

ELECTIONS SASKATCHEWAN  
CHIEF ELECTORAL OFFICER'S ASSESSMENT

# Toward Improved Accessibility for Saskatchewan Voters

June 2015





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TOWARD IMPROVED ACCESSIBILITY FOR SASKATCHEWAN VOTERS –  
CHIEF ELECTORAL OFFICER'S ASSESSMENT—2015-1 (V1.0)



# EXECUTIVE SUMMARY



Dr. Michael Boda has been Chief Electoral Officer since June 1, 2012

Elections Saskatchewan (Elections SK) is committed to the full inclusion of all citizens in the electoral process. Removing barriers to participation will make the electoral process more accessible to everyone, including people with disabilities.

A range of Canadian and international standards, such as the United Nations Convention on the Rights of Persons with Disabilities, The Canadian Charter of Rights and Freedoms, and The Saskatchewan Human Rights Code, protect the rights of people with disabilities, including their right to participate in elections. In a 2012 Elections Canada review, Saskatchewan scored relatively poorly compared with other jurisdictions in the area of accessibility.<sup>1</sup> Elections SK has subsequently taken action to address many of the gaps identified in this report, and to bring the electoral process into line with national and international best practice.

Saskatchewan's provincial election law underpins the details of how every election is conducted. These safeguards are important, but the way they are implemented can result in barriers to participation for people with disabilities. The 2013 document *Toward an Improved Legislative Framework for Elections in Saskatchewan – Step 1*, a publication in the Chief Electoral Officer's Assessment Series, recommended a number of legislative amendments to be implemented in advance of the 28th Provincial General Election, including some relating to accessibility.<sup>2</sup> Subsequently, *The Election Amendment Act, 2014*, was passed with the support of both government and opposition, and removed some of these barriers without undermining the integrity of the electoral process.

In 2013, Elections SK partnered with disability and seniors organizations, the International Foundation for Electoral Systems (IFES), and the Johnson-Shoyama Graduate School of Public Policy to form the Electoral Accessibility Initiative. The Initiative has identified a range of issues important to voters with disabilities. These findings, along with the recent legislative changes, have informed Elections SK's Accessibility Implementation Plan for the 28th General Election. The Accessibility Implementation Plan is summarised in this assessment under four headings:

- Voting Options Available to Voters with Disabilities
- Polling Place Accessibility
- Products and Services at Polling Stations
- Voter Information and Public Education

Finally, this document outlines Elections SK's commitment to continue to improve accessibility as part of its path to renewal of the electoral process. Elections SK will carry out an assessment exercise after the general election to determine the success of its accessibility implementation plan, it will continue to listen to and respond to the disability community, and the Chief Electoral Officer will make further recommendations for legislative changes which could be implemented in time for the 29th General Election. The goal for the future is to build an electoral process that provides voters in Saskatchewan with their choice of services that are delivered in a modern, accessible, safe, secure and transparent manner that protects the integrity of the vote.

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June 1, 2015

<sup>1</sup>Michael Prince. *Electoral Participation of Electors with Disabilities: Canadian Practices in a Comparative Context*. Elections Canada, 2012.

<sup>2</sup>Chief Electoral Officer (2013). *Toward an Improved Legislative Framework for Elections in Saskatchewan*. Step One. Regina: Elections Saskatchewan. December 2013.



# ABOUT ELECTIONS SASKATCHEWAN

The many component parts involved in planning, organizing, and implementing elections in Saskatchewan are overseen by what is often described as an election management body (EMB).

Internationally, an EMB is an independent, nonpartisan institution that is responsible for neutral election administration within a jurisdiction governed as a democracy. In Canada each province, territory, and the national jurisdiction has an EMB that impartially administers elections, upholds democratic electoral guarantees of the constitution, and conducts electoral events according to applicable electoral legislation.

Elections Saskatchewan fulfills this mandate for our province, serving as secretariat to the statutory Office of the Chief Electoral Officer. Elections SK has a leadership team based at its head office in Regina and dispersed across the province's 61 newly defined constituencies that will each elect a Member of the Legislative Assembly in the upcoming 28th General Election.

In the months leading to a general election, Saskatchewan's electoral service grows during an enumeration and electoral period to include about 10,000 provincial residents from all walks of life, each serving provincial voters in administering an event that is fundamental to sustaining Saskatchewan's democratic traditions.

Elections SK has placed considerable emphasis on modernizing its organizational structure, defining appropriate roles and responsibilities within the institution, hiring the members of its newly structured leadership team, and allowing new team members time to understand their functions and the overall work of the institution.

## OUR VALUES

Over the course of 2013-14, Elections SK's leadership team reflected on the values that are espoused by practitioners of election administration across Canada and around the world. In doing so, six core values were identified:

- Independence
- Impartiality
- Professionalism
- Accountability
- Innovation
- Service Orientation

These values must be at the foundation of every activity conducted by the institution and they will guide the actions and decisions of all staff members. They are values widely shared by election administrators and are defining elements of a modern election management body.

## OUR STAKEHOLDERS

Elections SK has a tremendously broad and diverse base of stakeholders who we affect and by whom we are affected. These include:

- Voters and prospective voters;
- Registered political parties (including their chief official agents and leadership contestants);
- Candidates for election (including their business managers);
- Elected Members of the Legislative Assembly of Saskatchewan;
- Members of the Legislature's Board of Internal Economy;
- Constituency associations of registered political parties;
- Unregistered political parties, external organizations and advocacy groups;
- Returning officers and election clerks;
- Enumerators, election officials and other election support workers;
- Media representatives, reporters, columnists, bloggers and contributors;
- Other Canadian Chief Electoral Officers and their organizations;
- Urban and rural municipal election officials;
- External data providers;
- Service organizations, vendors and contractors;
- Disability and seniors organizations;
- Academic researchers and analysts;
- Other independent officers of the Legislative Assembly; and
- Electoral boundary commissions.

Addressing the needs and concerns of these stakeholders is critical to the success of Saskatchewan's election management body and central to the institution's focus on service. Over the course of the current and subsequent electoral cycles, Elections SK will continue consulting with these stakeholders to assess how well the institution is meeting their needs. Elections SK will identify clear opportunities for improvement and modernization of services.

## OUR RESPONSIBILITIES

### The Head Office Leadership Team

The Chief Electoral Officer (CEO) is an independent officer of the Legislative Assembly of Saskatchewan. As head of Elections SK, the CEO ensures the fair and equitable conduct of operational, administrative, and financial electoral practices. The CEO is assisted in these legislative responsibilities by a head office leadership team.

Elections SK's primary responsibility is to maintain a state of provincial election readiness. To that end, Elections SK must appoint and train requisite numbers of constituency returning officers and election officials to ensure electoral preparedness throughout each government's mandate.

*The Election Act, 1996* places a duty on the CEO to assist registered political parties, candidates, chief official agents, and business managers to ensure the Act's financial transparency and disclosure goals are met. Elections SK publishes guides for chief official agents and business managers to help them fulfill their administrative and financial reporting responsibilities, compile requisite support documentation, and ensure annual financial disclosures are undertaken in accordance with *The Election Act, 1996* and *The Political Contributions Tax Credit Act, 2001 (Saskatchewan)*.

Where applicable, Elections SK is responsible for assessing and reimbursing election expenses paid from the province's General Revenue Fund. Elections SK has established a financial review system to certify public reimbursement of election expenses through the examination and audit of registered political parties' and candidates' expense returns and requisite disclosure documentation. To promote transparency, expense return details are tabled in the Legislative Assembly.

Elections SK is also responsible for investigating offences under *The Election Act, 1996*. While the Act is regulatory rather than criminal, the role of Elections SK is to inspect, investigate, and inquire about instances where contravention of the Act is suspected or alleged, as deemed necessary by the CEO. Since this responsibility is a matter of considerable discretion and is often initiated by complaints filed by interested parties, it is incumbent upon Elections SK to consider whether any specific situation has abrogated the overall purpose, policy rationale, or legislative intent of the province's electoral legislation.

To ensure political stakeholders and the public are aware of important aspects of our mandate, Elections SK maintains an outreach program that responds to public enquiries and liaises with registered political parties, candidates, and their chief official agents and business managers.

The CEO reports annually to the Legislative Assembly, via submission of a written report that is tabled by the speaker, on matters related to *The Election Act, 1996*. In addition to such annual reporting, the CEO also prepares and tables reports in the Legislative Assembly on all electoral events. Provincial election results are published in the *Statement of Votes (Volume 1)* and its complement, the *Report of the Chief Electoral Officer: Campaign Contributions and Expenditures (Volume II)*. Administrative and financial reporting of constituency by-elections are encapsulated in individual *Statement of By-Election* reports.

The environment within which Elections SK is accountable is unique and complex due to the potential uncertainty of the provincial electoral cycle, the decentralized nature of election administration, and the interaction among registered political parties, candidates, and the electorate. The integration of this decentralized process among the province's political stakeholders rests with Elections SK and our centralized administration and impartial application of *The Election Act, 1996*.

### The Field Leadership Team

While central electoral administration is the responsibility of Elections SK's head office leadership team, regional and constituency-level conduct of electoral events is the responsibility of a field leadership team.

Supervisory returning officers (SROs), each representing a different zone of the province comprising six or seven constituencies, are responsible for assisting the returning officers within those constituencies perform their duties. SROs receive their direction from Elections SK, act as a liaison between Elections SK head office and the constituency returning officers, and ensure electoral events are administered and conducted to a consistently high standard across the province.

An important part of maintaining election readiness is having constituency returning officers for all of the province's 61 constituencies. The CEO appoints constituency returning officers. Notices of all such appointments (or cancellations) are published in *The Saskatchewan Gazette*. Returning officer vacancies are filled through an independent merit-based competition.

As representatives of Elections SK, constituency returning officers are entrusted with upholding the neutrality of the province's decentralized electoral process within the constituency and are responsible for the administration, conduct, and reporting of electoral proceedings (general or by-elections, referendums and plebiscites).

# INTRODUCTION



Elections Saskatchewan is committed to modernizing the electoral process in Saskatchewan in line with Canadian and international standards, including those relating to accessibility. Consistent with that commitment, the *Strategic Plan for Saskatchewan's Election Management Body 2014 – 2016* sets itself the goal of full inclusion of all citizens in the electoral process.<sup>3</sup> Removing barriers to participation will make the electoral process more accessible to everyone, including people with disabilities.

The number of people with disabilities in Saskatchewan is slightly higher than the Canadian average, with 16 percent of residents reporting that they have a disability.<sup>4</sup> In addition, about one in 20 people in Saskatchewan are aged 80 or older.<sup>5</sup> As people age, they are more likely to acquire health conditions, sensory impairment and other disabilities and may require accommodation in order to vote. Given its population profile, the Premier has issued a challenge to make Saskatchewan the best place to live in Canada for people with disabilities and the government is currently in the process of developing a disability strategy for the province.<sup>6</sup>

A number of factors have influenced the production of this assessment. In 2010, Canada ratified the United Nations Convention on the Rights of Persons with Disabilities (the Convention), the international framework protecting the rights of persons with disabilities. The Convention stipulates that “Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.”<sup>7</sup> The Convention also identifies aspects of the electoral process, such as voting procedures, facilities and materials, which may create barriers to the participation of people with disabilities. Elections SK uses the guiding principles of the Convention in its efforts to improve the accessibility of the electoral process in Saskatchewan.

In addition to the Convention, The Saskatchewan Human Rights Code<sup>8</sup> and The Canadian Charter of Rights and Freedoms<sup>9</sup> protect the right of people with disabilities to participate in elections and the right not to be discriminated against on the grounds of mental or physical disability. Canada is one of the few countries in the world that extends the right to vote to people with intellectual or psychosocial disabilities.<sup>10</sup>

This assessment sets out the steps that Elections SK is taking to improve the accessibility of the electoral process for people with disabilities. Chapter 2 will outline the changes to the legal and legislative framework contained in *The Election Amendment Act, 2014* as they relate to accessibility. Following a consultative process with stakeholders in 2013, Elections SK identified areas of concern to voters with disabilities which are detailed in chapter 3. These in turn have influenced and informed the Accessibility Implementation Plan, which is summarised in chapter 4. These changes will be in place in time for the 28th General Election. Finally, chapter 5 outlines Elections SK’s ongoing commitment to respond to and improve the experience of voters with disabilities in Saskatchewan.

<sup>3</sup> Elections Saskatchewan (2014). *Strategic Plan for Saskatchewan's Election Management Body 2014 – 2016*. Regina: Elections Saskatchewan. January 2014.

<sup>4</sup> Employment and Social Development Canada. *Canadians in Context – People with Disabilities*. <http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=40>

<sup>5</sup> Ministry of Justice. *Aging Population*. <http://www.justice.gov.sk.ca/Aging-Population>

<sup>6</sup> Government of Saskatchewan (2012). *Saskatchewan Plan for Growth, Vision 2020 and Beyond*.

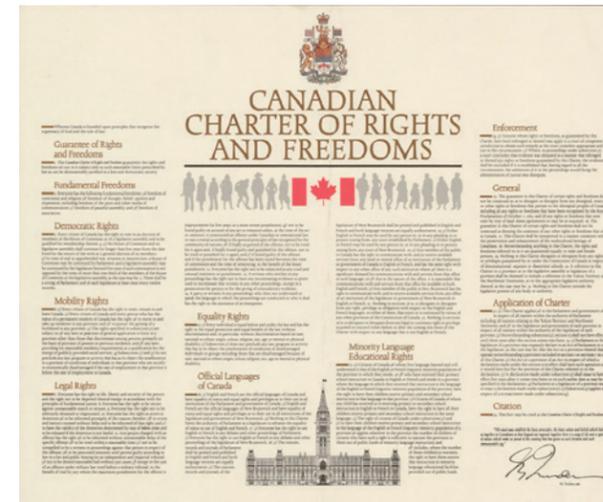
<sup>7</sup> UNCRPD (2007). Article 29 - Participation in political and public life.

<sup>8</sup> Saskatchewan Human Rights Code (2015). Section 8, section 12(1).

<sup>9</sup> Canadian Charter of Rights and Freedoms (1982). Section 3, section 15(1).

<sup>10</sup> Canadian Disability Rights Council v. Canada, [1988] 3 F.C. 622 at 624 and also An Act to Amend the Canada Elections Act [Bill C-114], S.C. 1993, c. 19.

# LEGAL AND LEGISLATIVE FRAMEWORK



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The constitutional framework of Canada allows for equal participation of all citizens in the electoral process. To remove any barriers to equal access, the specific laws governing the conduct of elections and the policies and procedures of institutions such as Elections Saskatchewan must be addressed. Saskatchewan's provincial election law underpins the details of how every election is conducted. *The Election Act, 1996* creates the framework for transparent and fair elections.

The rules governing provincial elections have been developed and tested over many decades. They are primarily designed to produce fair elections, free of abuse and fraud, whose results are regarded as legitimate by everyone. These safeguards are important, but the way they are implemented can result in barriers to participation for people with disabilities. Evidence from across Canada and around the world shows that these barriers can be removed without undermining the integrity of the electoral process.

Elections SK made significant strides to make the electoral process more accessible in advance of the 27th General Election held in November 2011. Included in these activities was a consultative process involving disability and seniors

groups to discuss challenges that people with disabilities face in the voting process. Based on these discussions, Elections SK revised its approach in order to facilitate better access to voting for citizens with disabilities. These steps did not involve legislative change, but included an accessibility review for potential polling sites and a number of other initiatives, including the following:

- Adjustments made to polling sites to make them more accessible, with the installation of ramps and mats at identified locations;
- Colour of directional signs changed to yellow to increase contrast, making them easier to read;
- Additional information officers at the polls to provide directions and assistance to voters;
- Training provided to deputy returning officers about accommodating for disabilities;
- Information about accessibility of polls included on the Voter Information Cards;
- Absentee Voting kits sent to a variety of disability groups to inform them of the options for voting;
- Leaflet and poster about voting options developed, specifically focusing on people with disabilities;
- Lighting supplemented in the voting booths; and
- Grips added to the pencils used in the voting booths.

Although these were significant advancements in making elections more accessible, limitations remained within the existing legislative framework to provide opportunities for people to be accommodated on an individual level.

## 2.1 PROPOSED AMENDMENTS TO THE ELECTION ACT, 1996

Following an initial assessment in 2012, Elections SK determined that aspects of the existing election legislation restricted its ability to conduct elections at the greatest level of efficiency, and according to electoral best practices and standards.

In 2013, following a more comprehensive evaluation, the Chief Electoral Officer (CEO) released *Toward an Improved Legislative Framework for Elections in Saskatchewan – Step 1*. This assessment emphasized that “the framework of electoral legislative authority in Saskatchewan is dated and no longer reflects societal expectations or current best practice compared to other jurisdictions across the country and around the world”.<sup>11</sup> It recommended for Saskatchewan’s legislators a number of priority legislative amendments that, if adopted, could be implemented in time for the next general election.

Included in the 15 proposed changes was the specific recommendation to amend the Act to permit voting from home. The assessment stated “for reasons of illness, infirmity or immobility, some voters and their caregivers are unable to leave home to vote on polling day or at an advance poll”. The options for absentee mail-in ballot voting are quite involved and generally require the voter to leave home to photocopy identification that must accompany their application. Making this change would be consistent with many other Canadian jurisdictions that permit home voting in one form or another when personal attendance at a polling place is not possible due to disability.

As step 2 of this legislative reform process, Elections SK has committed to bringing forward additional recommendations for legislative change in the period following the 28th General Election.

## 2.2 THE ELECTION AMENDMENT ACT, 2014

In response to the recommendations included in *Toward an Improved Legislative Framework for Elections in Saskatchewan*, the government introduced *Bill 139, The Election Amendment Act, 2014*. The Bill was passed into law in December 2014 and included a number of provisions which provide better accommodation and accessibility to the voting process including the following:

Since the passage of *The Election Amendment Act, 2014*, Elections SK has been actively building these new requirements into an Accessibility Implementation Plan for the 28th General Election, which is outlined in chapter 4.

- **Homebound Voting** – Provisions were included to allow voters to apply to vote at home if they are unable, because of their disability, to attend in person at a polling place. Voters who provide care to such a person can also apply to vote at home. Having determined that the applicant is eligible, the returning officer will arrange for a homebound voting package to be delivered to them. Homebound voting will be administered by an election official.
- **Act as Friend** – An individual is able to act as the friend at the poll to assist two voters; previously limited to one person.
- **Sign Language Interpreters** – Sign language interpreters are permitted to translate any oath or declaration and to ask any questions that the deputy returning officer is required by this Act to put to the voter and to translate the voter’s answers at the poll.
- **Advance Polling Voting** – Provisions now allow any voter, without reason, to vote at an advance poll. Although people with disabilities were previously able to vote at advance polls, they were required to declare that they were disabled to qualify.
- **Voter can be assisted in depositing ballot into ballot box** – The Act now permits the deputy returning officer, the voter, or the voter’s accompanying friend to deposit the ballot in the ballot box.

# ELECTIONS SASKATCHEWAN'S ELECTORAL ACCESSIBILITY INITIATIVE



As part of its path for electoral renewal in the area of accessibility, Elections SK partnered with the International Foundation for Electoral Systems (IFES) and the Johnson-Shoyama Graduate School of Public Policy to establish an Electoral Accessibility Initiative in fall 2013. The Initiative sought to identify the specific needs of people with disabilities and older people in the province with the aim of creating a more 'voter-centric' experience of the electoral process for all citizens. This included a thorough review of voting accessibility legislation, regulations and electoral practice. It also involved listening to and responding to the views of Elections SK's diverse stakeholders.

More than 200 disability and seniors groups were invited to participate in an extensive consultative process through a combination of focus groups, interviews and written submissions on specific topics as well as general ideas for improvement. The following organizations were represented in these discussions:

- Canadian National Institute for the Blind
- Canadian Paraplegic Association
- Multiple Sclerosis Society of Canada – Saskatchewan Division
- Provincial Interagency Network on Disabilities
- Saskatchewan Abilities Council
- Saskatchewan Association of Rehabilitation Centres
- Saskatchewan Deaf and Hard of Hearing Services
- Saskatchewan Seniors Mechanism
- Saskatchewan Voice of People with Disabilities
- South Saskatchewan Independent Living Centre
- Office of Disability Issues, Government of Saskatchewan
- Saskatchewan Association for Community Living



Professor Jeremy Rayner, Johnson Shoyama Graduate School of Public Policy

Elections SK has taken action to address many of the findings of the consultation in its Accessibility Implementation Plan for the 28th General Election (see chapter 4). In some instances, legislative change is required and the Chief Electoral Officer (CEO) will consider these in his recommendations to legislators following the next general election. Other findings may require additional analysis before they can be implemented.

The following provides a high-level summary of the feedback received from participants in the consultation.



### 3.1 VOTING OPTIONS FOR VOTERS WITH DISABILITIES

During the consultative process, many people asked why voting should be an undue burden on them just because they have a disability. Why should they be asked to make special arrangements to go to a school or a church that is difficult to find and even harder to access when they finally arrive there? Why can't the poll come to them, not necessarily individually but in places where they, and many other voters, find themselves in the course of their everyday lives – in shopping malls, for example? In light of the discussion about convenience and accessibility for all voters, these concerns suggest the need for a fresh approach to determining appropriate locations for polling stations, both for advance voting and on election day.

Another popular option was to vote at home. To some groups, particularly those with limited mobility and/or vision, voting at home is the ultimate accommodation, one that cuts straight through the thorny issues of providing accessible polling stations and accessible means of getting to them. Whether voting at home involved “mobile voting” in the current sense of the Act, or internet or telephone voting was less significant than the option itself.

Those who took part in the consultation emphasized that the option to vote at home should not replace initiatives to make polling stations more inclusive and accessible. People with disabilities should have the option to vote alongside fellow citizens at the same polling station.

### 3.2 POLLING PLACE ACCESSIBILITY

Discussions of accessibility had a number of themes. The first was the familiar concern about the accessibility of the polling station itself on election day, including physical access to the buildings (especially during winter) and proper signage that is clearly visible from anywhere outside the building.

There were also reminders that people with disabilities face considerable barriers reaching polling stations that may be perfectly “convenient” (within the meaning of *The Election Act, 1996*) for other voters. Those without families or friends equipped to take them to the polling station face long waits for paratransit or expensive taxi rides. Once they have voted, they may face similar waits before being able to leave.

### 3.3 PRODUCTS AND SERVICES AT POLLING STATIONS

In spite of Election SK's efforts in preparing for the 2011 provincial election, there continued to be anecdotal evidence of a lack of sensitivity towards the needs and rights of voters with disabilities on the part of poll workers. Concerns ran from failure to acknowledge the arrival of a person with disabilities at polling stations, to impatience and inappropriate verbal or physical interactions with poll workers, and persistent complaints about lack of privacy when voting.

Ensuring a consistent experience for voters with disabilities at polling stations across the province is no easy task, but it was made very clear that failure to do will constitute a significant obstacle to equal participation for people with disabilities in Saskatchewan. New and expanded approaches to training, developed in consultation with disability organizations, are needed.

### 3.4 VOTER INFORMATION AND PUBLIC EDUCATION

A key theme of electoral participation by people with disabilities is the need to consider participation in the broadest sense and not just focus on the act of voting. A whole set of background conditions need to be met for a citizen to be motivated to cast their vote, including being able to understand and discuss the issues at stake in the election, having access to information about the voting process, and understanding their rights and the services available to allow them to exercise these rights equally with other citizens.

Disability organizations had in some cases produced their own guides to voting in the province for their clients but clearly welcomed more help from Elections SK in order to produce accurate information in a timely manner and in formats that could be easily understood by people with different types of disabilities. While the use of web-based technologies for voter information was welcomed, some participants felt that not enough consideration was given to the needs of voters with visual disabilities in the design of these pages and others drew attention to the increasing use of social media and mobile applications that could be effective means of reaching voters – especially younger voters – with disabilities.



### 3.5 POLICIES AND TOOLS

In addition to the broader themes identified above, a number of specific policies and tools were mentioned during the engagement that would make a significant difference to accessibility for voters with disabilities. The first, and by some margin the most popular, was a process that would allow people to self-identify as needing accommodation during voter registration. This would alert district returning officers to the need to provide this accommodation at specific locations and, in theory at least, prevent unpleasant surprises when voters arrive at polling stations. This option will be considered as part of the CEO's recommendations for the 29th Electoral Cycle.

For each of the categories discussed above, those who took part in the consultation emphasized the importance of having voting materials in multiple formats and media that take account of the range of disabilities and the voter's individual needs.

# ACCESSIBILITY IMPLEMENTATION PLAN FOR THE 28TH GENERAL ELECTION



Elections Saskatchewan is committed to removing barriers to participation in the electoral process. In planning for the next general election, the Chief Electoral Officer (CEO) has addressed the legislative changes in *The Election Amendment Act, 2014* (outlined in chapter 2) and considered the findings from the consultation carried out with the Electoral Accessibility Initiative (outlined in chapter 3).

The following outlines Elections SK's Accessibility Implementation Plan for the 28th General Election and the support and services that will be available to people with disabilities.

## 4.1 VOTING OPTIONS AVAILABLE TO VOTERS WITH DISABILITIES

The passage of *The Election Amendment Act, 2014* has increased opportunities for individuals to vote at provincial elections, including those who are unable to vote on election day at one of around 3000 polling places across the province. The following outlines the range of options for voters, including those with disabilities, to vote in the 28th General Election:

**Homebound Voting** – The option of voting from home will be available to voters who can provide evidence that they are unable to vote at an advance poll or on polling day due to a disability or that they have a caregiving role for a disabled voter.<sup>13</sup> Having determined that the applicant is eligible, the returning officer will arrange for a homebound voting package to be delivered to them. Homebound voting will be administered by an election official.

**Advance Poll Voting Qualifications** – All voters, including voters with disabilities, now have the opportunity to vote at advance polls without providing a reason.<sup>14</sup> With this change, people with disabilities will be treated the same as all voters.

**Mobile Polls** – *The Election Act, 1996* provides for mobile polls to be taken to a care facility where the returning officer determines that there are special or unusual circumstances, subject to the approval of the Chief Electoral Officer.<sup>15</sup>

**Hospital and Remand Centre Polls** – Elections SK establishes polls at hospitals and remand centres across the province.<sup>16</sup>

**Absentee Voting (Vote by Mail)** – Voters who are unable to vote at an advance poll or on election day can vote by mail.<sup>17</sup>

*"I, for one, don't want to be treated differently than anyone else, but I also know I may need just a bit of accommodation to allow me to participate in the voting process in the same way as everyone else who does not have the same challenges."*

-Survey respondent

<sup>13</sup> *The Election Act, 1996*. Section 89.1, 89.2 and 89.3.

<sup>14</sup> *The Election Act, 1996*. Section 130.

<sup>15</sup> *The Election Act, 1996*. Section 90(1).

<sup>16</sup> *The Election Act, 1996*. Sections 103(2), 111(2).

<sup>17</sup> *The Election Act, 1996*. Section 86(2).

## 4.2 POLLING PLACE ACCESSIBILITY

In April 2015, Elections SK hosted a two-day conference for returning officers and election clerks representing all 61 constituencies. As part of this, training was provided to participants on accessibility requirements for returning offices and polling locations as well as how to set up a polling place to meet the specific needs of disabled voters. Returning officers were then required to perform an assignment to identify accessible returning offices and polling locations to be used in the next general election. A plan was required for any location that did not meet the accessibility criteria.

**Polling Place Accessibility** – Returning officers identify prospective polling locations well in advance of the election. They must conduct an assessment of each location against the following accessibility criteria:

- Allocated parking spaces close to entry for voters with disabilities;
- Level access to the building;
- Appropriate signage;
- Doors and passageways comply with current width, clearance and threshold requirements; and
- Adequate lighting.



*“In the last election I had trouble getting around to the voting station cubicle to vote. The tables where people were marking off people’s names as they came in were too close to the voting stations. I couldn’t go in between any of the voting cubicles either and eventually had to lift my walker wheels up over the end of the cubicles to get around them to get in to vote. Having wheelchair accessible room between cubicles and around cubicles would be helpful.”*

*-Survey respondent*

**Polling Place Adjustments** – In situations where an accessible polling place cannot be identified, action will be taken if possible to make the location more accessible, such as adding ramps and mats to door entrances.

**Regular Reviews of Polling Places during Voting** – A checklist will be provided to poll officials at all polling places. This will include confirmation that the site remains accessible and safe at various points while polls are open for voting. In some situations, a polling place cannot be made accessible if situations arise unexpectedly during voting, Elections SK will assign additional information officers to provide the necessary assistance to people with disabilities at the front entrance to a building. This will ensure that opportunities such as curbside voting are immediately identified and provided to voters requiring this option.

**Curbside Voting** – In instances where the polling place is not accessible, curbside voting may be made available to voters.<sup>18</sup> In certain circumstances, the deputy returning officer will take the poll book, the voters list, a declaration in the prescribed form, a ballot paper, a pencil and notepaper outside the polling place to facilitate a person with disabilities to mark their ballot.

**Information Officers at Polling Places** – An information officer will be at all polling places to provide directions and assistance to voters, including disabled voters, immediately when they arrive. These individuals will receive sensitivity training as they will be the first point of contact for voters at polling places.

**Temporary disabled parking signs** – Polling day officials will be provided with a supply of temporary disabled parking signs to be used as required at polling places.

**Supplemented lighting in the voting booths** – A supply of temporary lamps will be included in polling place supplies and available in the event that the lighting in any polling station needs to be enhanced.

## 4.3 PRODUCTS AND SERVICES AT POLLING STATIONS

Elections SK recognizes that many voters want to attend a polling place in person to cast their ballot. The following actions have been taken to accommodate people with disabilities at polling places.

**Disability Sensitivity Training** – Around 10,000 temporary election workers will receive training on how to facilitate voting for persons with disabilities. Disability sensitivity training for all election officials will be provided through a training video. This will ensure instructions are consistently delivered. In addition, a video is being developed for use

by the public, which will also provide an opportunity for poll official refresher training. This will be available on the Elections SK website in fall 2015.

Manuals for poll officials will include instructions on how to assist voters with disabilities and emphasize the role of poll workers in supporting people with disabilities at the polling place, if required.

**Assistance at the Polling Station** – Deputy returning officers are permitted to assist a voter either inside or outside the voting station.<sup>19</sup> They must mark the ballot paper in the manner directed by the voter in the presence of the poll clerk and of the candidate’s representatives in the polling place, and remove and destroy the counterfoil.

**Voter Can Be Assisted In Depositing Ballot Into Ballot Box** – Recent amendments permit the deputy returning officer, the voter, or the voter’s accompanying friend to deposit the ballot in the ballot box.<sup>20</sup>

**Act as Friend** – An individual may act as the friend to assist at the polls for two voters, previously this was limited to one voter.<sup>21</sup>

*“I recall a poll worker who adamantly refused to allow my husband to assist me. I’m unable to make a mark on my own. If a person with a disability makes the effort to go to the polling station, poll workers need to assist them.”*

*-Survey respondent*

<sup>19</sup> The Election Act, 1996. Section 77(1-4).<sup>20</sup> The Election Act, 1996. Section 75(b)(ii).<sup>21</sup> The Election Act, 1996. Section 77(6).<sup>22</sup> The Election Act, 1996. Section 78.

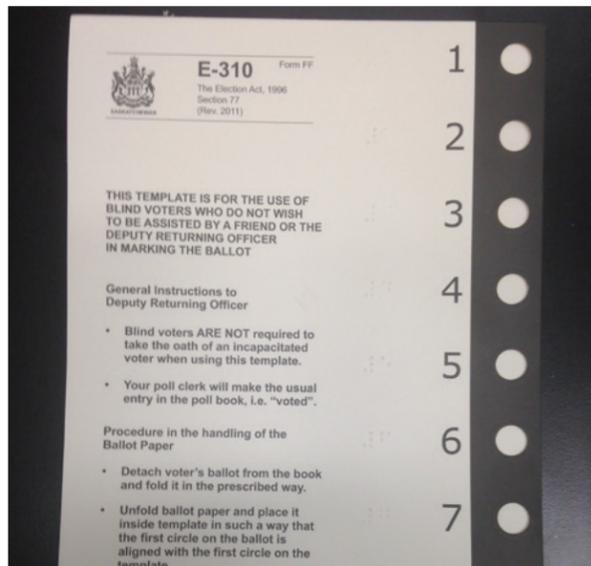
**Sign Language Interpreters** – The Election Act, 1996 provides for sign language interpreters to assist voters at polling places.<sup>22</sup>

**Paratransit Services** – Elections SK will notify municipal transit systems offering paratransit services of the days when voting will be taking place. Advance notice will allow individuals requiring transportation to make the appropriate arrangements and the transit authorities to make any adjustments in order to meet the increased demand.

**Directional Signs** – Additional directional signage will be available at all voting locations. Contrast is one of the most critical factors in enhancing visual functioning, with yellow on a dark background being easier to read.

**Assistive Tools at Polling Stations** – All polling stations will have the following supplies available on request:

- Pencil grips
- Paper and clipboards
- Magnifiers
- Braille ballot template



Sample E-310 Form

## 4.4 VOTER INFORMATION AND PUBLIC EDUCATION

Effective communication to stakeholders is essential to a successful election. Elections SK is putting in place a communications plan which includes reference to accessibility services and support. The following outlines some of the key activities that will be employed in the upcoming election.

**Outreach Strategy** – Ongoing relationships with the disability community and seniors groups will enable us to disseminate relevant election information to a wide range of stakeholders. These relationships will also facilitate receiving valuable feedback from these stakeholders after the election.

**Voter Information Cards (VIC)** – A VIC will be sent to each voter on the Preliminary Voters List before election day. In addition to other information, such as date and time of the election, the VIC will inform voters of the accessibility of advance poll and election day locations.

**Materials available in alternative formats** – To better assist people with disabilities, the Voters Guide and voter education materials will be available in a range of languages and formats, including electronic, audio and larger text format.

**Election Website** – Elections SK launched an updated website in August 2014.<sup>23</sup> The site has been designed to meet current Web Content Accessibility Guidelines (WCAG) and contains the following accessibility features:

- Compatibility with screen readers;
- Colours that contrast each other (luminosity contrast ratio); and
- Plain language to make it reader friendly.

**Closed Caption Advertising** – Closed captioning displays text on a television screen to provide additional or interpretive information to viewers. Not all viewers see the captions, only those who choose to activate them. Elections SK will ensure closed captioning is provided on its television advertising related to the election.

**Radio Advertising** – Advertising of election information will include radio broadcasting (audio format).

**Training and Awareness Videos** – Elections SK has produced videos with closed captioning. These videos focus on voter eligibility, acceptable ID to vote, ways to vote and election officer positions.

**People-first language** – All communications material, such as advertising and public education material, will use people-first language. People-first language puts the person before their condition or disability, for example ‘a person with a visual disability’ rather than ‘a blind person’.

*“As a person with visual impairment I cannot read most materials that were sent out through the mail.”*

*-Survey respondent*

**Customer feedback** – Feedback or complaints can be made by telephone, in writing, by email, in person, or through other reasonable methods. For the next general election, Elections SK will make feedback forms available in all polling places across the province to allow voters to provide feedback on their experience. Completed forms will be returned to Elections SK for action.

**Teletype (TTY) Services** – This audio service enables people with hearing loss to access information by telephone. TTY is available at Elections SK head office during business hours. TTY will also be available through Elections SK’s public call centre during enumeration and the election period.

# ONGOING COMMITMENT TO ACCESSIBILITY



Elections Saskatchewan is committed to ensuring that the province's electoral processes meet international standards of accessibility for elections and are responsive to the needs of all stakeholders within the parameters of the legislation that guides its activities. As part of the 28th General Election, Elections SK will undertake an assessment exercise aimed at evaluating the success of its accessibility implementation plan.

Learning from this assessment, and as part of the proposed legislative reform process, the Chief Electoral Officer (CEO) has committed to bringing forward additional recommendations for legislative change during the 29th Electoral Cycle. These recommendations will be informed by the assessment exercise, which will include feedback from stakeholders during the election and a range of stakeholder surveys afterwards.

Elections SK will continue to look to the best practices of other electoral bodies, both within Canada and internationally, for opportunities to improve the services offered in Saskatchewan. In 2012, Elections Canada commissioned a comprehensive review<sup>24</sup> of the accessibility of federal, provincial and territorial elections in Canada. This report revealed that Saskatchewan had scored relatively poorly when compared with the other jurisdictions in the area of supporting the accessibility of the electoral process. Although many of the gaps identified in this report have subsequently been addressed, Elections SK will continue to take action to ensure voters with disabilities in Saskatchewan receive consistent support and services for provincial elections.

Elections SK will maintain a strong working relationship with the provincial Office of Disability Issues to ensure a consistent approach to offering support and services to people with disabilities. The government launched a process to develop a Disability Strategy in 2013.<sup>25</sup> The public consultative process is now complete, with the Strategy expected to be released in 2015. Understanding the commitments that the government makes in this area will be important for Elections SK as it plans for the 29th General Election.



Dr. Michael Boda with Virginia Atkinson, IFES' Manager for Global Access and Inclusion Programs, and Michael Svetlik, Vice-President for Programs at IFES

The International Foundation for Electoral Systems re-launched the website [electoralaccess.org](http://electoralaccess.org) in May 2015. Elections SK has committed to collaborate in providing resources to this website and, in the months ahead, will continue to partner with IFES and other organizations dedicated to improving access to electoral processes for all voters.

Building on the findings of the Electoral Accessibility Initiative, the CEO will conduct further analysis to determine which of these might be considered in terms of proposed legislative change. These may include:

- A recruitment policy to identify people with disabilities to work in polling stations;
- Financial subsidies and/or exempting expenses from spending limits to assist candidates with disabilities;
- Changing the language of the Election Act to provide more specific direction about the accessibility of polls;
- Redesigning the ballot to accommodate voters with a visual impairment, such as adding a clipped corner or raised dots, increased font and spacing on the ballot paper;
- Adding a new category of data collection during voter registration so voters can self-identify as needing assistance to vote or an accommodation such as physical access or a sign language interpreter; and
- Piloting different methods of voting.

Finally, Elections SK will continue to build on its partnerships with the disability and seniors community. It will provide further opportunities to enable people with disabilities to provide feedback on accessibility initiatives and work to eliminate barriers in the election process. It will proactively engage stakeholders online, through direct conversations, focus groups, workshops or a formal Accessibility Advisory Committee as required.

<sup>24</sup> Michael Prince. *Electoral Participation of Electors with Disabilities: Canadian Practices in a Comparative Context*. Elections Canada, 2012.

<sup>25</sup> Government of Saskatchewan. <http://www.saskatchewan.ca/government/have-your-say/saskatchewan-disability-strategy>

# CONCLUSION



Elections Saskatchewan's goal for the future is to build an electoral process that provides voters in Saskatchewan with their choice of services that are delivered in a modern, accessible, safe, secure, and transparent manner that protects the secrecy and integrity of the vote.<sup>26</sup>

This publication, the third in the Chief Electoral Officer's Assessment Series, has outlined actions taken to date by the provincial election management body while demonstrating its commitment to facilitating increased accessibility, public awareness and knowledge of the electoral process.

Through engagement with the disability community and other key stakeholders, Elections SK continues to make progress in the accessibility of the electoral process and to ensuring that all voters with disabilities are accommodated. Our understanding of accessibility has moved beyond accommodating exceptions to a more inclusive approach which will make elections accessible to all voters.

The CEO has committed to an assessment exercise of the 28th General Election to determine the success of the Accessibility Implementation Plan, to continue to listen to and respond to the disability and seniors community, and to make further recommendations for legislative change to bring Saskatchewan's electoral process into line with Canadian and international best practice.

<sup>26</sup> Elections Saskatchewan (2014). *Strategic Plan for Saskatchewan's Election Management Body 2014 – 2016*. Regina: Elections Saskatchewan. January 2014.

# THE ELECTION AMENDMENT ACT, 2014



Bill No. 139 of 2014 *An Act to amend The Election Act, 1996 and to make a consequential amendment to The Residential Tenancies Act, 2006* was passed into law in December 2014 and included a number of provisions which provide better accommodation and accessibility to the voting process. Full references are provided below.

#### Homebound Voting

New sections 89.1 to 89.3

18. The following sections are added after section 89:

“HOMEBOUND VOTER”

Homebound voting

89.1(1) In this section and in sections 89.2 and 89.3, ‘homebound voter’ means a voter who meets the criteria set out in subsection (2).

(2) A voter is eligible to vote as a homebound voter if that voter presents evidence satisfactory to the returning officer of the constituency in which the voter is eligible to vote that the voter: (a) is unable to vote at an advance poll or on polling day in the constituency due to a disability; or (b) is providing care to a person mentioned in clause (a).

(3) Except where otherwise provided in this section and sections 89.2 and 89.3, the provisions of this Act and the regulations with respect to voting at advance polls apply, with any necessary modification, to homebound voting.

#### Advance Poll Voting

New section 130

20. Section 130 is repealed and the following substituted:

“Who may vote at an advance poll

130 Any voter who ordinarily resides in the constituency may vote at an advance poll”.

#### Voter can be assisted in depositing ballot into ballot box

Section 75 amended

15. Subclause 75(b)(ii) is repealed and the following substituted:

“(ii) either deposit the ballot in the ballot box or return it to the voter or to the voter’s friend who is accompanying the voter to deposit the ballot in the ballot box”.

Section 77 amended

16(1). Subsection 77(4) is repealed and the following substituted:

“(4) In the case of a voter who has a disability that significantly restricts the voter’s ability to vote, a deputy returning officer shall:

- (a) assist the voter in the manner provided in subsections (1) to (3);
- (b) subject to subsection (5) and at the request of the voter who is accompanied by a friend, permit the friend to accompany the voter into the voting station and to mark the ballot paper for the voter; or
- (c) at the request of the voter, provide the voter with a template in the prescribed form to enable the voter to mark the voter’s ballot in secret”.

#### Act as Friend

16(2). Subsection 77(6) is repealed and the following substituted:

“(6) An individual may act as the friend of two voters for the purpose of this section in any election”.

#### Sign Language Interpreters

Section 78 amended

17(1). Subsection 78(1) is repealed and the following substituted:

“(1) A deputy returning officer may use an interpreter or sign language interpreter to translate any oath or declaration and to ask any questions that the deputy returning officer is required by this Act to put to the voter and to translate the voter’s answers”.

(2) Subsection 78(2) is amended by adding “and every sign language interpreter” after “Every interpreter”.



# ACKNOWLEDGEMENTS

The Chief Electoral Officer would like to acknowledge the groups and individuals who have contributed to this assessment over a number of months. The contribution of stakeholders who have taken part in Election Saskatchewan's Electoral Accessibility Initiative, launched in the fall of 2013, is particularly appreciated. These include:

- Canadian National Institute for the Blind
- Canadian Paraplegic Association
- Multiple Sclerosis Society of Canada – Saskatchewan Division
- Provincial Interagency Network on Disabilities
- Saskatchewan Abilities Council
- Saskatchewan Association for Community Living
- Saskatchewan Association of Rehabilitation Centres
- Saskatchewan Deaf and Hard of Hearing Services
- Saskatchewan Seniors Mechanism
- Saskatchewan Voice of People with Disabilities
- South Saskatchewan Independent Living Centre
- Office of Disability Issues, Government of Saskatchewan
- And all those who participated in our consultation activities

In completing this assessment, the CEO has relied on the expertise and support of two important institutions—the International Foundation for Electoral Systems (IFES) and the Johnson-Shoyama Graduate School of Public Policy. We are grateful for the work of Virginia Atkinson (IFES) and Professor Jeremy Rayner (Johnson-Shoyama) in leading the Electoral Accessibility Initiative. Their efforts were supported extremely well by Caroline Beck, Rebecca Berthiaume, Meaghan Boiteau and Olena Kapral, all students at Johnson-Shoyama, as well as Daryl Stubel from the Office of Disability Issues, Province of Saskatchewan. Without the knowledge gained through their research, Elections SK staff would not have been able to assemble the accessibility plan and approach for the current and coming electoral cycles described within this publication.

