

## **Position Statement on Accessible Elections/Referendum Contest**

### Issue:

Canadians who are blind or partially sighted are not able to cast their vote during elections independently and privately.

### Desired Outcome:

As many voters as possible can cast their ballot during elections independently, privately and with no assistance.

### Present Situation:

Not enough staff at polling stations have the training, knowledge and tools to enable people who are blind or partially sighted to vote independently and privately.

### CAG-TCCDV Recommendations:

That a mandatory training program be developed and made available across the country for all people working at polling stations. That there be tactile templates available or systems that are useable by everyone that use visual, tactile and audible output as well as feedback. When print is used a standard be adopted to accommodate most people's level of vision.

Date: September 2016

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August 14, 2013

## **Issue**

A crucial part of participation in the democratic process for any citizen is the ability to cast a ballot in an election. Citizens who are blind, deafblind, or partially sighted often face unnecessary barriers when they attempt to participate in this part of the democratic process. This position statement contains agreed upon recommendations concerning how to make the process of voting in elections and referendums more accessible to Canadians who are blind, deafblind, or partially sighted.

## **Background**

Canadians have the constitutional right to participate in the democratic process at the provincial and federal level. Section 3 of the Canadian Charter of Rights and Freedoms states that “Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.”<sup>1</sup> The right of Canadians to vote in municipal elections is set out in provincial and territorial legislation. In addition to the right to vote, Section 164 of the Canada Elections Act requires that votes be secret.<sup>2</sup> Simply having these rights, however, has not always meant that people with disabilities have been able to exercise their right to vote and to do so in secrecy. Where polling stations are not accessible, where officials lack awareness of how to accommodate voters with disabilities, and where voters who are blind, deafblind, or partially sighted must rely on third parties or inadequate tactile templates to mark their ballot, the right of person’s with disabilities to vote has been undermined.

In the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which the Canadian Government (with the support of all provinces and territories) ratified in March 2010, Article 29 states, in part, that states parties will undertake to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis

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<sup>1</sup> See the Canadian Charter of Rights and Freedoms. Available at <http://www.efc.ca/pages/law/charter/charter.text.html>

<sup>2</sup> See Part 9 of the Canada Elections Act. Available at <http://www.elections.ca/content.aspx?section=res&dir=loi/fel/cea&document=part09&lang=e#sec163>

with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.” This is to be accomplished by, among other things, “ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use” And by “protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation.”<sup>3</sup>

Election Acts at all levels do provide for the registered voter to appoint a designate or Election Official to assist in the marking of a ballot based on the voter’s instruction, and Section 154.2 of the Canada Elections Act states that “The deputy returning officer shall, on request, provide a template to an elector who has a visual impairment to assist him or her in marking his or her ballot.”<sup>4</sup> These are certainly important accommodations; however, it is the position of the undersigned organizations that further steps are required in order to ensure that the constitutional rights of Canadians who are blind, deafblind, or partially sighted are respected and that the obligations committed to in the CRPD are met. To that end, the organizations listed below have endorsed the following recommendations.

## **Recommendations**

1. Every registered voter must be provided the accommodations, tools or technology to enable them to mark their ballot independently and in secret during an election or referendum contest.
2. Polling stations and polling booths must provide barrier-free access to those with physical and/or sensory disabilities including physical

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<sup>3</sup> See the United Nations Convention on the Rights of Persons with Disabilities. Available at <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>4</sup> See Part 9 of the Canada Elections Act. Available at <http://www.elections.ca/content.aspx?section=res&dir=loi/fel/cea&document=part09&lang=e#sec163>

access and information signage that meets the signage guidelines contained in [Clearing Our Path](#)".<sup>5</sup>

3. Each Polling Station must offer a minimum of one Election Official who possesses the knowledge and skills to demonstrate to a voter the tools or technology available and to correctly support or assist voters with disabilities.

## **Supporting Organizations**

[Access for Sight Impaired Consumers](#)

[Alberta Society for the Visually Impaired](#)

[Canadian Council of the Blind](#)

[CNIB](#)

[Canadian National Society of the Deaf-Blind](#)

[Guide Dog Users of Canada](#)

[Vision Impaired Resource Network \(VIRN\)](#)

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<sup>5</sup> "Clearing Our Path: Universal Design Recommendations for People with Vision Loss". CNIB. 2009.