeheartedly support them.

1400

Ms. Terry Downey: Okay. Sorry about that.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: In 30 seconds I can only say thank you very much. It was well detailed and very well put together, and I thank you for your efforts. We hope to try to incorporate your suggestions.

Ms. Terry Downey: Okay. Thanks.

The Chair (Mr. Bas Balkissoon): The government side. Nobody?

Thank you for coming and making your presentation.

CITIZENS WITH DISABILITIES—ONTARIO

The Chair (Mr. Bas Balkissoon): The next presenter is Citizens with Disabilities—Ontario: Terrance Green and Tracy Odell.

Ms. Tracy Odell: My name is Tracy Odell. Terrance Green is in Ottawa, so I am speaking this afternoon on behalf of him as well as on behalf of Citizens with Disabilities—Ontario.

Citizens With Disabilities—Ontario 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 disabilities: mobility, vision, hearing, mental health, learning and developmental. 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.

Citizens with Disabilities—Ontario 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.

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; 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 that 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 efforts to accommodate persons with disabilities through special election equipment, even to visit our home if necessary to cast our vote. However, CWDO's goal would be to ensure that 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 crucial 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 that 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.

CWDO knows that Ontarians with disabilities want to participate in community life. Could anything be more basic than the right to vote and 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 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.

So, for our accessibility lens for this legislation, we asked a number of questions, and we would suggest that you ask these questions in reviewing it, as well:

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 definitions 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 services.

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 the standards may not apply to them.

CWDO submits to this committee that by including such a definition in 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. 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.

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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.

The Chair (Mr. Bas Balkissoon): Thank you very much. We have about a minute and a half each, and we will start with the opposition.

Ms. Sylvia Jones: I don’t have any specific question other than a general one about the special ballots and the home visits—whether you see that as a good amendment to Bill 231.

Ms. Tracy Odell: I think it’s a good amendment. We would hope the home visit, particularly, wouldn’t need to happen very often because we see that being fraught with difficulties in terms of implementing it. Will you need to be visited by eight different people if there are eight different parties represented on the ballot, for instance? Is there potential for coercion when you’re in people’s private homes? If you’re going to help the grandmother to collect her vote, are you going to have to do everyone else’s in the family at the same time? So, then, is everyone going to want a home visit? We just see that as fraught with difficulties both from the point of view of having to deliver it and having to receive it.

Then, once that vote is cast, how do you know it really got into the ballot box? There’s still that concern.

Ms. Sylvia Jones: Okay. In the beginning of your deputation, you make reference to, “Which of these amendments give Ontarians with disability access to the initial procedures of registering our names to be considered in an election?” Can you expand upon that? I’m not clear on what you’re referencing.

Ms. Tracy Odell: In going through a line-by-line review, we were looking for some specific references for what would allow persons with disabilities to have better access. That was the accessibility lens that we were applying, and we weren’t able to find specific mention in the bill, as it was written, to ensure that that would be done in a more accessible way.

The Chair (Mr. Bas Balkissoon): Thank you very much. I have to move on.

Mr. Michael Prue: There’s one particular section that intrigues me here, and that is the holding of all-candidates meetings and the ability of people with disabilities to attend, to be heard, to understand. How do

we put that in the legislation that would force groups, such as homeowner associations, school/parent groups, who traditionally hold these meetings, to ensure that they're accessible? How does the legislation force them to do that? Because I'd like to be able to do it; just tell me how.

Ms. Tracy Odell: Certainly you folks are the lawmakers. I'm not the lawmaker, so I leave the details to you, but I think that there is a concern in the democratic process if you have an all-candidates meeting that is not permitting certain people to come in the front door. If we said that people of a particular culture or race or religion were not welcome to come in, I think that that would be a problem. Similarly, if it's in an accessible facility, if it doesn't have sign language interpretation associated with it, if it doesn't have materials in alternate formats, we're basically saying the same thing. It may be that to hold a lawful all-candidates meeting, those criteria must be met.

Mr. Michael Prue: Okay—

The Chair (Mr. Bas Balkissoon): Thank you very much. I have to move on to the government side.

Mr. Michael Prue: The next one was a good one too.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara?

Ms. Tracy Odell: Better start with your best question.

Mr. Greg Sorbara: I just want to carry on along the line that my friend Mr. Prue was asking about, and that is the issue of accessibility in the actual campaigning for election. This act and the bill that amends the act is silent on that, and we had lengthy discussions at the select committee with respect to whether or not we should go down and move into that territory. The feeling was that the responsibility is one that is on individual political parties.

For example, Mr. Prue might say, "St. George is having an all-candidates meeting, but I'm not going to attend because it's not accessible." I just want to suggest to you that to have a body like Elections Ontario determine what kind of pamphlet and the form of the pamphlet of all political parties and the way in which candidates can and cannot campaign, whether they can go to an all-candidates' meeting at a place that is not accessible, really went beyond, number one, the four corners of the existing act and the mandate of the select committee, and frankly, in my view, is not something that should be governed by legislation but should be governed by standards that each political party imposes upon itself.

Ms. Tracy Odell: From Citizens with Disabilities' perspective, as long as the material is accessible and we would have access to it for whatever reason, that is the key thing. Candidates would need to keep in mind that if people can't read their materials or access their materials, they would not be able to get that person's vote, and that could be very critical in some elections.

Mr. Greg Sorbara: I guess my question is, should the burden there be on the political party or on—

The Chair (Mr. Bas Balkissoon): Thank you very much. I have to cut off the question and move on. Thank you very much, Ms. Odell, for coming down.

MR. MICHAEL DYTNYIAK

The Chair (Mr. Bas Balkissoon): I'll call the next deputant, who is Michael Dytyniak. I hope I pronounced your name correctly.

Mr. Michael Dytyniak: Close enough.

The Chair (Mr. Bas Balkissoon): Like everyone else, you have 15 minutes. Please state your name for Hansard, and if there's any time left at the end of your presentation we'll go to questions from all sides.

Mr. Michael Dytyniak: Hello. My name is Michael Dytyniak. I am currently a third-year law student at Osgoode Hall Law School. I am an individual with a disability who has made use of a wheelchair for most of my life. I've had the opportunity to be involved in activism in disability issues and also to do some individual research on issues surrounding accessibility of elections and elections campaigns.

To begin, first of all I'd like to thank the standing committee for providing me with this opportunity to appear before you today. I would like to begin by saying that I fully endorse the brief provided to this committee that was prepared by the Accessibility for Ontarians with Disabilities Act Alliance. It provides an extensive list of specific amendments to the current bill that I think address many important points. Also, I think that persons who have appeared before the standing committee today have addressed many of those points, particularly the need for a guarantee of accessible polling stations, which has been ably addressed by a number of people, so I will skip over that point.

I would just like to reiterate how important accessibility to polling stations is to persons with disabilities. Your rights as a citizen, I believe, begin and end with the ability to exercise your right to vote. If a disabled individual cannot vote independently and effectively if they wish to do so, then they lose even the ability to advocate for other needs and desires as a disabled citizen. So I think the importance of providing fully accessible polling stations cannot be overstated.

I would urge the members of the standing committee and, indeed, all members of government, to just take a moment and put yourself in the shoes of an individual with a disability. If you cannot access your polling station or you require assistance to access that polling station, or your dignity is injured by needing assistance to enter a polling station or having to leave your wheelchair or your walker to bum down a set of stairs—I cannot think of something that would be more disenfranchising, more insulting to a citizen than not being able to exercise their right to vote in an independent and dignified manner.

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There are a couple of specific points I'd like to address. First of all, on the issue of accessible all-candidates' meetings, I think this is very important and that the scope of the bill should be expanded to address the need for accessible all-candidates' meetings; that it should be the responsibility of government to ensure that accessible all-candidates' meetings are available in each riding. This

means that all parties involved in all-candidates' debates can work together to agree on standards, like providing materials in accessible formats, ensuring that accessible all-candidates' debates take place in accessible buildings, that sign language interpretation be provided, etc. These are standards that can be ensured by the government, and I think it's extremely problematic to assume that these sorts of issues will be voluntarily taken care of by individual parties. I just don't think that's going to happen, and that just provides too many opportunities for the issue to not be effectively addressed.

Secondly, the issue of accessible voting machines: The current version of the bill does not require that accessible voting machines be available at all polling stations. I think this is doable. This is not that hard to do and this is something that Bill 231 must do. Providing accessible voting machines is particularly important for voters with visual impairments as well as voters who are deaf or hard of hearing. This can be done. For example, in the American jurisdiction, the Help America Vote Act requires that each polling station provide at least one accessible voting machine.

Again, the general point: that these requirements to make elections accessible be enforced with appropriate enforcement mechanisms and a complaint mechanism, and that the accessibility of future elections in this province be monitored and improved on a continuing basis to improve accessibility.

Thank you very much for allowing me to speak. I'd be happy to take your questions.

The Chair (Mr. Bas Balkissoon): We do have time: about two and a half minutes each. We will start with the NDP. Mr. Prue?

Mr. Michael Prue: Yes. The American experience largely resulted after the fiasco of the hanging chads and the election of George Bush. That's when all of this happened, I understand. They are now pointed out to us as being an example of how well an election process can take place. Should we be studying them? Should we be sending people down to look at their processes?

Mr. Michael Dytyniak: There are certain standards in certain areas which are superior to the current legislation in Ontario, like requiring accessible voting machines at each polling station. I'm not suggesting that American voting legislation is better in all respects, but I certainly think that you need to take advantage of the opportunity to study what other jurisdictions are doing and implement best practices.

Mr. Michael Prue: Excellent.

The second one is about access at meetings. This is, as Mr. Sorbara pointed out in his question following mine, a rather difficult issue. Should candidates and should political parties be insisting that their candidates will only attend places that are fully accessible? Is this a way around it—just to have, I guess, the four major parties that field candidates in every riding insist that their candidate will not attend unless it is accessible?

Mr. Michael Dytyniak: I would encourage political parties to do that. I think it's laudable if candidates make

that sort of stand, but that, on its own, is not sufficient. After all, there's no guarantee that when the rubber hits the road, candidates will simply not appear at an all-candidates' meeting if it's not accessible. What if three candidates do decide to show up and one candidate doesn't? As a law student, let's be frank: If you don't guarantee something in legislation or in jurisprudence, there's always a chance that the need won't be effectively addressed. I think that parties can come together, can agree on standards for accessible all-candidates' meetings, and then guarantee that in legislation.

Mr. Michael Prue: Thank you.

The Chair (Mr. Bas Balkissoon): We'll move to the government side. Mr. Zimmer? No. Mr. Dickson?

Mr. Joe Dickson: I was going to ask a question. It was actually presented by the OFL/FTO when you were here. They had a very minimal time frame at the end, so there could be no question asked. They mentioned accessible polling stations, and they focused on the riding of Haliburton-Kawartha Lakes-Brock, which is the area where my cottage is, so I'm quite familiar with the entire area. I was looking for some type of input as a phase-in time. I was going to give you some of the historic problems that—I was just thinking of one community, whether it's Apsley, Chandos, Ormsby or whether you get up closer to Bancroft: There are a multitude of problems.

The new locations are accessible—wheelchair-accessible, whether it's the LCBO—they're building a new school: That's going to work fine, where the other one didn't. There are about four or five in all of those communities that I think can work extremely well. But if I have to go to the marina, it's seven steps up. Old buildings: If I go to my church in Ormsby, which is Our Lady—it's 19 steps up the side of a rock hill with old plumbing pipes that you can try and hold on to.

How do you deal with these situations, because they're so rampant in those very historic areas? I don't know how you deal with it.

Mr. Michael Dytyniak: I think what's important here is to say that the commitment to accessible polling stations is of paramount importance. There's a necessity to think creatively. I'm speaking off the cuff here, but if you can't find an accessible polling location in a building, then pitch a tent.

Mr. Joe Dickson: Okay.

Mr. Michael Dytyniak: This is so important that you have to think creatively. If there's a requirement in legislation that money be provided to communities to make at least one site accessible for future elections, then that's something that needs to be done.

Mr. Joe Dickson: In my 60-odd years, I never thought of a tent. Good point. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much. We'll move on to the opposition. Mr. Chudleigh.

Mr. Ted Chudleigh: I'm going to follow up on Mr. Prue's line of questioning. In government, we tend to seek solutions internally as opposed to externally. I wonder if you had any experience with a shining city on a hill, another jurisdiction or another country that had

attacked or had looked at these problems and was doing an excellent job.

Mr. Michael Dytyniak: I gave certain legislation in the US as one example. There are some examples provided in the brief by the AODA that go into greater detail than I can today.

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You either want to go out and find best practices in another jurisdiction, benefit from their experiences—they've already travelled down that road; they've already had experience implementing that—or, if the Ontario government needs to lead the way in making elections more accessible, then lead the way. The disability community in Ontario—in Canada—is very engaged and is all too happy to provide suggestions, to brainstorm creatively. Tap that resource.

Mr. Ted Chudleigh: Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much, and thank you for taking the time to come down and present to us today.

Mr. Michael Dytyniak: Thank you.

MS. LORNA HILBORN

The Chair (Mr. Bas Balkissoon): Our next deputant is on the telephone, and it's Lorna Hilborn. Lorna, can you hear me?

Ms. Lorna Hilborn: I can. Hello?

The Chair (Mr. Bas Balkissoon): Hi, it's Bas Balkissoon, the Chair of the committee. You have 15 minutes for your presentation. I would ask you to state your name, before you start your presentation, for the record. If you leave any time at the end of your presentation, we will have questions from all parties equally. It's your turn.

Ms. Lorna Hilborn: Thank you. Good afternoon to all there, and greetings from Peterborough, Ontario. My name is Lorna Hilborn, and I am a disabled citizen of the province of Ontario.

I would like to start off by indicating that my disability is vision impairment. As a child, I had low vision; as an adult, for the last 40 years at least, I have had no vision at all.

I'm making this presentation on behalf of myself. It's not on behalf of any organization.

I don't want to forget, so I will start by mentioning the fact that I have great respect for an organization that emanates from Toronto and represents people with disabilities in Ontario in many respects, and that's the AODA Alliance. I know they are going to be making their own presentation tomorrow. I mention them here, right up front, because I have great respect for what they are doing.

I also agree with their brief and what they are presenting to you by way of information and suggestions as to how you can strengthen Bill 231.

Beyond that, I would like to indicate that my main reason for making this statement is that next month, I will be 75 years old. I have been a voter all of my adult life.

I've voted federally, provincially and municipally. I consider it a privilege and a right.

For most of those years, I have required assistance to cast my vote, in all aspects of Canadian voting. However, as of two municipal elections ago, I voted for the first time independently, here in Peterborough.

I have a guide dog, and have had for many years, so I know what it's like to have relative independence using a guide dog. I know how much legislation helped in that regard, removing barriers so that I can go most anywhere with my guide dog.

I very much appreciate the fact that you're going to try to remove barriers from the Ontario legislative standing committee, on your behalf. You're going to try to remove barriers, and prevent barriers in the future.

It has helped me in my voting in that I wore a headset and I had a device in my hand with a button on the top that I pressed as I followed the instructions that were given to me orally through my headset. So I voted for the first time and then again, for the second time.

This year, I understand that they've enhanced the system to the point where my vote will be printed off on the ballot as I'm pressing the button indicating who I want to cast my vote for. When the ballot is printed and is ready to be placed in the ballot box along with everyone else's, they take my name and enter that into the master list so that it's clear that I have already voted. When people are doing the tallying for the ballots, they will not be able to tell my ballot from anyone else's. I rather like that. I like the assurance that I haven't put the X in the wrong place where it might be discarded, which is part of my difficulty in voting in the Ontario division and in the federal elections. So that's why I still require assistance on those levels, but not any longer on the municipal level.

The primary reason for this is the leadership of our city clerk and returning officer. Nancy Wright-Laking has taken it upon herself to try to remove as many barriers as possible for our elections, and I am most appreciative of that.

The new system will also allow people with severe motor difficulties to have a foot pedal that they can press with one foot in order to cast their ballot.

There is also what is called a sip-and-puff system. I knew of this system when it came to disabled sailors being able to operate their own sailboats. Now, for the first time, I've learned that we're going to have it available here in Peterborough for this coming election. It's a new application of that particular system.

They are doing the very best they can in making all of the polling stations accessible by having the doorways wide enough to accommodate wheelchairs and scooters and having ramps in order to get to those doors, with sufficient turning space inside for both scooters and wheelchairs. The tables will be at the appropriate height for someone to pull right up to the table to cast their vote if they are in a wheelchair or a scooter.

The lighting will be more than adequate to assist people with vision difficulties, and will make it possible for them to cast their ballots. I have known people who

have gone into the polling station only to find that there wasn't enough light for them to mark their X.

I think that is most of what I have to say, and how much I appreciate what's being done here locally. I would very much like to encourage you to include the municipalities with your legislation so that not just Ontario elections will be accessible for people with disabilities, but municipal elections as well, throughout the whole of the province.

I would very much like to see you take leadership in this regard. You took leadership by bringing in legislation with the ODA in 2001 and the AODA in 2005. Now that you have put that into place, and as the standards and proper timelines are being developed, I would like to see you represent that legislation that you people were responsible for in the first place: I'd like to see you have that reflected in the revisions that you are making and in the implementation of Bill 231.

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I would like to thank you for listening to my presentation and encourage you to continue with legislation that will help people with disabilities. It is very much appreciated. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you, Lorna, and we'll have questions of the various parties.

First we'll go with the government side: Mr. Sorbara. No questions? None from the government side. The opposition? Ms. Jones.

Mr. David Zimmer: Just—

The Chair (Mr. Bas Balkissoon): Sorry. Mr. Zimmer.

Mr. David Zimmer: Just on behalf of the Liberal members on the panel, thank you very much for taking the time to carefully and thoughtfully think through your suggestions. We will incorporate them into our deliberations.

Ms. Lorna Hilborn: Thank you.

The Chair (Mr. Bas Balkissoon): We'll now move to the opposition side. Ms. Jones.

Ms. Sylvia Jones: Thank you, Ms. Hilborn. I had a question related to the new system that you've been able to use municipally in Peterborough. I'm not familiar with it. Was that available in every polling station or in certain polling stations in the city that they promoted?

Ms. Lorna Hilborn: The first year, it was available at city hall, and I tend to vote in the advance voting stage of the process, partly because it avoids the crowds, so to speak, for the regular voting. The second year, they had the voting in two locations, one of which was the advance polling, and it will be again this year. However, there's going to be the voting equipment available in one station within each one of the wards within Peterborough. So they are expanding it and trying to monitor the effect.

Ms. Sylvia Jones: So they're phasing it in and allowing people to go to different polling stations than what would be their home polling station in order to access that new technology?

Ms. Lorna Hilborn: That's correct.

Ms. Sylvia Jones: Thank you.

Ms. Lorna Hilborn: Very good.

The Chair (Mr. Bas Balkissoon): We will now move to the NDP.

Mr. Michael Prue: How do you let the municipal officials know that you require this special equipment in order to vote independently? Do you have to phone them up and say, "I'm coming," or is it just there? I especially want to know in terms of the polling stations that are not advance polls.

Ms. Lorna Hilborn: Well, they have differing methods of getting the information out to the citizens in Peterborough who have a disability. The information is on their accessible website, for one thing. It is also made known to the AAC, which is the accessibility advisory committee to the city of Peterborough, and we spread the word that way as well. We can always be assured of finding accessible voting at city hall, but we're a phone call away if we have vision problems to the extent that we can't maybe read the newspaper or flyers and that sort of thing. So they do try to get the word out as much as possible.

The Chair (Mr. Bas Balkissoon): Lorna, thank you very much for taking the time to join us today and for your input.

Ms. Lorna Hilborn: I appreciate the opportunity. Thank you so much.

CANADIAN PARAPLEGIC ASSOCIATION ONTARIO

The Chair (Mr. Bas Balkissoon): The next deputant is the Canadian Paraplegic Association Ontario: Lynda Staples. Like everyone else, you have 15 minutes. Please state your name for Hansard. If you leave any time at the end of your presentation, we'll allow questions from all sides.

Ms. Lynda Staples: Thank you very much. My name is Lynda Staples. I'm from the Canadian Paraplegic Association Ontario.

The Canadian Paraplegic Association appreciates the opportunity to speak to you today about Bill 231. Thank you for inviting us. We would like to address some challenges in the electoral process that the province of Ontario is facing and offer recommendations to constructively revise the proposed bill.

Since its inception in 1945, the Canadian Paraplegic Association has worked to assist people with spinal cord injuries and other physical disabilities to achieve independence, self-reliance and full community participation. From the moment of injury, it takes enormous energy, time and money to rebuild each person's day-to-day life and dreams. CPA Ontario currently delivers services through 16 regional offices. Our support network provides a number of core services for people with spinal cord injuries, including attendant services, rehabilitation counselling, peer support, information services, community advocacy and employment counselling, referral and training. We work to enhance relationships and forge new partnerships through our SCI network coordination. Community and systemic advocacy is critical, in the social content of our services, to guarantee full citizen-

ship in its entirety. CPA Ontario aspires to continue our partnership with the province of Ontario to provide vital core services to every Ontarian who sustains and lives with a spinal cord injury, so that people with disabilities can continue to be empowered to achieve full citizenship and lead productive lives.

As outlined in our submission in 2007, Ontarians with disabilities were promised an accessible election plan. It is expected that by 2025, Ontario will be a fully accessible province. CPA Ontario has been collaborating with other organizations serving people with disabilities and is a member of the AODA Alliance. I'd like to make it known that CPA Ontario supports the recommendations being presented by the AODA Alliance on March 31. We would like to recognize the consultations organized by Elections Ontario in May 2009, which allowed CPA Ontario to participate at the demonstrations of the voting machines.

In 2007, CPA Ontario actively contributed to organizing accessible all-candidates' meetings, offering a dialogue between Ontario citizens with disabilities and political candidates. More needs to be done to increase the civic involvement of Ontarians with disabilities, to address barriers to full inclusion in electoral activities and, ultimately, to also improve fundamental human rights for people with disabilities. CPA Ontario would like to acknowledge the Ontario government's plans to propose new legislation modernizing elections in Ontario and granting full accessibility to the electoral process. Bill 231 should ensure and strengthen fully accessible elections. This bill should effectively guarantee the removal of all existing and any potential barriers preventing voters as well as candidates from participating actively in provincial elections.

Bill 231 needs to categorically reinforce accessibility and create mechanisms to provide equal opportunities for people with disabilities throughout the entire electoral process, beginning with constituency, riding association, party and campaign offices to all-candidates' meetings; from polling stations to special ballots and voting machines. The process of monitoring, feedback and constructive evaluation is not addressed sufficiently in the bill and needs to be developed to enable full compliance with accessibility standards.

The bill does not deal with municipal elections, which face identical barriers as provincial elections. CPA Ontario would like to see Bill 231 become the impetus to disperse identical standards to the municipal electoral process.

CPAO endorses recommendations made by the AODA Alliance. Specifically, section 23 should be amended to reflect the ability to vote independently and privately, with no restrictions. The availability of voting machines should be promoted and publicized. CPAO would like this bill to be effective and meaningful and for the language used to reflect the commitment to update the existing act. Instead of indistinct references such as "may direct," CPA Ontario requests more precise wording such as "direct," "instruct," "ensure," "is in charge," "is responsible," and so on.

In section 25, criteria for home visits should be broadened and the right of appeal guaranteed if Elections Ontario refuses to provide the home visit. Special ballot kits need to be available. It is not clear how Elections Ontario means to manage home visits and whether there is enough staff to even accommodate all requests. It would be more reasonable to secure accessible polling stations to lower the demand for home visits.

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Section 32 should be amended so that research regarding accessibility is required as opposed to allowed. In addition, inclusive public access should be a minimal requirement, not merely the result of such a research. CPA Ontario was present at voting machine demonstrations that were used in the United States. Experience from other jurisdictions should be included in research options as an obligatory requirement, not an option.

Generally, full accessibility of polling stations and voting places must be ensured by providing alternate accessibility, should circumstances demand it. It should be an essential requirement that the space is sufficient for mobility devices to be used, including doorways, turning radius and height adjustment of flat surfaces that maybe need to be used. Locations must be accessible by public transit. Designated accessible parking spots must be visible and available.

The criteria for accessibility of polling stations should be applied to constituency, riding associations, party and campaign offices. It is in the best interests of the candidates to invite open dialogue with all citizens. Accessible and inclusive all-candidates' meetings should be enforced as minimum standards.

An accessibility hotline should be set up for voters and candidates with disabilities to provide feedback during the election process with respect to identification, removal and prevention of barriers. The feedback needs to be reviewed and evaluated, and next steps must be taken and made available for public review.

The bill should amend provincial legislation that governs municipal elections and necessitate the same standards vis-à-vis the municipal clerk's office and municipal elections.

The Ontario government should assign independent review of the effectiveness of Ontario legislation, including consultations with the public in general and with persons with disabilities in particular.

CPA Ontario is requesting the government of Ontario to prioritize Bill 231 to demonstrate the urgency of improvements in the Ontario electoral process.

Today, CPA Ontario is pleased to have had this opportunity to speak. Thank you again for your attention.

The Chair (Mr. Bas Balkissoon): Thank you. We'll go to questions. We have about two and a half minutes each. It would be the opposition party: Mr. Chudleigh or Ms. Jones?

Ms. Sylvia Jones: I just want to thank you for your presentation. I like how you've laid out the recommendations, particularly the last point, on page 3, where it has to be an ongoing process of continuing to review and

make sure we're headed in the right direction and doing the right things. Thank you for your presentation.

Ms. Lynda Staples: Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: Back to the very thorny issue of the all-candidates' meetings: I struggle with this, and I know that this is a difficulty. Should political parties have this as part of their platform, that they will not attend if they're not accessible?

Ms. Lynda Staples: I've heard you ask this question three times now.

Mr. Michael Prue: I know; I know. I'm waiting for someone to assure me that there's a way to do it. I'll tell you, I would gladly say, "I'm not going to attend the all-candidates' meeting because it's not accessible," knowing full well that some of my opponents will show up and they'll have an empty seat for me and say, "Michael Prue won't come to our meeting." That's what they'll do.

Ms. Lynda Staples: Rather than saying that they will not attend, I would like to suggest that you open the door for all of them to have home visits. That would allow the person with the disability to still vote, but it will then prove a point that if nobody shows up at the voting station to vote, then there's obviously something wrong with the voting station that needs to be looked at. You're going to kill two birds with one stone. Then you're going to also show them that it's going to increase the mandate for staff requirements. At some point, they're going to have to sit back and look at how they're going to accommodate home visits for every election, whether it be municipal or provincial.

So rather than declining someone to vote because they can't go to the voting station, give them the alternative of the home visits and make them find the staff to accommodate the home visits.

Mr. Michael Prue: The previous speaker on the telephone talked about voting with a headset. I must admit, I have never heard of that.

Ms. Lynda Staples: There is, in research, mobile voting equipment for people with disabilities. One of our concerns is, if home visits will end up having to be the requirement because there aren't enough accessible voting stations, how are we going to have enough equipment? Again, it just puts the issue forward that it is an urgent and important issue that needs to be looked at. If we're going to be working with the AODA and the Ministry of Community Services for the building environment for 2025, then at some point we're going to have to pick up the snuff anyway.

The Chair (Mr. Bas Balkissoon): We'll move to the government side. Mr. Sorbara.

Mr. Greg Sorbara: Thank you to our final deputant, Lynda. It was well presented and I think well thought out. There are areas where, I'll put on the table, I disagree. We go back to the area that my friend, Mr. Prue, was talking about and what you do at all-candidates' meetings and whether or not the government should or even can regulate in that area. We have, for example,

some pretty firm rules about freedom of speech in elections and the ability for anyone to hold an all-candidate meeting. We went over this in the select committee as to whether we can enter at all into requiring political parties to do anything with a campaign office or with an all-candidates' meeting.

We as candidates know that it is so much more difficult for someone with mobility issues to be a candidate. Michael and I and the rest of us spend 25 or 28 days running up and down steps to get to doorsteps. I can only imagine how someone with mobility issues simply is precluded, and yet we thought that this was not the area to address those issues, but maybe they would be addressed in some other way.

The other thing is, you mentioned the Municipal Elections Act. That actually has been addressed, as you probably now know, through another bill which is also wending its way through the Legislature.

If there was one thing that you would like us to change here, what would it be?

Ms. Lynda Staples: Making the voting stations accessible. And if I may add, Mr. Sorbara, you mentioned that we can't necessarily expect the all-candidates' meetings to be fully accessible, but if we don't start somewhere and try and put some enforcement down so that it happens, it's not going to.

I use the very good example of: Who would have thought five years ago that we would have had a Lieutenant Governor with a disability? Mr. Onley is very much a person with a disability, and the government had to make changes to accommodate his position. We wouldn't have thought we'd have to do that five years ago, but we did do it.

Mr. Greg Sorbara: I absolutely agree with that—

Ms. Lynda Staples: So if we can make one step there to provide Mr. Onley with the accessibility that he needs to do his job, we can expect the candidates to be able to put forward the opportunity for us to be able to vote in a non-accessible voting station.

Mr. Greg Sorbara: I agree with you in terms of the voting station. The narrow issue is: The all-candidates' meeting that the local YMCA or the local B'nai Brith wants to hold and they decide to hold it in a building that's not accessible—I think the appropriate response is for each political candidate to question whether or not he or she is actually going to attend that all-candidates' meeting. That's an individual political judgment. I just don't think it can be addressed in legislation.

The Chair (Mr. Bas Balkissoon): Thank you very much for joining us today.

Ms. Lynda Staples: Thank you very much for having me.

The Chair (Mr. Bas Balkissoon): This meeting is now adjourned.

The committee will reconvene next Wednesday, March 31 at 12 o'clock to continue on with deputations.

The committee adjourned at 1458.

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