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Official Report of Debates (Hansard)

Wednesday 31 March 2010

Journal des débats (Hansard)

Mercredi 31 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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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 31 March 2010

Mercredi 31 mars 2010

The committee met at 1201 in room 151.

**ELECTION STATUTE LAW
AMENDMENT ACT, 2010**

**LOI 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.

The Chair (Mr. Bas Balkissoon): I call the meeting to order of the Standing Committee on the Legislative Assembly. We're here to deal with Bill 231, An Act to amend the Election Act and the Election Finances Act.

**ONTARIO PUBLIC SERVICE EMPLOYEES
UNION**

The Chair (Mr. Bas Balkissoon): The first presenter today is the Ontario Public Service Employees Union, Greg Snider and Ellen Long. Please come forward. You have 15 minutes for your presentation. If there's any time left after your presentation, we'll allow questions from all sides equally. For the record, please state your name, and then you can carry on with your presentation.

Ms. Helen Riehl: Good afternoon, my name is Helen Riehl. I'm from the Ontario Public Service Employees Union, and I'm a member of their disability rights caucus.

Ms. Janet Heyman: My name is Janet Heyman. I'm also a member of OPSEU, from Kingston, and I also am a member of the disability caucus.

I'll start off. We've identified who we are and that we represent the disability rights caucus of the Ontario Public Service Employees Union; that's OPSEU in short.

OPSEU is a public sector union, and we have just over 133,000 members. The disability rights caucus, we do our best to identify barriers to full participation of persons with disabilities within OPSEU and the broader society. We are grateful for the intent of Bill 231. We are also happy that we were invited to speak to you here today.

First of all, we'd like to say that we fully support the briefs submitted by the Accessibility for Ontarians with Disabilities Act Alliance. Their brief goes into great detail about how to improve Bill 231.

Ms. Helen Riehl: The main point that we want to stress today is that, in general, Bill 231 does not ensure fully accessible elections. For example, the bill does not require that polling stations be fully accessible. It allows for that, but it does not require that they be. The bill does not provide for adequate monitoring or enforcement. The bill does not require that all-candidates' debates be accessible to persons with disability. The bill also does not address accessibility to municipal elections, which the province has jurisdiction over.

As a society, we already have a lot of knowledge on how to make events successful, and a lot of money and resources have been spent on doing that and doing that research. We don't need to reinvent the wheel. We just need to look at other countries and see what they've done to make elections accessible and build on that and take their best practices.

Ms. Janet Heyman: Being able to vote independently, to be able to run for an office, to read campaign literature and to attend all campaign meetings we believe is a fundamental right of citizenship, of personhood within a democracy. Inaccessible elections are not only a denial of democratic rights; inaccessible elections cause humiliation, social isolation and a loss of human dignity. At the present time, and the numbers are growing, 14.3 % of the Canadian population has some type of impairment or a disability. This percentage will definitely increase with our aging population, so let us work together to efficiently modernize and accessiblize our electoral system.

Ms. Helen Riehl: Today, we want to ask you to do it right the first time. We don't want electors to have to go the human rights commission and say that they were denied the right to vote because the building that the polling station was in was inaccessible, or even that a candidate didn't have the right to fully participate in an election process because they were unable to get into a building where candidates' meetings are or something like that.

We also want to ensure that candidates who are running are required to have accessible campaign offices so that any citizen of Ontario can have access to a candidate's office if they should be required to go in there during an election.

There already was a challenge under the Canadian Human Rights Commission, and the federal law is now being changed to require this, so we're hoping that Ontario can get it right the first time and save the agony,

be leaders in this on a provincial level and not have to go to the commission to be ordered to do that.

We want to just take a few minutes to go through specific points that we believe are important for you to know.

Section 23 of the bill should be amended to require that by a designated date, no later than the scheduled 2015 Ontario elections, Elections Ontario will have available to voters with disabilities across Ontario accessible voting machines, which will enable voters with print disabilities such as vision loss or motor limitations to independently vote in privacy and to verify their choice. The way that it works now, a person who has vision difficulties would have to place a lot of trust in the person who is marking the ballot for them. They may say, "I want to vote for X candidate," but they have no way of verifying that that's actually where the X was made on their ballot.

Ms. Janet Heyman: For persons with disabilities, I myself and a lot of other people in Ontario believe that public feedback needs to be received from people for people such as us to be able to make elections more accessible. I look today—even grocery stores and local stores we shop in ask for everyone's feedback on how to make the process and how to make the stores a better place to be. Well, Elections Ontario, I think that's another place where they need to be at the forefront. If the building is not accessible, if I can't get in the doors, if I can't read the print because I may have vision issues, to me that's very demeaning and it just doesn't seem to work. We talk about a society in Canada where we work for everybody. Well, this process really doesn't work for everybody, so let's work together and let's see what we come up with that does truly help everyone within Ontario.

Ms. Helen Riehl: Another issue for us is in the area of home ballots. There needs to be an expeditious appeals procedure if somebody is denied the right to vote by a special home ballot. It does that citizen no good if they have to wait until after the election to have their ballot counted.

1210

Ms. Janet Heyman: The buildings that we presently use for elections, whether they're provincial or municipal, a good many of them are truly not accessible. When I walked in here today—I have a mobility challenge, so it was a challenge for me to get up those front stairs, but I could make it. What about people in wheelchairs or on crutches or using walkers? That's a huge impediment for them, and they might get frustrated and just walk away. We need their votes. We need everybody's vote in Ontario to count. Definitely, the stairs are an issue.

Parking lots; whether it's close to a bus stop; the special door openers for people: I think those things need to be looked at, and not just "they can if they choose to," but "they shall be law and they have to do that."

Ms. Helen Riehl: We also think that the bill should be amended to authorize Elections Ontario officials, including a returning officer, to designate a portion of pre-

existing parking spots or public roads for disability parking spots for the purposes of elections, as well as at the advance polling stations.

The bill should also be amended to prohibit anyone from doing anything that directly or indirectly leads to a polling station being placed or moved to an inaccessible location.

Ms. Janet Heyman: The AOD act: They're suggesting—and it does make a lot of sense—a checklist. When Elections Ontario is looking for polling stations, perhaps if they had a checklist, when they went and looked at the physical sites and went through the checklist, they could see where it might not work and then look for alternative locations. Again, after the elections, poll those people or ask for feedback, and review. If they worked but there are still some issues, perhaps for the next election they don't use that list. I think that a checklist—and maybe you have better terminology—is very important to use.

Ms. Helen Riehl: Again, we want to talk about the accessibility of ballots and the right of a person to mark their ballot independently.

I work in developmental services. I work in a group home with six adult individuals who have developmental disabilities. Some of them very much want to vote. I've gone with some of them on occasion, and I could very easily have told them to mark their ballot anywhere. There needs to be some sort of way to verify that that person wants to vote in the way they do.

If there are literacy problems, perhaps ballots could have the picture of the candidate on them, have the party colour on them, because that's what those clients knew. They said, "I want the one who has this colour of sign" or "I want this person who came to visit us at Special Olympics." They knew the face but they were not able to read. Having the ballots look differently so that people with different disabilities can independently mark their ballots or truly make an individual choice would be a much better way to go.

Ms. Janet Heyman: For myself, I have worked at the municipal elections, and I was the district returning officer. At that point, I didn't have a disability, but due to a work injury, I am now physically challenged.

For some of the issues that I see in this brief, perhaps the person who has that position—you're only there for, like, 12 hours. You do a little bit of training. This is a lot to expect of them. There needs to be a steering committee or something—I'm not sure of the correct term again—to look at all these issues and put some implementation so that, again, we have an accessible election where everyone who chooses to vote can get there, regardless of whether they're able-bodied or they have a disability. Thank you.

Ms. Helen Riehl: We would also like to see a requirement that commercials from the candidates be required to have closed captioning. Some candidates choose to have that, but there is nothing in the act that requires it. We feel that that's very important.

As well, all-candidates' meetings should be in a venue that is accessible to people with disabilities.

There needs to be, again, a very expeditious appeals procedure when these things are not in place.

There needs to be consultation with people who have disabilities so that—we did this in OPSEU. We've recently done an accessibility audit of all of our buildings. We thought that we were doing fairly well in making sure that all of our buildings were accessible, but when we actually did it, there were a number of things that were identified that made them inaccessible, so we're moving on making sure that it's all there. What we're going to do is have a checklist—this needs to be in place to make sure that it's accessible, this needs to be in place, this needs to be in place—so that we know, when we're leasing buildings or buying new buildings, that they will be accessible right away. I think something like that would be great for the people who are deciding where the buildings will be to ensure that they are accessible.

Like we said, we're grateful for being able to present here today. Janet is from the Kingston area; I'm from Timmins. I don't know how many people know where Timmins is, but it's pretty far from here. It's really disappointing that these committee hearings are only being held here in Timmins because—

Ms. Janet Heyman: Toronto.

Ms. Helen Riehl: Yeah, Toronto, right. There are different issues in different locations. I know when the next fixed election comes up; it's October 6. I know for sure that somewhere in the riding of Timmins-James Bay there's going to be snow. Snow is another issue that makes it very difficult for people with mobility issues to get around.

The final thing is in terms of having accessible transportation. Many of our smaller communities don't have Handi-Trans service, and that itself makes it difficult for people to get to an election.

In closing, thank you very much for allowing us to present. We hope to see some positive changes.

Ms. Janet Heyman: Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much. I only have one minute left, so I'm not sure I can get questions, but any closing comments?

Ms. Sylvia Jones: Thank you for making the effort to come from Timmins to appear. We appreciate the submission.

Mr. Michael Prue: Thank you very much for what you had to say. You should know you were the first to talk about dedicated parking spaces and the first to talk about coloured ballots, so you've made a contribution.

Ms. Helen Riehl: Oh, thank you very much.

Mr. Greg Sorbara: Just if I might, Mr. Chair: Among the changes that we're hoping to bring about, we haven't found a way to ban snow in Timmins in October.

Ms. Helen Riehl: We were hoping you could do that.

Mr. Greg Sorbara: I'm thrilled that you came down from Timmins to make the presentation. We think that the legislation is going to move the yardsticks in the area of accessibility to the democratic process for people with disabilities. Your submissions are going to help us in that work.

Mr. David Zimmer: And also, my first visit to Timmins, I was reminded that—

The Chair (Mr. Bas Balkissoon): I'm sorry; I have to move on, Mr. Zimmer. Unfortunately, I've got a job to do here.

CANADIAN NATIONAL INSTITUTE FOR THE BLIND

The Chair (Mr. Bas Balkissoon): The next presentation is the CNIB, Christopher McLean. Please come forward. State your name for Hansard. You have 15 minutes like everyone else. If you leave any time at the end of your presentation, we'll allow questions equally on all sides.

Mr. Chris McLean: Certainly. Thank you very much. I want to thank the standing committee for this opportunity to present. My name is Chris McLean, and I'm here to represent the Canadian National Institute for the Blind.

CNIB provides services to blind and partially sighted Ontarians in communities throughout the province. All of our services promote independence, equality of opportunity and improved quality of life. We also conduct research and public education and perform advocacy in the field of vision health.

I will start our presentation with an endorsement. In CNIB's recommendations to the standing committee, we have focused on issues of priority interest to blind and partially sighted Ontarians. However, these recommendations are not exhaustive, and CNIB takes this opportunity to also endorse the full list of recommendations presented by the AODA Alliance.

CNIB's position paper has been circulated to the committee. Overall, insofar as Bill 231 promotes accessible election practices and opens up opportunities for persons with disabilities to participate in elections and vote with increased ease, the bill is commendable in its intention. However, the bill contains too many provisions that are only half measures towards ensuring the right to vote privately and independently. As such, the bill fails to take the necessary steps that will guarantee that Ontarians will have equal opportunity to participate in future provincial elections.

The government of Ontario must take this critical opportunity to legislate unequivocal measures respecting the role of the Chief Electoral Officer to safeguard accessible elections, and it must ensure that appropriate accessible technology is deployed during elections at all polling stations to facilitate voting.

1220

CNIB's most serious concerns pertain to the sections of the bill addressing accessible voting equipment. We submit to the legislative committee that Bill 231 be revised to remove any discretionary powers of the Chief Electoral Officer to direct that accessible equipment not be made available universally. There should be no question in this regard: Accessible voting equipment that

enables private and independent voting must always be present at every polling station.

Let me take a few minutes to walk through the key enablers for accessible voting for blind and partially sighted electors. To safeguard the citizenship rights, the following three principles must be satisfied:

Voting must be independent and private, such that an elector can read the ballot, complete the ballot and independently verify the ballot without the intervention of another person.

Second, voting technology must be grounded in universal design, accommodating the full spectrum of disability. For example, the Braille templates used during the last provincial elections were helpful to some voters—although they didn't allow independent verification—but blindness presents itself in many different ways and not everyone can use a Braille template; and of course blindness is only one of the disabilities that requires accommodation.

Third, polling stations must be barrier-free sites. For voters with vision loss, the emphasis here is mostly on the training received by polling station staff and volunteers.

These three measures would greatly enhance the participation of blind and partially sighted voters during elections: access to remote voting options that deploy web-based or telephone technology, campaign material that is available in alternative formats, and accessible equipment that is made available for the public to experience prior to the election day. If these measures are present, electors with vision loss will be more likely to use the equipment provided and will be more likely to vote.

I will take the remainder of my time to briefly walk through our eight specific recommendations to Bill 231, and the first two recommendations pertain to wording.

First, in the section pertaining to voting equipment, we recommend deleting the wording that the Chief Electoral Officer may direct the use of equipment. We submit that this legislation must specify that accessible voting equipment will be used at every polling station.

Second, we recommend deleting the related clause which states, "The equipment must not be part of or connected to an electronic network." This provision prohibits the use of current and future technology that enables remote voting options. CNIB believes that such technology has been tested and proved secure in other jurisdictions and that this technology is of clear benefit to blind and partially sighted electors.

CNIB also recommends the following six additions which expand Bill 231:

Bill 231, by and large, does not address the accessibility requirements for information distributed via Elections Ontario's website or other communications channels used by Elections Ontario. Bill 231 should include provisions that all information about provincial elections be available upon request in alternative formats and that web-based communications used for posting

information be compliant with internationally recognized standards for accessibility.

Next, the primacy of accessible voting should be clearer throughout Bill 231. Bill 231 must be explicit that the rights of electors with disabilities to vote independently and privately will prevail over any potential powers of the Chief Electoral Officer to modify the voting process. Our concern here is that the Chief Electoral Officer should not be empowered to forgo considerations of accessibility in order to achieve administrative efficiencies, cost containment or any other rationale.

A timeline and accountability are needed. Accessible voting equipment must be at Ontario polling stations for the 2011 provincial election. The government of Ontario and Elections Canada have been provided ample opportunity to learn how to make elections accessible. Time is now of the essence to ensure that action is taken before the next election, and it would be extremely unfortunate if accessible technology that is readily available and has been tested is not made available to the public, as was the case during recent Ontario by-elections.

Next, Elections Ontario must be mandated to promote to the public what accessible voting equipment is available and provide training to polling station employees and volunteers on how to use the equipment. It is not acceptable for electors to be denied access to equipment because polling station employees are unaware that the equipment is on site or how to use it.

In the section pertaining to voting by special ballots, persons with disabilities should be identified as a priority population that would benefit from the availability of remote voting. Special ballots should be specifically designed to accommodate persons with disabilities. It's true that many voters with disabilities will choose to vote at conventional polling stations, if they are accessible. However, it's also true that access to transportation is a considerable barrier to voting, particularly in remote or rural ridings. Special ballots that enable remote voting will address this problem if voters with disabilities are given priority access.

Our final recommendation: It is vitally important that the accessibility of the voting process be inclusive of the entire polling station, not just the ballot. Bill 231 must require that every Ontario polling station be universally accessible to all electors.

I thank you for this opportunity and I welcome questions from the committee.

The Chair (Mr. Bas Balkissoon): We have about two minutes each, so we'll start with the Conservative Party.

Ms. Sylvia Jones: Thank you. I guess I'm looking for your feedback. There were a number of presentations last week that talked about whether we could phase in the voting machines in particular, whether they started at the returning office—because we in Ontario have the most number of advance polls—so they are accessible every day, and whether that's something that the CNIB has discussed, has considered, and would they support it?

Mr. Chris McLean: I don't believe there are jurisdictions in Ontario that lack a population of persons with

disabilities, so what would concern us about a phased-in approach—if that phased-in approach means having the equipment at some stations and not others—is that you're inevitably going to disenfranchise people who don't have access to this equipment. Our stance on that is universal availability of the equipment, which is vitally important to the citizenship rights of that population; that they be at every polling station.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Bas Balkissoon): We'll move to the NDP. Mr. Prue?

Mr. Michael Prue: There were some people who suggested—I'm not one of them—that this is a very expensive process. I did ask the researcher, Mr. Johnston, to give me some background information on the city of Peterborough and what they attempted to do. It cost the city about \$300,000. It did accommodate 10 people: That's the extent.

You are asking for these machines in every location. There are about 15,000 polling locations in Ontario during an election: That is a lot. Is there some way we can have one per riding and instruct people to go there? I know some ridings are way too big to do that. I'm just trying to figure out how this can be done in a way that is not cost-prohibitive, because it needs to be done.

Mr. Chris McLean: My first response to the cost-prohibitive argument—I mean, we're conscious of cost, but I don't think that really has been tested properly, especially in Ontario. We know, just on the numbers for blind and partially sighted Canadians, that there are 370,000 people from the last StatsCan poll who self-identified as being blind and partially sighted: That's a lot of people. That's the population of Iceland.

If Elections Ontario makes people aware of the equipment, if they have the equipment available in advance so that they can take a look at it in the mall or a library or a community centre and they know how it works, that they know to ask for it, then you're going to get much more return on your investment. More people are going to use those options. We're also sure there are probably less expensive options out there and, once you open the market for innovation and create a market for the vendors, then the vendors will hopefully be able to produce cheaper machines.

1230

We certainly know that in the United States there are a lot of vendors who are getting into this area, but I would caution that I think it really needs to be tested properly to find out what the real numbers are and give people a real chance to use the machines before we get into the costing argument.

Mr. Michael Prue: In any event—

The Chair (Mr. Bas Balkissoon): Thank you very much. I've got to move to the government side.

Mr. Greg Sorbara: My question is along the lines of my friend Mr. Prue. Let me put it this way: In the work that we did in the select committee, we found that, currently, the voting machine of the type that Ontario is going to be using costs, with the training associated with

it, about \$15,000. As Mr. Prue said, there are about 15,000 locations—polling places—in the province of Ontario for a general election. If you do the math, that's \$225 million to supply all polling places with this kind of capacity. Does the CNIB realistically suggest to the government, which is looking at \$20 billion in red ink, that to assist the disability community its first priority should be to spend \$225 million on voting machines for the next election?

Mr. Chris McLean: I don't want to be drawn into a budget discussion—

Mr. Greg Sorbara: It's not a budget discussion; it's a priorities discussion. It costs money to—

Mr. Chris McLean: If it's a priority discussion, I can answer it that way because I can only answer for the priorities of our constituents, and not being disenfranchised is a priority for us.

Nobody is suggesting that the most expensive option has to be used and deployed. If there are cost savings in the system, certainly find those efficiencies, but it would be wrong of me to talk on behalf of blind and partially sighted Canadians to say that this is not important to them.

Mr. Greg Sorbara: I appreciate that, and it's important to us, but amidst that community, there are a variety of issues that the community looks to government for assistance on, and let's be fair, we're falling behind in a lot of those areas—

The Chair (Mr. Bas Balkissoon): Thank you very much. I have to move on to the next deputant. Mr. Sorbara, thank you. Time has run out.

Thanks for taking the time.

Mr. Chris McLean: Thank you very much.

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT ALLIANCE

The Chair (Mr. Bas Balkissoon): The next presenter is Accessibility for Ontarians with Disabilities Act Alliance: David Lepofsky, Orville Endicott and Courtney Keystone.

Welcome. You have 15 minutes for your presentation. Please state your name for the record, and if there's any time left at the end of your presentation, we'll allow questions from all sides.

Mr. David Lepofsky: Good morning. With me are Orville Endicott and Courtney Keystone. My name is David Lepofsky. I'm the chair of the Accessibility for Ontarians with Disabilities Act Alliance.

Eleven years ago, I and others convened a press conference here to call for accessible elections for voters with disabilities in Ontario, who number over one million. Eleven years later, we still don't have them; 11 years later, people with mobility disabilities continue to face the indignity of receiving a card from Elections Ontario saying their polling station is accessible but never knowing until they get there if it really will be. They face the indignity of possibly having to be carried down steps just to be able to vote or to have to find

someone to run into an inaccessible polling station to ask the scrutineers or the staff to stop letting everybody else vote so they can go outside and, perhaps, the person can vote in a car.

People like me who are blind still face the double indignity that we cannot mark our own ballot and verify that we marked it right. We have to rely instead on someone else to mark our ballot, hope they get it right, hope they don't spoil it and hope they don't tell anyone—compounded by the fact that we are asked to swear an oath that the government has created this barrier in our path just to get that accommodation.

The government promised us an accessible elections action plan, as did both opposition parties. The government and both opposition parties rose in unison five years ago to provide that this province would be fully accessible by 2025. Bill 231 will not fix those barriers to accessible elections now; it will not ensure accessible elections ever.

What will it do? At first, it provides that Elections Ontario can do research and hold conferences. Great. We don't need legislation for them to do research. They say they've been doing it for over seven years. And conferences—that's great. We won't be able to vote and they'll have conferences.

It says they may use accessible voting machines, but they don't have to. What is thrown at us is what Mr. Sorbara just said: It's going to cost tens of millions. It's going to cost hundreds of millions. Mr. Sorbara, that's because your legislation is drafted to lock the government into the most expensive option. It forbids the use of technology that the banks have used for years to enable people like me and people like you to do our banking securely, safely and in private from any telephone we pick up.

Telephone voting would be cheaper, easier, more appealing to everybody. It can be done with security, safety and privacy, and it would cost way less. But not only doesn't this bill require it, not only doesn't this bill permit it, it forbids it. Your section 23 includes a provision that forbids technology that is connected to a network for voting accessibly.

So this bill creates a legal barrier to the cheaper solution, and then what we hear is what we heard just a few minutes ago presented to CNIB. Blind people should be faced with the cruel choice of a very expensive option or forgoing their basic democratic rights. It's a cruel choice. It's not the choice we should be forced to face. It is not a choice that accessibility requires, but this bill locks us into that.

What this bill doesn't do is require polling stations to be accessible. What it doesn't do is put in place a system to make sure that happens—because once a person with a disability gets to a polling station and finds that they can't get in, they can't come back the day after the election and vote then. The election is over.

Now, what are the real guts of this bill? What did the Select Committee on Elections present us with and what has the government put before us? It's a very simple

message: Trust Elections Ontario. Let's let them have their research and conferences and so on, and let's hope they'll get it right.

The bill does one more thing, in fairness. It allows for mail-in ballots and home visits by Elections Ontario, but it doesn't require those mail-in ballots to be accessible. It doesn't require Elections Ontario to do the home visits; they've got a discretion whether they'll do it or not. No doubt, if hundreds of thousands of voters with disabilities insist on home visits because they won't know until election day whether they can get in the polling station, we'll be faced with an argument like we just heard a few minutes ago, "Oh, my God. That will cost thousands and thousands and millions of dollars. We can't have that."

The cheaper option is just making the polling stations accessible, but that's not required here in this legislation. Nor is there a measure to make it effective.

Now, if you want to talk about cost, in fairness you've got to talk about the cost of doing accessibility versus the cost of not doing accessibility. What is the taxpayer exposed to if this bill passes as is and if it's not fixed to make elections accessible?

I'm relying on the presentation you heard last week by the chief commissioner of the Ontario Human Rights Commission, Barbara Hall. What did she tell you? She told you that the Canadian Human Rights Tribunal ordered that one single voter who faced one single inaccessible federal polling station was awarded \$10,000 in damages. I invite you to take the numbers that Mr. Sorbara just added up—I'm picking on you just because we were classmates.

1240

Mr. Greg Sorbara: You were always smarter than me, David. Let's put that on the record.

Mr. David Lepofsky: I encourage you, therefore, to accept our advice.

Laughter.

Mr. David Lepofsky: Mr. Chair, may I ask that his heckles come out of my time?

But what does that mean? If every voter who faces one of these barriers invokes the rights that Barbara Hall talked about, what does that mean that the cost of inaccessibility will be to the taxpayer? Let's not solve this by litigation; let's solve it by strong and effective legislation.

Let's take a minute to look at the option that the Select Committee on Elections offered us and Bill 231 provides: Trust Elections Ontario. They're hard-working and they mean well. They've been telling us for a decade that they really treat this as a priority. But what's their track record? A week ago, the Chief Electoral Officer, Mr. Essensa, told you that they reported that 99% of the polls in Ontario in the 2007 election were accessible, but let's penetrate a little further. What he didn't tell you and what was in his own Elections Ontario accessibility report that he tabled with you is that they surveyed voters with disabilities and fully 44% reported difficulties voting, with polling locations and so on. What else did we learn? Mr. Essensa openly conceded that Elections Ontario has

got to do substantially better on accessibility. He acknowledged that the reports that his own returning officers submit aren't necessarily accurate. Those are his representations to you. What did we learn? We learned that in Toronto Centre, in the last by-election, they had an inaccessible poll because a principal decided that a volleyball game was more important than basic democratic rights for voters with disabilities. We suggest that "Trust Elections Ontario," no matter how hard-working and sincere they are, is not enough.

It's also not enough because you've got to look at what Mr. Essensa told you were the reasons why he thinks things will be okay now. He said, "We at Elections Ontario are still learning about accessibility." I ask members of the committee: How many of you think there is more to learn about the fact that people in wheelchairs can't go down stairs to vote? Is that a tough one? How about this: How much do we have to learn about the fact that if you can't get through the door, you can't get in? These are pretty basic things. It's not rocket science. But they say they're still learning.

With respect, they told us that the future is bright because they're going to do more consultations, but if you look at their 2007 report, they've been doing consultations with the disability community back to 2003 and before. We're delighted they consulted, we're delighted they want to consult, but we suggest, respectfully, that that's not the solution.

Finally, they say they want to do more research and develop better kits to give their staff. Again, in their own report, they have boasted about all the research they did before 2007 and the great kits they've given out. We've provided you documentation on this. For anybody watching this on TV, all of the documentation we placed before the committee is in accessible format on aodaalliance.org for them to see.

So what do you do about it? Let me summarize what we say you should do about it. You need to strengthen this bill to keep all your parties' election commitments for an accessible elections action plan. You need to extend it to apply to provincial and municipal elections, because both have the same barriers, the solutions are the same and you cut the cost by avoiding requiring two levels of government to reinvent the same wheel. We say that you need to require accessible polling stations, but also put in details, legislated standards of what that means, not just window-dressing statements—"All elections must be accessible"—but details. And there has to be enforcement and monitoring. Require Elections Ontario to post their proposed polling sites nine months or whatever in advance. Let us go out and check them out, make submissions, and if Elections Ontario doesn't fix their plans to ensure accessibility, give us an expeditious, cheap right of appeal. There are ways to fix this.

Provide for accessible voting machines. If you can't do it by this election, do it by 2015. Require that it has to be instituted, but more than that, take away Bill 231's current legislative barrier to ensuring that that kind of machinery is low-cost and the most widely available.

We have 23 recommendations and we don't have time to go through them all, but we respectfully suggest that it's important to make these provisions mandatory and put in timelines. We're quite open to the idea of two stages. Certain things will have to be accomplished by the 2011 election and other things deferred to, perhaps, 2015, to make sure they really happen.

Let me conclude with just a couple of observations. You folks bemoan the low voter turnout at elections. We're here for voters who want to vote but face barriers that are eminently preventable. You're wringing your hands over possible solutions. You want to solve the problem of snow? You want to provide for cheaper access to more accessible polling stations? Here's one for you: Why not require this fixed-date election to be at the end of June? The snow will have melted—in most places—and if you've got a problem with indoor accessible locations, pitch a tent in the parking lot in front of the inaccessible church or school and let people vote outside. It's the end of June: It won't be such a big deal. This is not rocket science. It is not hundreds and hundreds of millions of dollars. It is not a question of challenging a deficit that should be wisely spent elsewhere. It's a matter of doing what the Americans have been figuring out and what we should be figuring out.

We respectfully request that you amend this bill, that you strengthen this bill and that you ensure that provincial and municipal elections are fully accessible to voters and candidates with disabilities, not only on voting day but throughout the campaign process. Thank you very much for this opportunity to present.

The Chair (Mr. Bas Balkissoon): Thank you, David, and thank you for coming. There's no time left, so we'll move to the next deputant.

MS. PENNY LECLAIR

The Chair (Mr. Bas Balkissoon): The next person is coming to us via teleconference. Hello? Penny Leclair? This is Bas Balkissoon, the Chair of the committee. You're in front of the committee, and we're here to listen to you. You have 15 minutes for your presentation. If there's any time left at the end of your presentation, I will allow questions from all three parties. You can now go ahead.

Ms. Penny Leclair (Interpretation): Thank you very much. This is Penny Leclair speaking. I'm in the province of Ontario in the city of Ottawa. I'm a person with a disability. I am deaf-blind. My comments on Bill 231 are provided with the experience of having participated at one—and I repeat, one—all-candidates' meeting during our last election. This was the first meeting in my life that I was able to participate in at the late 50s of my life. I didn't realize what I'd missed until I did participate at this meeting.

So my comments are made from having had that experience. I knew what it was like to acquire information at a candidates' meeting, so that when I cast my vote at our last election, I felt I had made a vote far more com-

passionate for the democratic process. I relied on what I learned at the all-candidates' meeting, and not by what others told me they heard. I felt I had made an informed and objective decision regarding whom I voted for.

When plans are made to modernize a process, particularly the provincial election process, the opportunities for accessing all information should include all citizens. As I do not see and I do not hear, I don't have many equal access opportunities to receive information during election time.

1250

When I consider all the ways others have to access information to allow them to cast an informed vote, I feel our province should be able to strengthen this bill to equalize the field of access to information that is provided at election time. Candidates' websites are not accessible. Their information is in print only, so the meetings are important. Emphasis needs to be given to the very real situation of disabled candidates running. This means that they too must have equal access to information and fully accessible facilities during election time.

Bill 231 does not ensure fully accessible elections in the future. Accessible voting is a right, and access to information to cast an informed vote is also a right. Therefore, Bill 231 must be changed to ensure that it is a reality that access is given to all people who are eligible to vote in Ontario.

During this presentation, I wish to make general statements which I know members of Parliament do not require me to give great detail on during my presentation. It is my hope that my comments will prove to demonstrate how important it is that people with disabilities have better access to acquiring information at election time, and that when I exercise my right to a private vote, I can do so with 100% confidence in having voted correctly.

At this point, I want to say that I support the content and ideas that the AODA Alliance made in the March 31, 2010, presentation on Bill 231. This bill must be amended to be strengthened. If left as is, it does not fulfill the promise the Premier made to citizens of Ontario.

Priority to the ballot is the main key. All people should be able to fill out a ballot, so that using the phone to cast an informed vote would be easy, affordable and could be made secure.

Polling stations must also be accessible and the ballot must allow for voting independently without the likelihood of making a mistake that can't be verified.

All-candidates' debates must be accessible, and document how this is done so that every citizen can participate equally. Whether the Canadian is running or voting, the total process must be fully accessible. This is a learning experience since it hasn't been accomplished many times in Canadian history. Document, document, document, so that everyone knows how to include all citizens. Often, I'm being told that something didn't happen because people weren't aware, so it's obvious that more documentation needs to be done.

Monitor this bill and ensure all the requirements of Bill 231 so that there is full compliance with accessibility requirements.

I have valued the opportunity to participate at this public hearing. Thank you for your attention at this time. Go ahead.

The Chair (Mr. Bas Balkissoon): Thank you very much, Penny. We will now have questions, about a minute and a half from each party. We will start with the NDP; Mr. Prue. And I would ask you at the end of your question to just say, "Please go ahead" because she's on Bell Relay.

Mr. Michael Prue: Okay. Ms. Leclair, thank you for your deputation. Can you tell me what device or assistance you had at the all-candidates' meeting and who arranged for it? Please go ahead.

Ms. Penny Leclair (Interpretation): When I went to this meeting, I had the assistance of a special interpreter who is someone who uses tactile information of signing done on my hands because I do not see, and so it's called a professional intervener. The organization that did the primary provision of services was the Canadian Hearing Society, but they worked with other organizations, because in order for this to be fully accessible, we had people who were attendants for those who required help to and from washrooms—there were so many things in the background. I was just one of many forms of disability. The organizations worked together.

I'd also like to say for the record, in my example, in my presentation I was reading Braille. It took me longer to say what I had to say, and it's unfortunate that no one allows for extra time when somebody is working with a disability on something like this, but I certainly appreciate the opportunity and that this committee worked over the telephone, and Bell Relay Service. Thank you. Go ahead.

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

Mr. Greg Sorbara: Just one quick question, Penny. You said in your presentation that using the phone to cast an informed vote would be easy. Could I ask you, do you use secure phone systems for any transactions in your life now that would be a model, say, by way of banking or a secure computer—facilities that you use in order for you to conduct your business notwithstanding your disabilities? Please go ahead.

Ms. Penny Leclair (Interpretation): Yes, through Bell Relay Service, which is a professional service, so it would be the same as an interpreter. You value that professional service and you consider that when you're using it, you are actually doing a private-type thing. I can do banking with Bell Relay. I can do anything you can do; it just takes me longer. So the same process by which I am communicating with you right now is used to do everything and anything that anyone could do on the phone.

That's a short way for me to answer that question. I hope it's adequate.

1300

The Chair (Mr. Bas Balkissoon): Thank you, Penny. We will move on to the Conservatives. Mr. Miller.

Mr. Norm Miller: Thank you for your presentation. What is the easiest way for you to vote? I'm assuming that it's by telephone and that that is made impossible through this bill by section 23 of the bill. Is that correct? Please go ahead.

Ms. Penny Leclair (Interpretation): That's correct. Right now, that wouldn't be a possibility, and there are lots of reasons why. Security-wise, it would have to be done in such a way that voting—well, I guess just the person is who they say they are and things like that. But voting by phone alleviates one from having to get there, which can in itself be a problem, and voting independently is just easy because voting from your own home and voting over the phone is an independent way of doing things. I don't have to wonder who's going to come to my door.

If Elections Canada allowed such a thing, first of all, the person can't communicate with me so we'd have to hire an intervener. The phone just takes that away. Bell Relay is easy. You just make the call. They're already there ready, willing and able to help at any time with any process. So it could be accessible. And the reasons why having someone come to the door isn't—a lot of us have fears of opening a door to people, so to put one more person at our door to allow us to vote, which is something that's being considered right now, for me isn't a safe option. It isn't an option at all, as far as I'm concerned. Thanks.

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

MS. CATHY CROWE

The Chair (Mr. Bas Balkissoon): We will now move to the next presenter: Cathy Crowe, street nurse. You have 15 minutes. Please state your name for the record. If there's any time left, we will allow questions equally from all sides.

Ms. Cathy Crowe: Thank you. Good afternoon. My name is Cathy Crowe. I was the NDP candidate in the February 4 Toronto Centre by-election. I want to make four points today. I do have a PowerPoint presentation of some images that accompany some printed images I've presented as evidence to the committee.

First of all, as you know, a by-election can be called and take place in 28 days. In my case, my election period was 24 days. I just want to suggest that that, in and of itself, for a candidate of any party presents a major challenge to the democratic process.

Second, I learned a lot about accessibility issues—more than I had learned as a nurse—during the by-election. I want to say that I have read and reviewed and fully support the content and recommendations in the brief of the AODA Alliance.

My third point: Polling stations are not fully accessible. I have to tell you, that did shock me on Election

Day. I visited 15 polling stations. At the first one, I witnessed a person being carried upstairs in a wheelchair by, I assume, friends or family and an Elections Ontario official. That was at St. Simon's on Bloor Street East. However, five of the 15 polling stations I visited that day posed serious barriers. So I returned and seven days later took images.

The fourth point I want to make is, there are clear disparities in voting rights and access. In 2003, Elections Ontario introduced polling stations in complexes that have more than 100 units. Generally, they were held in the lobby. What happened? In the 2010 by-election, there were some buildings—they were actually three condos on Bay Street—that each had between 200 and 400 voters and which had a polling station in their lobby. But on the other hand, in St. James Town, with over 9,000 voters, there were only three polling stations. To make matters worse, all three are images that I'm going to show you today and that had true barriers to access. As a nurse, I just want to suggest to you that should we have been trying to immunize with H1N1 vaccine or flu vaccine 9,000 people in one day in three locations, it would have been physically impossible. So I don't know how Elections Ontario can expect that many people to vote.

There are five sets of photos that I've presented to the committee. I'm going to go through the images. They're numbered to match the PowerPoint CD that I'm going to show you. The first site I'm going to show is St. Joseph's College School. This is the location where the Toronto Sun reported that a man was unable to access the polling station in the basement. I should point out as well that this is a girls' school. I did find it surprising that schools are being used in this day and age so much as polling stations, given that most public schools now are either locked during the day or they're, in this case, a girls' school. The vice-principal, when I returned, actually expressed concern about that. So I found that to be something interesting that I think Elections Ontario and the school board should be looking at.

This is the front entrance from Wellesley Street. You can see that there are actually two sets of stairs going into the school, with glass doors that present a barrier. Can everybody see? Yes, I guess you can see.

Mr. Michael Prue: It's over there.

Ms. Cathy Crowe: Okay. I can't swear to it, but I don't recall that there were automatic door openers. Inside, this is what a voter faced immediately: right in the main lobby, a steep set of stairs that go to the basement polling station that was in a gymnasium. The gymnasium itself was certainly over 80 degrees that day. Inside, scrutineers complained to me bitterly about the discomfort of working in that location that day. I know that that was a sudden change in location for that school, but it's still unacceptable.

I was advised that, yes, there was an accessible entrance to the school, through the exterior, through a parking lot. I actually couldn't find it. This is the east side of the school. At night, it certainly would have been darker than this. Certainly, there's a pathway there that suggests

an entrance to the rear. There's a parking lot. I actually could not find the elevator to the basement.

I want to point out that there was no signage to this effect anywhere. There were no polling station staff outside as well to identify to anybody presenting with any kind of physical or other disability that this was an option for them.

The second location is St. Martin school. This is in Cabbagetown, on 55 Salisbury. There are two sets of exterior steps to this school. This is what appeared to me to be the main entrance of the school. It's where the signage of the school is, although it's not actually on Salisbury.

This is the other set of stairs to the school. You can see that adjacent to this exterior second set of stairs, there is what appears to be a ramp. However, I think it's pretty visible here that the ramp is somewhat irregular, to say the least, with almost what you would call potholes in it, and certainly of an elevation that, without a pole beside it, would make it extremely difficult to navigate.

This is the north entrance to St. Martin school. The security guard in the school and DRO staff advised me that there is an accessible entrance to the north of the school. They couldn't actually show me how to find it. It was only a week later on returning to the school that we scouted around and found this location. Again, there was no signage to any effect on election day that there was an accessible entrance to the school.

This other shot of the exterior of the north side of St. Martin school, again, just suggests that—there's a sidewalk, there's a small laneway or walkway adjacent to the brick of the school, but certainly there's no signage at all to suggest, even on a regular day, that that's the accessible entrance.

Now I want to turn to St. James Town. You know that St. James Town is one of the most multicultural, dense communities in Canada, with many new immigrants, many non-English speakers, many seniors and many, many people with various types of disabilities. There are 18 high-rises in St. James Town and approximately 9,000 voters. Again, I just want to point out the discrepancy. I was extremely shocked to learn that there were only three polling sites in all of St. James Town for close to 9,000 voters. They were polls 424 to 441. It's a lot of polls. Again, on Bay Street we documented that there was one poll for 200 electors in poll 482 etc. A total of 9,000 voters—three polls.

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I'm going to show you the entire three polls in St. James Town. The first is actually a beautiful facility. It's the Wellesley Community Centre, a fairly new facility that is at the corner of Sherbourne and Wellesley. However, immediately in the lobby what you see is a set of stairs that goes up to the gymnasium, which is commonly used in federal, provincial and municipal elections as a polling station for many polls. Again, on that day, I spent an hour on election day in that lobby and outside. I also encountered a colleague of mine in a wheelchair who came to vote. There was, again, no signage to point out

the accessible entrance to this gym, nor were there staff exterior to try to identify and help people.

This picture shows the east side of the gym. This is where you would go down this long hall through a set of doors to be able to access the rear entrance of the gym. It's quite a walk, especially if it was a frail, elderly person or somebody with CP or MS, who was trying to also make their way down that long hall to the rear entrance of the gym to vote.

The second polling station in St. James Town is Rose Avenue Junior Public School at 675 Ontario Street. This is the obvious main entrance to the school, and there was prominent Elections Ontario signage on that door, but for myself, entering St. James Town from the south, I actually had to go up the stairs to read the markings on the sign saying, "This is not where you come to vote; you go thataway to the north entrance of the school." So then I went there. This is what can be described as a downward laneway or ramp that brings you to the north side entrance of Rose Avenue school. There are cars parked in it, and there were cars parked in it that day as well. I can't tell you the gradient, but certainly if there had been ice it would be tricky. I can't remember if there was or not. This is the view from the bottom level of the ramp to the main, primary entrance of the Rose Avenue school voting location for, I would assume, approximately 3,000 people.

At the entrance to the school—and on this day the school was locked so I couldn't get an interior picture, so that's a view through the exterior doors. What you see is a lot of clutter, I want to suggest. There is something there for moving furniture; there are chairs; and there are hula hoops. I want to point out that on the day that I physically visited and went inside the gym, the hula hoops had fallen and they were actually blocking the blue doors, one of which was open that day. I did ask the DRO staff to clear that, and they did, and that's fine. But it just suggests clutter. Hospital wards are like that too. That's not where you want a large group of people to be coming through to be able to vote.

The final St. James Town poll I want to show you is a wonderful church called St. Simon-the-Apostle. It's on Bloor Street just east of Sherbourne. The accessible entrance to this church is only on Bloor Street, and it's clearly marked. You can see the blue and white wheelchair sign there, and you can see that there's an entrance to the ramp. The trouble with this is that you can only access that point of entry by coming from the sidewalk on Bloor Street or by Wheel-Trans or vehicle. It's not accessible from all of St. James Town that comes from the south.

This is the east view of that ramp. You can see that if you were coming from the right side, which is Bloor Street, you could wheel up the ramp. It looks to me—I'm not an expert—like a decent, fully accessible ramp. But if you're coming from St. James Town in the south, where all the voters were coming from, and if you come up the side of the church, this is what you face. You face these

stairs, and this is where I saw a person in a wheelchair being lifted up that day.

I imagine this to be an accessible south entrance to the church, except that there's the issue of the curb all along Howard Street, which would prevent anybody in a motorized scooter in particular from accessing that entranceway. It did have an Elections Ontario yellow banner on it that day. I didn't actually check inside to see if it was accessible.

That's the end of the pictures. I just want to point out to you that I started out my day on election day with a different purpose. Obviously my campaign manager was trying to keep me out of the office that day from bothering her, so I just went around. It was at this site where I first saw somebody being carried in to vote. So then I looked at other polling stations in a different light. I think the fact that at five out of 15 I documented these issues is quite significant.

I also received, as you can imagine, many calls and emails from other people who faced problems. They also have, I'm sure, linked with the AODA group.

That's my submission. I hope the photos are helpful. I just urge you to really take the recommendations of the AODA very seriously. People's basic right is that to vote. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much. There isn't much time left for questions. Thanks for taking the time to present to us today.

ARCH DISABILITY LAW CENTRE

The Chair (Mr. Bas Balkissoon): I will move to the next deputant: ARCH Disability Law Centre, Ivana Petricone. You have 15 minutes. Please state your name for the record. If there's any time left, we will have questions from all sides.

Ms. Ivana Petricone: My name is Ivana Petricone. I'm the executive director of the ARCH Disability Law Centre. Thank you for having me here today.

ARCH Disability Law Centre is one of the community legal clinics in the province. We are a specialty clinic dedicated to defending the rights of people with disabilities.

I wanted to say to you that I am a street lawyer in the same way that Cathy is a street nurse. Our profession hasn't kept pace quite with the nursing profession, so I can't really say that, but I feel that my job is a street lawyer.

I'm going to talk to you today a little bit about the importance of the right to vote from a legal perspective. I'm going to talk to you about what we mean by "fully accessible elections." I'm going to highlight some of the cases that ARCH has been involved in in which people with disabilities have faced barriers to voting, and I'm going to make eight recommendations for improving Bill 231.

The right to vote in Canada is fundamental to all of us. It has been described as a cherished right. It is the fullest expression of our citizenship. For people with disabili-

ties, it is also the fullest expression of their citizenship. People with disabilities in Canada and Ontario have struggled for decades to achieve full inclusion in our society, to overcome the barriers that they face in their everyday lives. A barrier to this fundamental right, a barrier to being able to vote, is something that causes extreme damage to people with disabilities.

Your government has a legal duty to make elections fully accessible to all people with disabilities. The duty comes from the charter, from the Ontario Human Rights Code and also from the Accessibility for Ontarians with Disabilities Act.

I would say to you that truly accessible elections must be completely barrier-free. They can't be that people have access through the back door. People can't be made to feel that their presence at this extremely important event was unexpected or, at worst, unwelcome. It has to be full access without barriers.

What people with disabilities have told us at ARCH is that when they face these barriers, they either buck up and try and go back, facing the barriers, knowing what they're going to face, taking someone with them to help them, or they stay home. The barriers suppress voting in this population, and they probably suppress it in others, like people for whom English is not their first language who are voting for the first time. But for sure I can tell you that it suppresses voting for people with disabilities.

1320

Scholars in disability rights and accessibility experts have stated that impeding voting also impedes equality in other areas, such as employment and education. That equality can't be achieved unless people have the power to vote and are able to vote.

I would like to underscore that full participation in this process is not just attending the polling station and dropping your ballot in the ballot box. It includes nomination meetings. It includes riding association activities. It includes political party conventions and all-candidates' meetings. Currently, people with disabilities are unable to engage in many of these activities due to barriers.

Bill 231 gives us an important opportunity to fix this to ensure fully accessible elections for people with disabilities. I'd just like to talk a little bit about what that means and tell you that ARCH supports the goals that were set out in the AODA Alliance's brief and endorses that brief.

To summarize, that means that people with disabilities must be able to vote independently. They have to be able to mark their ballot in private, as people who don't have disabilities can do, and they must be able to verify their selection to ensure that they voted for the person they want to vote for.

People with disabilities need full and equal access to information about where to vote, when to vote and on the choice of candidates. They have to have barrier-free polling stations and they have to have alternative means of voting when access to polling stations is not possible. The entire process needs to be barrier-free and accessible. So you can't just be able to get into the building; you

have to be able to move around tables and get to where you need to get in order to vote.

Public information from candidates needs to be accessible so that people can make informed choices about who they vote for, and people with disabilities must be able to fully participate in all-candidates' meetings.

Finally, I'd just like to mention that it's important that people with disabilities be able to fully participate in elections as candidates without any restrictions on the funds that can be spent for their accommodation.

I'd like to talk to you a little bit about some cases that ARCH has been involved in. These are two cases that dealt with access to federal elections but I raise them here to underscore the importance of strong legislation in this area. The federal legislation states that people need to have level access to polling stations. It's right in the Canada Elections Act. Recently, I had the privilege of representing the Council of Canadians with Disabilities before the Canadian Human Rights Tribunal in the case of Hughes.

The Hughes case was outlined in the AODA Alliance's brief so I won't go over all of the details. But suffice it to say that this dealt with accessibility to a polling station a stone's throw away from here, at St. Basil's Church, where Reverend Hughes attended to vote in two elections. One was a by-election in March 2008; the other was the general election in October 2008. When he attended in March, he had to go down the stairs on the seat of his pants, and the accessible entrance was a freight entrance at the back of the church, all of this notwithstanding that there's a ramp at St. Basil's that you can go up, but that door to the church was locked on both of those election dates.

This happened twice in six months. In the interim, Reverend Hughes made a complaint to Elections Canada and also complained to the Canadian Human Rights Commission, and notwithstanding both of these complaints, there was not a change in the accessibility or in the choice of that polling location.

This case had eerie similarities to a case that happened during the 1984 federal election, and that was the Canadian Paraplegic Association case, which dealt with access to polling stations in Winnipeg. They took their complaint to the Canadian Human Rights Tribunal, and the Canadian Human Rights Tribunal made a decision and set some systemic remedies. Notwithstanding that, 24 years after that election, we had a very similar problem in a person gaining accessibility.

Notwithstanding all of the improvements that have been made to accessibility and this lovely ramp outside of St. Basil's, it was very disconcerting to us that following this case, following a lengthy presentation with respect to systemic remedies before the Canadian Human Rights Tribunal, virtually the same problems occurred this time at St. Joseph's.

Let me also tell you that I am a graduate of St. Joseph's College School, and I was distressed to see how unchanged that building is since I went there about 40 years ago. I can tell you that there is an elevator that,

when I was there, was restricted exclusively for the nuns who lived then on the top floor.

This is 2010 and people are still having difficulties accessing polling stations. I tell you about these cases in order to urge you to make this legislation stronger, to ensure that it provides for accessible elections and to prevent the recurrence of these experiences, which have been so humiliating for the people who have had to encounter them.

I'd just like to speak briefly about some recommendations that ARCH thinks would help to improve this bill and strengthen it. The first deals with section 44.1 of Bill 231, which allows the chief elections officer to direct the use of accessible voting equipment. Of course, people with a disability are happy to see that this kind of voting equipment is named in the bill. However, it simply permits the chief elections officer to direct. We urge you to change that to mandating the accessible voting equipment. The legislation should itself direct the chief elections officer to use this voting equipment.

In addition, the legislation must set out a reasonable time frame by which the voting equipment must be placed in each electoral district. We have clients at ARCH who tell me that they will never see an ability to vote in this way—marking a ballot privately and verifying the ballot—because they've been fighting for so many years for this, and they're worried that they won't see this in their time.

ARCH supports a special ballot procedure for electors with disabilities, as is set out in Bill 231. However, I would point out that it is overly complicated. It also erects some barriers. There's a requirement that the person be able to write, to sign and to mail in the special ballot.

The bill talks about testing equipment. I would suggest that all of that testing must be completed before an advance poll opens. Many people with disabilities vote at advance polls because it's a little bit easier to access them, so testing should be done before the advance polls begin.

There must be extensive training with respect to accessibility, and that training should be from the top—from the Chief Electoral Officer—down to all of the staff and volunteers who execute the election.

1330

It's also essential, in ARCH's view, that the Chief Electoral Officer continually study methods of improving the voting process as is provided for in this bill. However, it's difficult to understand why this section would be repealed in December 2015, especially considering the advances and changes in technologies that are made with respect to methods of voting.

We urge you to insert in the legislation a requirement that the Chief Electoral Officer continue consultation with electors with disabilities and disabilities groups in order to eliminate barriers in voting.

The Chair (Mr. Bas Balkissoon): You have about a minute left.

Ms. Ivana Petricone: All right. My last two recommendations are that the Chief Electoral Officer be responsible for verifying the accessibility of polling stations, and lastly, that there be a procedure for receiving, recording and processing complaints with respect to accessibility to polling stations.

Those are my comments. Thank you.

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

ONTARIO MARCH OF DIMES

The Chair (Mr. Bas Balkissoon): We'll move to the next presenter, Ontario March of Dimes: Steven Christianson, Janet Macmaster and Tina Marano. You have 15 minutes. Please state your name for the record. If you leave any time at the end of your presentation, there will be questions from all parties.

Ms. Janet Macmaster: Good afternoon, honourable members and Mr. Chair. Thank you for this opportunity. My name is Janet Macmaster, and I'm with the government relations office at March of Dimes. With me today is consumer advocate Tina Marano and our manager of government relations, Steven Christianson.

When considering how to improve the electoral processes and systems, we bring our focus down to a fairly sensible point with which we think anyone would agree: Whatever system is in place, however voters mark that X for their chosen candidate, that process should never be a hassle. When the process is a hassle we increase the likelihood of lowering our voter turnout and civic participation, and put into question the efficacy of our system of responsible government.

We've seen numerous changes over the years to our electoral rules and processes that help make voting relatively hassle-free—for able-bodied voters, that is. So why can't we seem to get it right for Ontarians with disabilities, and put into practice and recognize that every vote and every voter truly do count?

To say that much work is needed simply doesn't cut it. We're not getting it right. Not all polling stations are accessible, and they should be. Information and communications are not accessible, and they should be. Election campaign offices all too frequently are thoroughly inaccessible, which basically tells a volunteer with a disability, "We don't need your contribution. Your participation simply is not valued."

I'd like to share a few thoughts with you from one of our board members at March of Dimes, Elizabeth Lounsbury. She resides in the Nickel Belt area and uses a motorized wheelchair. According to Elizabeth, she is no stranger to barriers when it comes to voting. Polling stations are in locations that are physically inaccessible, time and again, most recently in a motel room with a step. In one recent election, Elizabeth's husband had to vote for her due to the barriers in the polling station. In Elizabeth's words, "That is just plain wrong. It's supposed to be a secret ballot, and frankly, how I vote is my business and nobody else's. It is true ignorance on the

part of those who plan this process in that they don't appear to even think about people with disabilities, choosing locations and considering accessibility."

The larger electoral process, and not just voting day, must also be accessible. For example, as Elizabeth has asked me to convey to you, "It's been a thorn in my flesh that I have not been able to attend an all-candidates' meeting because none have been accessible. Obviously, people who plan these things simply don't care about us."

These reflections are taken not just from provincial but municipal elections as well. Therefore, we want to emphasize that Bill 231 must also consider municipal elections and the harmonization of accessibility through related legislation. The access afforded in one system cannot be any less in the other, especially in light of the fact that the provincial government has the ability to address both in time for this fall's province-wide municipal elections.

Now I'd like to ask my colleague Tina Marano to share with you some of her experiences in Ontario's electoral system for the next few minutes, after which my colleague Steven Christianson will offer some specific recommendations.

Ms. Tina Marano: Thank you, Janet. In 2007, Ontarians were promised an accessible election action plan for persons with disabilities that would coincide with the Accessibility for Ontarians with Disabilities Act that is supposed to be completed by 2025. Bill 231 does not provide the necessary actions to accommodate all voters in Ontario. The AODA Alliance has pointed out 23 significant problems with this bill, and I would like to relate to you through my personal experience how this bill will affect my ability to vote.

In the past, I have only voted a few times in both the federal and provincial elections, and the experience was not the greatest. First, as I have a dual disability, being visually and hearing impaired, I had to bring an intervener to the polling station so that they could read the paperwork and help me to check off my candidate of choice. This intervener was not provided by Elections Ontario. If I did not have access to an intervener or one was not available, I would not have been able to vote. Interveners are qualified people who know special communication such as American Sign Language, along with two-hand manual sign language, which consists of touching different points on the hand that correspond with the letters of the alphabet. They also act as a sighted guide. This is why new systems need to be used for the election process for people who are deaf-blind. There have never been any Braille documents provided to me. As a result, I have had to rely on a sighted person to assist me to check off my answers on paper. The use of accessible voting machines in fully accessible locations must be mandatory for Elections Ontario. Bill 231 does not make this mandatory, and this is unacceptable.

I don't get a chance to vote in most elections because of not being provided with enough accessible information on the candidates in order for me to make effective

decisions. It must be the law that Elections Ontario ensures that all candidates provide their respective information and campaign ideas in formats that everyone can access. This means using Braille, voice synthesizers, large print and even volunteers to bring this information to housebound individuals to ensure that they understand everything. The voting process as it now exists is not working for people with certain disabilities because there is no option to vote via Braille or large print. As well, there aren't enough assistants available to support the various types of disabilities that require help during the voting process. The polling station locations are not all readily accessible for those who are interested in voting in the advance polls. There is no question that every station must absolutely be wheelchair-accessible at the very least.

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In an ideal world, what would I like to see happen in order to increase participation for myself and for all people with disabilities in the electoral processes? As a possible solution, I ask that everyone be given an opportunity to vote via the Internet with the use of a reference number on the voting cards that are given to citizens prior to election day. On the voting card there should be clear language for everyone in this province to understand, whether they have a disability or not.

While I have heard about the electronic voting equipment, I don't know how successful and how clear the speech synthesizer or voice recognition is for people with a hearing impairment in addition to a visual impairment. If devices like these are going to be used, perhaps a Braille display should be attached to the keyboard.

If Bill 231 is passed by Parliament, it will continue to reinforce the exclusivity of Elections Ontario by not recognizing the basic requirements that permit people with disabilities to participate in the electoral process. For example, the only way I can work as a volunteer for a candidate during an election campaign is if I have a sighted assistant with me. If I were to work independently, it would be very difficult for me because I would need to see to go door to door to deliver pamphlets to voters. If Elections Ontario was mandated to use assistance services, I would be able to help other people with various disabilities through either electronic communication, over the telephone or by using Braille or two-hand manual sign language.

In order for Elections Ontario to fully understand the needs of people with many different kinds of disabilities, it would be ideal for a group of individuals who represent these disabilities to be assembled in order to advise the Chief Electoral Officer on how to make sure the voting process is completely accessible in accordance with the Accessibility for Ontarians with Disabilities Act.

Now I'd like to pass it on to Steven.

Mr. Steven Christianson: Thanks, Tina. We're wrapping up in about one minute. I'll use the remainder of our time to wrap up the comments and, in so doing, you'll find, echo much of what has been expressed by the

AODA Alliance, then make ourselves available for any questions if we do have any time.

First, Bill 231 must effectively ensure the removal and prevention of all barriers impeding voters and candidates with disabilities in provincial elections.

Second, there must be a comparable provision requiring the removal and prevention of barriers which impede voters and candidates with disabilities in municipal elections. These are typically the same type of barriers.

Third, the legislation needs to provide effective monitoring and enforcement to ensure that there is full compliance with these accessibility requirements.

Finally, we ask you to consider including in this bill a direction to Elections Ontario to receive and retain guidance from an accessibility adviser, as Tina mentioned, whose role would be to include assessing, monitoring and enforcing the removal and prevention of barriers to voters and candidates with disabilities, and to make ongoing recommendations toward achieving a barrier-free electoral system in Ontario.

Ontario's elections should be, and they can be, a model of participatory democracy and a modern-day echo of that made-in-Ontario institution, responsible government, that wonderful little institution of governance that we all learned about in grade school and really the underpinning reason why most of us in this room are here in the first place.

Do you want to close it off, Tina?

Ms. Tina Marano: I would just like to say thank you for giving us an opportunity to express our opinions on Bill 231.

The Chair (Mr. Bas Balkissoon): Thank you very much. There's no time left for questions.

ETHNO-RACIAL PEOPLE WITH DISABILITIES COALITION OF ONTARIO

The Chair (Mr. Bas Balkissoon): We will move to the next presenters: the Ethno-Racial People with Disabilities Coalition of Ontario; Mr. Selvamanikam Bhrapakaran, Maria Cruz and David Meyers.

Please state your names for the record. You have 15 minutes. If there's any time left at the end of your presentation, we'll allow questions from all sides.

Mr. David Meyers: Good afternoon, committee members. My name is David Meyers. I'm here, along with Maria Cruz to my right and Mr. Bhrapakaran to my left, representing ERDCO. We're the Ethno-Racial People with Disabilities Coalition of Ontario.

We'd like to begin our presentation by thanking the committee for providing us with this opportunity to participate in this process on Bill 231. It's a privilege to be here.

The Ethno-Racial People with Disabilities Coalition of Ontario, ERDCO, is a cross-disability organization. Our mission is to promote full inclusion and citizenship for ethno-racial people with disabilities through the principles of anti-racism, universal access and equity. We

partner with other stakeholders to help build inclusive communities.

Much of our work has involved heightening awareness of the intersecting barriers faced by ethno-racial people with disabilities and representing their voices to government. While it's well known that people with disabilities face major inequities in their efforts to fully participate in our communities—social exclusion, inequitable access to decent jobs and income, lack of an empowered voice, and yes, a barrier-filled voting process—it's a less recognized fact that Ontarians with disabilities from racial, ethnic and linguistic minority backgrounds face layers of additional disadvantage by virtue of the intersection of their disability with these other features.

What we at ERDCO have constantly heard from our constituents is that, in the eyes of their government, they feel their voices don't count and that, by extension, they don't count. An inaccessible voting process just continues to promote that indignity. So we think that a strong Bill 231 is essential for this and other marginalized groups of Ontarians with disabilities to have their voices heard at the ballot box, along with their fellow Ontarians, through an electoral process that's truly barrier-free.

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Like many others who have spoken before us, such as the AODA Alliance, we believe that among Bill 231's biggest flaws are: (1) that it omits key measures recommended by stakeholders for preventing and removing major obstacles to barrier-free access to the voting process; and (2) that it contains woefully inadequate provisions to ensure effective oversight and enforcement of its measures by Elections Ontario. I think some of the previous speakers spoke very eloquently about that issue.

Moreover, should it be passed in its current, weak form, we also see a continuation of the needless indignities and hardships people with disabilities have faced and continue to face. The video we saw earlier from Cathy Crowe really illustrates better than I can just what that's like in terms of unsafe and inaccessible polling stations, and Maria will talk a little bit more about that a bit later. We think Bill 231 needs to be strengthened to ensure that that injustice and others no longer happen.

One of our presenters here wants to tell a personal story of a challenge accessing a polling station recently.

Mr. Selvamanikam Bhrapakaran: Thank you, honourable members. My name's Selvamanikam Bhrapakaran. I want to tell you about an experience that I had actually with a municipal election, because I want that to be stressed: Not only Ontario elections but municipal elections need to be accessible as well.

It was the year 2006. I had just gained my citizenship in 2005, so I was excited that, for the first time in Canada, I would be able to exercise my vote independently. I come from a country, Sri Lanka, where we have been denied accessible voting rights; I think people with disabilities in Sri Lanka are still denied that same right.

In 2006, after I finished work—this was on a normal day—I went to the school where my children attend school and which is close to my home. I arrived there by about 1:45, so when I walked into the school my eldest daughter, who was in grade 6, was going from one class to another classroom. She came and asked, "Where are you going?" and I said, "I am going to vote," so she said she would help me to get to the gym where the voting was taking place. She came with me and took me to the clerk there so that they could confirm my identity, and then they said, "Here's your ballot paper." She gave me the paper, and I said, "I'm supposed to get a template along with this paper so I can mark it, and you are supposed to read me the names and numbers of the candidates." She said, "Why don't you ask your daughter to read and also mark it for you?" I said, "No, that is not what I am told. I know that secret voting is one of our rights and not even my daughter is supposed to read it to me. I know that there's a template that is supposed to be given."

The chief officer came around, the deputy returning officer, and she said, "If you want privacy, what I can do is I can read it to you and you can mark it." I said, "No, I need the template to do the voting in secret." She said, "Sorry; unfortunately we don't have it." Then I asked, "Is there a possibility of you getting the template down so I can come back later?" This place is about one kilometre from my home. They said they would try, and for me to come back later. I said, "Yes, I will be coming back. My wife is also vision-impaired, so two of us will be coming back."

By that time, the evening had arrived, around 5 o'clock, so I went home. The kids came back from school, so we accompanied them back to school, along with my wife.

My wife lost her sight very late in her life, so she lacks in mobility. I would like to emphasize one other thing as well here: For those people who are lacking in mobility, voting from home, phone accessibility, would be something that I would like to stress more as well.

We went to the polling station, and they had the template by then, so we were able to mark our ballots and drop them in. This is one of the experiences.

I would like to mention one other thing about this template itself. I am told that it was the CNIB that suggested the template for this poll, but I don't agree with one part of that template because it wants us to mark an X within a circle. This template has a circle. As a person who had sight until I was 10, I know how difficult it is to make an X, a straight X, in a circle. I would suggest making this template a rectangle or a square shape. That would make it easier for us to mark it.

Also, Maria will be talking about other accessibility features that we would like to have in the ballot process. Thank you.

Ms. Maria Cruz: Hi. Thanks for this opportunity to speak. I want to discuss some of the major accessibility issues that make it very difficult, if not impossible, for

people with various disabilities and disadvantages to exercise their right to vote.

First, there's a glaring lack of access to information leading up to the election and on election day. This includes very important stuff like where your polling station is, what candidates are running for office in your riding and who to contact if you have feedback or questions about the election.

Can you imagine the sheer frustration of not knowing where and when you're supposed to vote or who's running for office in your area and what they stand for? I don't have to imagine this because I'm almost totally blind, and in every election I'm handed pamphlets I can't read, I get unreadable or barely readable cards in the mail telling me where to vote, and I'm given other election information that's in print format that I can't read. Many other people like me are also given information they can't access or in a language that isn't easily understandable to them.

This is why it's so important for Bill 231 to require that all election information be available in multiple formats, including Braille, large print and electronic text, as well as in multiple languages besides English and French. This information should also be publicized by radio, TV, newspaper and fully accessible websites. Wherever possible, Bill 231 should also ensure that any TV announcements are both captioned and verbalized.

Another troubling concern is the lack of accessibility in many polling stations, candidates' offices and all-candidates' meetings. It's imperative that Bill 231 require these venues to be fully accessible for people with various mobility impairments, as well as have designated staff at the entrance of the building to direct or help people once they get in. It's also imperative that Bill 231 assure ASL interpreters and other various language interpreters at each of these venues.

Finally, it's important that Bill 231 greatly improve the accessibility of the current voting process itself. Each polling station should have ballots in various formats, including large-print and Braille ballots with, as Bhrapa said, a raised or embossed box for ease of marking.

The government should also look at alternative ways of voting, as was also discussed here, for example, through phone or TTY; online, through fully accessible websites; and also through fully accessible voting machines.

That's the end of my presentation. Thanks again.

1400

Mr. David Meyers: We just want to conclude by, again, thanking the committee for having us here.

We wanted to, again, endorse a lot of the great recommendations provided by the AODA Alliance that we've read and that we think really put forward lots of great ideas around provisions.

We think this is a timely and momentous opportunity for the government to act boldly, justly and with a progressive vision to keep a promise it made to Ontarians to make our electoral system genuinely accessible. We hope that this will happen.

Thank you very much.

The Chair (Mr. Bas Balkissoon): Thank you for taking the time to join us today. Unfortunately, there is no time left for questions.

MR. JACK SIEGEL

The Chair (Mr. Bas Balkissoon): We will move to the next presenter from Blaney McMurtry LLP, Jack Siegel. Please state your name for the record. If you leave any time at the end of your presentation, we'll allow questions from all sides. You have 15 minutes.

Mr. Jack Siegel: Thank you, Mr. Chairman. My name is Jack Siegel. I can safely say that I don't need to introduce myself to any of my friends over to my left here. For many purposes, I'm their lawyer.

I am here today strictly on my own initiative, however. I want to make it clear that over the years of acting as an election lawyer for Liberal candidates federally and provincially, and for municipal candidates quite literally of all stripes, I've developed what I think is fairly decent expertise in election law. I'm coming today with my own ideas, and I'm in no way speaking on behalf of my party, be it in caucus, be it as an organization or as my client. If there's something you don't like, blame me.

I would like to touch upon a number of things throughout the bill. I think I might be the only person coming before the committee, other than the Chief Electoral Officer, to talk about some of the other details here, though I might venture into areas where the people who have been speaking have greater expertise than I.

The first thing that I just want to talk about in general terms is transparency; the CEO did in fact mention this in his presentation last week. It's important that whatever we do in amending, modifying or advancing election law, it needs to recognize transparency in two respects, both in terms of the voting process and the ability of scrutineers, representatives of the candidates, to see and hear and, if necessary, intervene in what's going on to ensure the protection of the rights of the respective candidates; and then in the counting process itself to ensure that the ballots are fully counted in a transparent manner, so that when somebody wins and somebody loses, there are representatives of those people who can come back and say, "Yes, you lost fair and square." Particularly when a recount arises, the person who comes in second is entitled to know that there's no doubt about it.

I am venturing into the area of accessibility ever so slightly at this point just to say that a lot of ideas are coming forward on that front. By all means, they should be given every consideration, but they need to be weighed against the transparency of the process as well. Issues such as voting from home, particularly electronically, does not permit scrutineering—it may be necessary to make that compromise—but it also exposes the risk of loss of secrecy of the vote. If somebody can readily vote at home, there will be other people possibly in the room or in front of the computer knowing what they're doing,

and I think that's a bridge that needs to be ventured onto very, very cautiously.

Moving on to the process itself, the first topic I'd like to talk about—I'm basically following the sequence of the bill. The Chief Electoral Officer is being given the opportunity to make modifications to try out new processes, which I think is a terrific thing. Subsection 4.4(4) says that he shall not modify the rights and duties of scrutineers.

Last week, you heard him present a précis of a model whereby people would come into the voting area; if they have their registration card, they go right to the voting station and vote, and that's where a scrutineer can be. But if they don't have their registration card—either they didn't bring it or they're not on the list—then they go over to a separate table. As the law now stands, scrutineers have no rights at that table, and it seems to me that if you're going to modify the process, you've got to modify it in such a way that the rights and duties of scrutineers are preserved. And so, rather than to say, "They shall not be modified," I'm proposing—and I've provided some draft wording throughout my paper—that the Chief Electoral Officer shall in fact ensure that the rights and duties of scrutineers are not reduced, impeded or impaired, and that their ability to observe and participate is preserved or enhanced.

Again, referring back to the document, please, particularly research folks, go through it. There are things that I'm not going to mention in the 15 minutes that I've got.

With respect to returning officers, I'm a late convert to the notion that they should be non-partisan appointments. I say that because I've always felt that, regardless of who appointed returning officers, I was not hard done by in dealing with such folks, and they understood, because they had a partisan background, what we were going through. So certainly, just to put out a plea here, let's not throw out the partisans as we move to this process. Their experience means something.

Technically, there may be a problem with the 10-year renewal model, however. If, for example, a by-election or a general election, when we have minority governments, were to straddle one of those year-ends, we can't very well have the appointments of returning officers expiring in mid-election. I would suggest that a provision be added—and again, there's draft language here—that if that happens, that the election is going to cross that year-end, the appointments be automatically extended for six months.

On the other side of the coin, where you're filling a vacancy in the last six months of a cycle before the 10-year anniversary, it's going to be very difficult to find someone who's prepared to take a five-month appointment, do all this work, and have no assurance of being reappointed. I'd suggest that there be a provision there as well that if you're appointing in the last six months, from July 1 to the end of the cycle, rather than reappoint at that early stage, that it be a slightly longer than a 10-year

appointment that rolls through to the very next decennial date.

With respect to mobile polls, they're a great idea, obviously. They've worked federally for us for many years in the past—multi-institutions, very efficient, very sensible, unless you're not home when they come by. All the rest of us have 12 hours to vote, but if you're in a nursing home and you've got a doctor's appointment that day that you've been waiting for for months and the mobile station goes by, you're out of luck. What I'm suggesting is that there be a fallback here, that when the mobile station is finished doing its rounds, it return to a central voting location where people could at least attend to still cast their ballot and have the same rights and privileges as everybody else to vote over a 12-hour window.

Student residence provisions are great—a major advance. We've fought far too much over the years about this kind of thing. The only thing is, what I think the bill is missing is a provision to strike the student's name off the home voters list when they decide to go into the university poll because they're on a permanent register there, and I think there needs to be a process to make sure that we don't get duplicate entries.

A different kind of equity consideration relates to the advance polls. The bill says that an advance poll must be open on a Saturday that falls during the seven-day period set out for advance polls. Why Saturday? It seems to me that the logical answer is because you want people to have an opportunity to vote on the weekend, and Sunday is somebody's day of rest. It makes perfectly good sense, except for those who observe Saturday: Seventh-day Adventists, Jews and possibly some other groups that are not coming to mind. It can easily be fixed in one of two ways: that you provide that it be open both on the Saturday and Sunday that fall in that seven-day window. Cross-province, there are probably a lot of ridings where there's just no need for that, so a second alternative would be to have the Chief Electoral Officer designate the ridings where it's mandatory to have Saturday and Sunday advance poll voting.

1410

With respect to accessible voting equipment, again, there's no questioning at all of the notion of the desirability of this kind of thing. The list of the rules should, however, go to the nominated candidates, not just to the party leaders. We have to accommodate the independents, too, and sometimes smaller parties might not even do all that well communicating with their people on the ground.

I do have an issue with marrying the concept of producing a paper ballot and requiring vote tabulators to do it. They are not joined at the hip. There is a clear cost to having vote tabulators needed. The demonstration I saw from Elections Ontario—the advisory committee the CEO has—produced paper ballots that could be easily counted by hand: (a) you don't need the expense and (b) take a look at the municipal election law in this province over the last 20 years with vote-counting machines.

There has been far too much litigation, and returning to what I said at the beginning, there are some candidates who lost those elections who to this date don't know whether they really lost or whether the machines messed up when there was a half dozen ballots. There's an error rate in these things as well.

What I'm suggesting is that you do away with vote tabulation entirely or, failing that, insist that the machines be programmed to divert any ballot they cannot count, regardless of the reason why, and have it set aside for manual review so that scrutineers in the ordinary fashion can see. That goes along with the concept of maximizing the opportunity for every voter's vote to be counted if there is some kind of flaw in the process.

Finally, there is no need at all with a paper ballot to truck out these machines for a judicial recount. There will be a small handful of them, and the judges know what they're doing.

The special ballot process is, again, a similar concept to before. The list of electors should be marked and communicated to the candidates as to who's voting by special ballot, both as a security means and so we don't bother these people after they've already voted.

With respect to the write-in ballot—this might be the most radical thing I'm saying here. It didn't seem radical when I raised it a number of years ago when this concept circulated, but it is. There is a seven-day window from the date the writ is issued until day 21 when the candidates aren't necessarily nominated yet. But under a special ballot process, and this applies federally, you can go vote for someone who hasn't been nominated yet. In the case of a snap election, either the by-election that we had in Leeds–Grenville recently or in the case of a minority government being defeated, you may well not have nominated candidates yet. Why not permit people to vote by party name as well? We have them on the ballot now. We crossed that threshold in the last election. Allow people on a write-in ballot to mark off the party name of the candidate they support and do away with any problem of the person not being nominated or the person they thought was going to be nominated not being nominated.

Two more points: The Election Finances Act changes, I don't know that they go far enough. It seems to me each of you has a chief financial officer in your ridings and in your campaigns who has had to schedule an awful lot of work and take on huge amounts of responsibility. They're at risk of making mistakes. I would urge the committee to go as far as it possibly can in seeing that every aspect of the process is supported with accessible means of using databases, Elections Ontario providing electronic receipts, whatever it takes.

Finally, there is this point of websites, which is that we've played this silly game—all of us, from all parties over the last several elections. "Oh, you changed your website on election day." The accusations fly; I've attacked and I've defended, and it's all petty and silly. Doing away with this change is a great idea, but I don't know what an official website means, and that's the wording in the bill. It seems to me an easier way to

phrase it is to simply refer to the websites that are being included as election expenses as being the ones that are exempt.

Hopefully, I've left a little bit of time for questions because I was certainly looking forward to a dialogue. Hopefully, I wasn't talking too fast, either.

The Chair (Mr. Bas Balkissoon): I've got about 30 seconds each. The best they do is probably compliment you, so I'll take a chance on it.

Ms. Sylvia Jones: I have a real fast question on the Election Finances Act. With the ability for electronic receipting, the way the act is written right now, Elections Ontario has to set up a central database first. There have been concerns raised that because that's a July 1 deadline, and we're looking at a fall election, it's not going to happen. What are your comments?

The Chair (Mr. Bas Balkissoon): I'm not sure you have enough time to respond. I'll move to the next guy. You've got 30 seconds.

Mr. Jack Siegel: Leave me a few for each one and I'll try and squeeze it in.

The Chair (Mr. Bas Balkissoon): You can always get to her after the meeting.

Mr. Jack Siegel: Yes.

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

Mr. Gilles Bisson: A quick question in regard to advance polls: A number of communities don't get any advance polls if they're fly-in, remote communities such as we have in northern Ontario. Do you think it should be obligatory that advance polls be offered to all communities?

Mr. Jack Siegel: I think there's an economy of scale problem, particularly in ridings like your own, sir. I think there should be as many as possible within reason. But the special ballot process is going to cover off a lot of those concerns. People will be able to mail them in from anywhere.

The Chair (Mr. Bas Balkissoon): Government side?

Mr. Greg Sorbara: I just want to do a quick advertisement. Jack Siegel has worked for this party for a number of years, but he is the best in the business and to each of the parties on the other side, if they're ever in a situation where they need a great lawyer on an election issue, call him. He'll disclose his conflict—

The Chair (Mr. Bas Balkissoon): Thank you very much, and we have to move to the next presenter.

Mr. Jack Siegel: Thanks, Greg.

Mr. Gilles Bisson: How much did you get paid for that?

Mr. Greg Sorbara: Nothing.

Mr. Jack Siegel: He gets a discount.

MR. DAVID GLOBE

The Chair (Mr. Bas Balkissoon): The next presenter is David Globe. Please come forward.

Interjections.

Mr. David Zimmer: See? We're all indebted to Jack over here.

Ms. Sylvia Jones: That's because you've all been in trouble.

Mr. Greg Sorbara: He just knows his stuff real well, that's all.

The Chair (Mr. Bas Balkissoon): Please state your name for the record. You have 15 minutes. If you leave any time at the end of your presentation, we'll allow questions from all sides.

Mr. David Globe: I think there will be plenty of time for questions. I'm going to be as brief as I possibly can.

David Globe is my name. I'm here representing four accessibility groups in Belleville: the Belleville accessibility group, the Hasting county one, the one for the Belleville General Hospital and the East Central Ontario Training Board.

When I joined these accessibility groups, I was told—and unfortunately, it hasn't always come to pass—that every accessibility group should be primarily people with disabilities. It's obvious, with some of the complaints and statements that I'm hearing here today, that not too many people who are in the know or who are working for Elections Ontario are people with disabilities. It would be interesting if you had a few people like myself on your committee—and I'll add Elections Canada to that—to help them come up with ways of solving some of these problems.

The bill, section 23 that we're talking about here, must be made stronger. All of the things that it says in the bill that are not mandatory—it's obvious that those things need to be made mandatory to make it a stronger bill. Otherwise, it's not much more than suggestions.

This coming fall, I'm going to get to try out this machine, which is supposedly going to do everything but do the dishes, I've been told. It's supposed to help me vote in the municipal election. I have yet to check it out, of course, but I'm dubious at best about finding out what this machine can do. I've heard that they cost an awful lot of money, and, of course, that's because they're brand new. As was stated earlier, we need to be in touch with our fellow voters in the US who have been dealing with this kind of thing for years, and we can find out how to do it with much less expense.

All ballots, as was mentioned earlier, should be made accessible and perhaps tactile so that we can tell which side is up and which way we put it into the machine or whatever. All of the candidates should have some kind of material that can go out to people with disabilities, that we can tell what it is and at least find out a little bit what their platform is. I have attended a few—several, actually—all-candidates' meetings, and they are anything but accessible. It's just by trial and error that I get there and actually find the place and get to meet some of the candidates. It's one of those deals where things have to be made stronger.

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Polling stations, as you've heard earlier, must be made more accessible, and that is a must. Unfortunately, I fell on Christmas Eve and broke my ankle and was in a wheelchair for a couple of months—for a month, any-

way. I found that some of these ramps that were spoken so highly of have a great big step up at the top of them. So I fail to understand why they can leave such an obstacle in place. These are in places that are used quite frequently for elections and so on.

All staff who are assisting people by coming into their homes and helping them vote—this is a proposal that was put forward—should be—I would think that it would have to be a bonded kind of person who would do this kind of thing, because you're dealing with people's homes. This is going to be a real bone of contention with people, I'm sure. But all of this has to be made much, much stronger; otherwise, this is not worth a whole lot more than our time.

Thank you very much.

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

Mr. Michael Prue: Thank you for your submission. You've said a good many important things, but what particularly intrigued me was your recent bout of breaking a leg and discovering yet another disability with the step at the top of the ramp. This is something that we heard from an earlier deputant, Cathy Crowe, who took some pictures and showed them to the committee.

The person responsible for Elections Ontario said that 99% of our polling booths were accessible, but the people from the committee or people who study this or people who are disabled in some way disagree. What is your view on this? Are they accessible?

Mr. David Globe: You're asking someone who only had to be in a wheelchair for one month and who got to go to only a few public areas that were for polling stations. It's very obvious to me that the person who said they are accessible has never been in a wheelchair or has never had to manoeuvre some of these areas in a wheelchair or had to deal with some of the obstacles that these people have.

Mr. Michael Prue: We had suggestions from the Ethno-Racial People with Disabilities Coalition of Ontario. The gentleman made a very good point, I thought, in terms of the template to put on top of a ballot so he could mark it. One of the suggestions was instead of having a circle in which you put your X, to have a rectangle so that you can feel the outlines of it, and more correctly. It seemed so obvious to me. I don't know why it has never been thought of. Is that something that would assist the visually impaired, to have a box which is an X as opposed to a circle? I know it's just a little, tiny, simple thing, but it seems that if you can draw the lines from the corners, it's a whole lot easier than trying to draw it in the middle of a circle.

Mr. David Globe: Good idea. I like the idea of the rectangle or the square. I would also suggest that if you're going to do that, then if you want to go all the way and enhance it even more, if this is for people who are blind, and some blind people do read Braille, such as myself, I would ask, then, that there be a list of the candidates over on the left-hand side. I'm just saying that if

we're in an election, and there are three parties running, three parties isn't so much to remember. But in a municipal election where there are numerous, it would be nice to have a list.

Mr. Michael Prue: I agree. At the present time, there are 40 registered candidates for mayor of Toronto—

Mr. David Zimmer: Forty?

Mr. Michael Prue: Forty, yeah. So I can understand fully what you're saying here. Thank you very much.

The Chair (Mr. Bas Balkissoon): To the government side.

Mr. Joe Dickson: David, slightly off-topic, but I'm so impressed by your associate on the floor. What is your dog's name?

Mr. David Globe: Killer. No, I'm sorry.

Mr. Joe Dickson: That happens to be the best line of the day.

Mr. David Globe: No, his name is Balder, as in balderdash.

Mr. Joe Dickson: Balder. Thank you very much, David. Good afternoon, Balder. You're always my friend.

Sir, whatever is approved in this process—throughout the last couple of days I've heard certain things, and I'd just like to get your input on the big picture. Would you concur that some type of checklist may be appropriate on the day of an election? If so, would you think that most groups would partake and perhaps submit one of their own examples of a checklist?

Once a checklist is approved by the process—in this case in the hopes that it would be—would you concur with having a disabled contact at each poll or each voting station who could work in liaison with the returning officer, who in turn could work with the Chief Electoral Officer if there was an emergency that day that nobody was going to resolve, and someone possibly was going to lose their obvious right to vote?

I know it's a multiple question, but I've heard a few times where people couldn't vote, and it just seriously concerned me. I just wonder if I can get your insight on that, sir.

Mr. David Globe: Why don't you ask me a big question? Gee whiz.

I'm unsure as to what you mean by a checklist. I'm confused by that statement.

Mr. Joe Dickson: Sorry. That was just a list, sir, where people would notice certain things that were improprieties and would actually disallow disabled people to vote on that particular day, such as access.

Mr. David Globe: I would feel that someone actually cared if there was such a person who we could take our, for lack of a better term, complaints to. I would feel sorry for that person on some days, I'm sure, but I think it would be nice to be able to voice our displeasure with someone. I think that would be a great idea.

The Chair (Mr. Bas Balkissoon): We'll move to the Conservative Party. Ms. Jones.

Ms. Sylvia Jones: Thank you for your presentation, Mr. Globe. I have a question because you raised home

visits and telephone or other forms of voting using technology. If you had access to either telephone voting or technology that, currently, Bill 231 does not allow which is tied into a network, would that be your preference over home visits?

Mr. David Globe: Absolutely. I do telephone banking now, and I find it quite secure. Obviously, someone is checking that to know what I'm doing in my banking, so it would only stand to reason that the scrutineers or the people who are put in place to count ballots and so on should have access to this to know who voted which way.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much, David, for taking the time to be here with us.

Mr. David Globe: Thank you.

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CANADIAN HEARING SOCIETY

The Chair (Mr. Bas Balkissoon): The next deputation is the Canadian Hearing Society, Gary Malkowski. Gary, you have 15 minutes. You know the routine. Please state your name for the record. We'll allow questions at the end. Go ahead.

Mr. Gary Malkowski (Interpretation): Hello, I'm Gary Malkowski, the special adviser to the president of public affairs at the Canadian Hearing Society. We're an agency that works with and for individuals who are deaf, oral deaf, deafened and hard-of-hearing and have done so for the past 70 years. We operate in 28 offices across Ontario. CHS strives to develop high-quality and cost-effective services in consultation with national, provincial, regional, local consumer groups and individuals. CHS is a leading provider of services, products and information that remove barriers to communication, advance hearing health and promote equity for people who are culturally deaf, oral deaf, deafened and hard-of-hearing.

The Canadian Hearing Society is a member of the Accessibility for Ontarians with Disabilities Act Alliance. We wholeheartedly endorse the submissions of the AODA Alliance and ARCH Disability Law Centre on Bill 231. The recommendations we put forth in this paper support those contained in the position papers being sent to the standing committee on Bill 231. However, we will focus specifically on the needs of persons who are culturally deaf, oral deaf, deafened and hard-of-hearing.

For your background, I have worked with the Ministry of Community and Social Services in developing this document entitled Count Us In, a guide to accessible campaign information and communication and accessible all-candidates' meetings. These documents are available on the website. They are also available on the Elections Ontario website. They're beautiful in print, but unfortunately there's no funding to support them.

I'll show you here a number of documents that I've brought with me today. These have all been along with the government since 2003. I have written letters to the Minister of Municipal Affairs, which I have here with me. This binder I have here is full of letters I have written

to the Ministry of Community and Social Services, to the Premier, to the Ontario Human Rights Commission and to the Ontario Ombudsman. That's the other binder that I have here containing all those documents and letters and correspondence. The next binder you'll see here is all of the correspondence that I have written. One is to you actually, the select committee and Greg Sorbara. I sent that to you, and the response was that we would be meeting. That was a commitment that was made that I would be coming to the select committee. Unfortunately, to date, I have yet to receive that invitation. I would, however, like to thank you for inviting me today.

There are a number of barriers that I face. I planned on running as a councillor in the city of Toronto. Before I did so, I checked in with municipal affairs and checked in with the city clerk and asked, "Who is it who's responsible to pay for the accommodations?" The response was that it was mine. That's how it's defined in the Municipal Elections Act. I contacted Elections Ontario and asked, "Who is it who's responsible to cover the costs of all-candidates' meetings and making those arrangements?" It's not in their jurisdiction. It's not within their mandate, which is very interesting. Elections Canada, however, which I found very interesting, developed a proposal and was considering putting in a budget for accessible all-candidates' meetings. They had identified that they would do so, one per riding. That was the proposal that they had put together.

This committee today, for me, is the last straw, with all of the documentation that I'm bringing forward here on the table with me. I'm asking you to think about what it is that you want to do for an accessibility plan. How many lawsuits would it take? "How many lawsuits can the government afford?" is what I guess I'm asking. You need to remove the barriers. You can either remove the barriers or go forward with legal action and trying to defend that.

The law commission and the human rights commission are very clear on the duty to accommodate. The federal government has been very clear in the federal court decision and the Canadian Association of the Deaf, again, very clear on the legal responsibilities and accountabilities in sections 14 and 15 and section 3, talking about democratic rights. All of this information has been brought forward to the electoral process, and just as recently as two weeks ago, Canada ratified the UN Convention on the Rights of Persons with Disabilities. It's been signed off on by our government.

I'll ask you to consider and to think about all of the legal cases that we have. There are so many legal cases that we could potentially move forward with. I mean, you've heard from a number of presenters today, many of them speaking about the Hughes case. I think that's a very important piece that has impacted the system in terms of needing to remove a number of barriers.

We are making a number of recommendations with this submission. The recommendations are that Bill 231 be amended to include the following provisions:

- access to the democratic process for people with disabilities, because they have less of a legislative and funding home. For example, consider including provisions for accessibility as a campaign expense under the Election Finances Act;

- that barriers to political participation be removed by funding access and accommodation for accessible campaign information and communication, accessible all-candidates' meetings, and accessible constituency, riding association, central party and campaign offices;

- review the Municipal Elections Act, in consultation with Elections Ontario, to ensure accessible democratic and election processes for persons with disabilities;

- in consultation with MCSS and the Accessibility Directorate of Ontario, plan for further activities to promote the inclusion of people with disabilities in the democratic process. This could include the development of an educational strategy in advance of the next municipal election in November 2010 and the provincial election in 2011. The strategy would seek to engage the disability community, municipal accessibility advisory committees, political candidates, parties and organizers. Included in the strategy could be two accessible training components: one, training for canvassers for door-to-door campaigns; two, training sessions for the organizers on the delivery of accessible all-candidates' meetings in partnership with the ARCH Disability Law Centre, the AODA Alliance, the Canadian Hearing Society and other key organizations.

I guess in conclusion, for me, thinking about the civic rights and freedoms and looking at sections 14 and 15, as well as the Human Rights Code—and Barbara Hall, the chief commissioner, has explained it—there is a legal duty to accommodate. Recently, the UN Convention on the Rights of Persons with Disabilities being ratified is another component to that puzzle.

I ask you, as members, to make the choice so that it's not a legal approach that needs to be taken, because all of the expenses that would be spent in that arena would be better spent in the prevention of discrimination and the removing of barriers. So I'll ask you to invest in the latter and to consider that.

The Chair (Mr. Bas Balkissoon): Thank you very much. We've got just over two minutes per side for questions, and we'll start with the government.

Mr. Greg Sorbara: Perhaps, with the permission of my colleagues, I'll start off.

First of all, Gary, we're glad to have you at this committee and glad to see you back in the building. Many of us remember when you had a seat in the Legislature, and that was a strong time and a powerful expression of your determination on all of the issues that you spoke about today.

I think where we have a disagreement here is primarily in the area of the behaviour of candidates and the availability of support for candidates with disabilities, and in particular—you and I have talked about this a great deal—the extension of this act to an area where it has never delved, the area of all-candidates' meetings.

It's not, as a practical matter, the political parties or individual candidates who actually convene all-candidates' meetings; it's organizations, community organizations. It might be a ratepayers' organization; it might be an advocacy group.

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But it seems to me, as the person who was the Chair of a select committee on the Election Act with a mandate to do some modernization of the act, that getting into a very new territory, and that is regulating the way in which candidates participate in the election, would be beyond the scope. I continue to believe that moving this act into that area would not be advisable now, even if it were advisable at another time. I'd be interested in your comments.

Mr. Gary Malkowski (Interpretation): Specifically with the Municipal Elections Act—there are no political parties involved in that arena—I'd ask, who's responsible in covering the accommodations? Should I choose to run as a city councillor, who would be responsible? Because legislation currently is not there. I guess I'm asking, who would be responsible for that and who would be covering the costs of accommodations for individuals with disabilities should they choose to run as a city councillor?

Mr. Greg Sorbara: Again, I think the—

The Chair (Mr. Bas Balkissoon): I have to move on to the next question and the Conservative Party. Mr. Miller.

Mr. Norm Miller: Thank you for your presentation today. I'll follow up on Mr. Sorbara's question, or at least along the same lines, and that is, I guess, the funding for accommodation. Currently, at least in a provincial election, the candidates and the party are responsible for fundraising, and there are some substantial tax credits, I think up to 75%, for those people who choose to donate to that particular political party.

You're suggesting a very different model, I assume. It sounds like you're suggesting that the government itself fund accommodation for particular candidates in an election. I'd just like you to expand a bit on that and explain what you're looking for.

Mr. Gary Malkowski (Interpretation): I think if we are talking about a provincial candidate, there is funding; there are accommodations available to them via the political party, and the fundraising dollars would cover that cost.

For us, I guess, the long-standing issue is all-candidates' meetings. If they are able to prove undue hardship at that level, the hosting level—again I'd look to the Municipal Elections Act, where again there are no political parties. So who would be responsible to cover the accommodations and the cost for the candidate with the disability who chooses to run? Where would those dollars come from?

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

Mr. Michael Prue: Gary, as always, a pleasure to see you.

I think governments have to make a choice, and they have to say where their money is going to go. We heard the other day about the remarkable decision of the city of Peterborough, which spends a lot of money, for a little city, to ensure that people with disabilities can vote.

The government could quite easily put money aside for the election process—as they do now to encourage people to vote—to encourage people with disabilities to come out and hear. Is this what you're trying to ask, that the money given to the electoral commission also be meted out to allow full participation?

Mr. Gary Malkowski (Interpretation): There are two important areas with that. There should be a budget that's established for Elections Ontario completely focusing on access. It could be for registering to vote, to cover the costs in that respect; it could be for the advance polls; it could be for the special polls, all of which would have accommodations under that budget. Then we speak about the candidates. If it's a political party, of course, they're going to need to take the responsibility for the accommodations. Should it be an independent candidate, where there is no political party association, then that's where I would ask for a different approach.

In the next piece, we'd need to deal with the Municipal Act. Where exactly would the accommodations be found in that arena? I think that's an important piece, that the Municipal Act be amended to be able to see that the city clerks develop a budget specifically for accommodations to cover that. It shouldn't be punitive for costs and accommodations when somebody is moving forward with a campaign. It should be a separate budget. Sixty thousand dollars is permissible, related to the campaign expenses. That should not include the costs for accommodations. That should be separate. It should be \$60,000 for the campaign expenses, and there should be additional funds permissible specifically for the accommodations.

That's not addressed in the Municipal Act, and it doesn't speak to that within the Municipal Elections Act, so that's where I would ask for an amendment allowing for those additional funds to be permitted for a candidate.

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

We'll now move to the next presenter. The next group is the Alliance for Equality of Blind Canadians, Valentina Gal. Is the next presenter here? Last call: Valentina Gal?

Mr. Michael Prue: I think, to be fair, perhaps we can take a two-minute recess. It's not quite a quarter to 3. I think, to be fair, that's when she was scheduled to be here.

The Chair (Mr. Bas Balkissoon): Okay. I've got a couple of business items for committee that we could deal with while we wait.

Mr. Michael Prue: That's fine. I withdraw my request, then.

The Chair (Mr. Bas Balkissoon): Okay. We'll just do this and we'll announce them again.

COMMITTEE BUSINESS

The Chair (Mr. Bas Balkissoon): I just want to remind committee members that the deadline for filing amendments is 2 p.m. next Wednesday, April 7. Also, your subcommittee had decided that we would meet on Wednesday, April 14, for clause-by-clause from 12 to 3. I'm just wondering if committee members still believe they need the full 12 to 3, or would you like to start at 1?

Ms. Sylvia Jones: Sorry; this is April 14?

The Chair (Mr. Bas Balkissoon): April 14, we'll meet for clause-by-clause, and we're scheduled to start at 12 and go to 3. I just wondered if you wanted to take your one-hour lunch break and start at 1 instead.

Ms. Sylvia Jones: I think until we see how many amendments we have, we should leave that block as is.

The Chair (Mr. Bas Balkissoon): Can we have it that it would be at the call of the Chair? I can't judge how long you would want to debate each clause.

Mr. Michael Prue: I would rather start at 12 o'clock, and if we finish early, then so much the better; if we don't, I want to make sure we have enough time to deal with this.

The Chair (Mr. Bas Balkissoon): So our consensus is that we still start at 12? Okay. I just wanted to run that by you.

Mr. Michael Prue: Besides, I'm getting used to these little sandwiches.

The Chair (Mr. Bas Balkissoon): We can cut them in half so you feel like you're eating twice the amount.

The next presenter was the Alliance for Equality of Blind Canadians, Valentina Gal. Is Valentina here? Once. Twice. I guess they're not going to show.

Mr. Greg Sorbara: Mr. Chair, if I might just note for the record that a submission has been provided to us from the alliance, and I think all members of the committee have it and will have an ability to go through it in our own time.

The Chair (Mr. Bas Balkissoon): And I'll ask committee members to take it into consideration.

With that, the meeting is adjourned until Wednesday, April 14, at 12 o'clock for clause-by-clause consideration.

The committee adjourned at 1447.

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