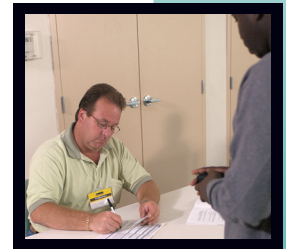


REGISTRATION AT THE POLLS ELECTION OR REFERENDUM



A MANUAL FOR Registration Officers



Registration Officer's Manual

Revision Record



The *Revision Record* lists changes made only to the electronic copy of the *Version* listed below. Please print only the pages described under *Comments*, and substitute them in your printed manual to ensure that it remains current. The *Date Published* appears at the bottom of new or changed pages.

Version	Date Published	Comments
EC 50357 (06/09)	March 2011	Replace the following pages: <ul style="list-style-type: none">▪ Pages v, vi▪ Pages 1, 21-28
EC 50357 (06/09)	June 2009	Initial release.

Important Information

Polling Day	
Our Voting Hours	a.m. to p.m.
Returning Officer's Name	
Returning Officer's Phone Number	
Central Poll Supervisor's Name (if applicable)	
Polling Station Address (See <i>Appointment and Oath</i> form)	
(at a by-election) First Day of Revision Period	

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1 Message from Elections Canada

This manual explains your duties as a registration officer during federal electoral events. It is based on the *Canada Elections Act* and on procedures established by the Chief Electoral Officer of Canada.

Your main job is to receive applications for registration to vote from electors in the polling divisions of your electoral district for the polling place to which you were appointed. On the basis of the evidence, you will decide whether to accept or reject each application.

The returning officer is responsible for conducting the electoral event in your electoral district. You are responsible only to the central poll supervisor (if one was appointed) and to the returning officer who appointed you, and not to any political party or candidate.

If you have any questions or concerns on polling day, you should talk to your central poll supervisor (if one was appointed) or your returning officer.

Learn the rules, so that you are not pressured into making the wrong decisions. Keep this manual handy while you work; you may need to refer to it. A well-informed registration officer is capable of controlling any difficult situation that may arise.

Thank you for undertaking this important work. Elections Canada very much appreciates your contribution to the healthy functioning of our democratic system.

A new section entitled **Reference Material** which includes: a summary of the decision taken by the Canadian Human Rights Tribunal in the case of Reverend Hughes, a corresponding case study, and pertinent sections of the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act. This material is mandatory reading



The masculine gender is used throughout this manual without bias, in the interests of simplicity and ease of reading.

2 Non-Partisanship

As a registration officer, you must not participate in partisan political activities while you are on duty on polling day. This means that:

- You must not provide opinions or display material that supports or opposes a political party candidate while performing your duties.
- You should answer only those questions relating to the electoral process.
- You must not work for any candidate, political party or attend any political functions or meetings.

2.1 Appointment and Oath

Before starting work, the registration officer must be sworn in by signing an oath of office, administered by the returning officer, the assistant returning officer or a person authorized by the returning officer. You will receive two copies of the *Appointment and Oath (for election or referendum officers)* (EC 10130) form on which your personal information will be pre-printed and which you must verify for accuracy. This form is used to process your payment.

If there are any changes required to the information on the *Appointment and Oath* form at any time during your term as an election officer, please advise your returning officer immediately to avoid any delays in receiving payment.



The *Appointment and Oath (for election or referendum officers)* (EC 10130) form is also your authority to act as an election officer. Do not lose it.

On polling day, bring your *Appointment and Oath* form that you have received and keep it with you at any time.

2.2 Courtesy and Rules of Conduct

As a representative of Elections Canada, there are specific expectations around how you should conduct yourself:

- Be polite at all times.
- Dress appropriately.
- Wear your *Electoral Personnel Identification Card* (EC 50210).
- Carry your *Appointment and Oath (for election or referendum officers)* form (EC 10130).
- Bring your meals on polling day or have them brought to you.



Keeping a customer service mindset and making the experience a positive one for the elector is an important part of your job. Practice by treating other Elections Canada personnel as though they were customers.

3 Elector's Rights

3.1 Bilingual Service

Elections Canada is obligated by law to ensure that electors receive service in either of the official languages. Greet the elector in both official languages in person: "Good morning/Bonjour."

If you are unable to provide service in French, say: "Un moment, s'il vous plaît" and ask if there is someone in the polling place who can assist you.



If an elector speaks a language other than French or English that does not allow you to complete the transaction, contact your central poll supervisor (if one was appointed) or the returning officer. On polling day, Elections Canada has interpreters available.

3.2 Smoke-Free Environment

Registration officers may work in a variety of locations and are responsible for providing a smoke-free environment for electors at all times.

3.3 Electors Who Require Special Assistance

Elections Canada supports the respectful assistance of electors with a disability, electors who are senior citizens, electors who are unable to read and any other elector who requires special assistance.

The following list describes the types of respectful assistance you should offer to electors who may benefit from help:

- If an elector seems to need help understanding the process, ask him if he needs any help. If he accepts, ask him what kind of help he needs.
- Speak directly to the elector, rather than to the elector's companion when one is present. Give the elector your undivided attention.
- Each elector may have different needs. It may take more time for an elector with a disability or for a senior citizen to communicate.
- Speak calmly, slowly and directly to a person who is hearing-impaired. Your natural facial expressions, gestures and body movements help the person to understand. If the person does not understand, try writing down your instructions or questions. Do not shout or speak in the person's ear.

- Greet a person who has a visual impairment by saying who you are and what you do. Explain the process to the elector and provide a guidance device, such as a ruler, if a signature on a form is required.
- Offer your arm if an elector requires your assistance to walk, and warn him of any steps or obstacles.



Assistance dogs accompanying the elector with a visual impairment, physical or other disabilities **must be admitted** everywhere and the dogs must not be disturbed while they are carrying out their duties.

4 Confidentiality of Information

Elector information is confidential, protected by legislation and can be used solely for the purposes of an electoral event.

Forms signed by electors contain the following paragraph: “The personal information you provide is used for federal and provincial electoral purposes only. It is protected under the *Canada Elections Act* and the *Privacy Act*. The information is retained in Personal Information Banks CEO PPU 005 and CEO PPU 037.” This indicates to the elector that any personal information he has provided will not be communicated to other government agencies or other types of organizations, private or public, except for electoral purposes (information can be communicated to provincial election agencies to update their lists). The data banks mentioned are the National Register of Electors and the *Preliminary Lists of Electors*.



Do not share elector information with other electors, family or friends.

When checking information on the list of electors to determine if an elector is registered at a particular address, be sure **not to discuss with the elector** the names of the other electors who may be listed at the elector's current or former address.

5 Getting Ready

As a registration officer, you will be performing your duties in a central polling place containing three or more polling stations.

5.1 Registration Desk Poster

On polling day, you should arrive at least 30 minutes before the polls open to set up your station. Before the polls open, you must post a *Voter Registration Desk* poster (EC 50155) to identify your area as a registration desk.

5.2 Candidates' Representatives

One representative of each candidate may be present at your registration desk. Representatives of candidates may observe the proceedings, but not take an active part in them. Each representative must give you a signed *Authorization of a Candidate's Representative* form (EC 20030). A photocopy of the candidate's or official agent's signature on the form is acceptable. The representative may leave the registration area and return, without having to show you a new authorization form.

Include the representative's authorization form with your election materials and keep it until after the polls close.

6 Election Materials

You will receive the following items from your returning officer:

- a poll key for your electoral district;
- a *Notice of Grant of a Poll* (EC 10170), which provides the names and addresses of all candidates and the location of all polling stations in your electoral district;
- *Registration Certificates* (EC 50050);
- *Candidates' Representative Labels Booklet* (EC 20900);
- an *Election Personnel Identification card* (EC 50210);
- a *Voter Registration Desk* poster (EC 50155);
- an *Alphabetical List of Electors by Polling Site* from your central poll supervisor before the polls open;
- copies of the *Remember: To vote, you must prove your identity and address* pamphlet (EC 90189).

7 Peace and Order

You may conduct the registration desk proceedings in whatever way you see fit. If there is a disturbance or if anyone is obstructing electors, immediately advise your central poll supervisor (if any) or the returning officer.

8 Elector Qualifications

Electors may vote if they are:

- at least 18 years old on polling day;
- a Canadian citizen;
- ordinarily resident in the electoral district in which they wish to vote.

8.1 Age

A person must be 18 years of age or older on polling day to vote. You may register someone who will be 18 years of age on or before polling day.

8.2 Citizenship

A person must already be a Canadian citizen to register to vote. A person who is in the process of becoming a citizen may not register to vote, even if the date on which he will officially become a Canadian citizen will precede or coincide with polling day.

9 Place of Residence

A qualified elector must be registered on the list of electors for the electoral district where he is “ordinarily resident”. This is the district in which he must vote.

For a by-election only, to be qualified to vote an elector must reside in the electoral district on the first day of the revision period, and continue to reside there until election day. During your training session, the returning officer should have given you the date of the first day of revision; ask him immediately if you are not aware of the date. This means that:

- An elector who has moved from another electoral district to yours **after the first day of the revision period is not** entitled to vote at the by-election, even if he is still residing in the electoral district on election day.
- If an elector has moved from one polling division to another **within your electoral district** since the start of revision, he is entitled to vote and you may accept the registration.

9.1 Defining “ordinarily resident”

A person is “ordinarily resident” at the place he calls home. This is the place where he resides and intends to return to when away. A person can be ordinarily resident in only one place at a time.

1. Seasonal residents

A person is not ordinarily resident in a secondary residence, such as a cottage that is used during part of the year, unless the person staying there has no other place that he considers to be his residence.

2. Electors who are temporarily absent from home

During a period of temporary absence from home, an elector may not register in the polling division where he is staying temporarily. He must vote in the polling division of his place of ordinary residence.

3. Electors who do not have a permanent residence

When a person has no permanent residence or dwelling, the person’s temporary quarters at registration time are considered to be the place where the person is ordinarily resident.

Temporary quarters include soup kitchens, shelters, hostels and other similar facilities that provide food, lodging or other social services.

4. Canadian Forces electors

A member of the Canadian Forces normally votes under a separate procedure set out in the Special Voting Rules. However, if at the time of an electoral event the Canadian Forces elector is actually living in the electoral district indicated on his *Statement of Ordinary Residence* that is filed with the Department of National Defence, the elector has the right to be registered at the address where he is living. The elector can vote as a civilian elector, provided that he has not already voted by special ballot.

5. Spouse or dependant of a Canadian Forces elector in Canada

Spouses and dependants of Canadian Forces electors living in Canada must vote as civilians if they are qualified. They must be registered at their Canadian address if that is their place of ordinary residence.

6. Student away from home

A student's residence can be considered a place of ordinary residence if the student does not intend to return to his previous home. However, students who leave their place of ordinary residence for the duration of their studies, and do intend to return, are eligible to vote only in the riding of their place of ordinary residence.

10 Proof of Identity and Address: Acceptable Documentation

It is important that you confirm the acceptability of identity and address documents. However, it is also important that eligible electors do not lose the right to vote.

The *New identification rules to vote!* pamphlet (EC 90189) provided to you by your returning officer along with election materials, shows you the list of acceptable pieces of identification. You are authorized to register only electors who show valid proof of identification and address as described in the list of authorized documents.

The elector has three options:

1. one original piece of identification with his photo, name and address issued by a Canadian government, whether federal, provincial or local, or an agency of that government; **or**
2. two pieces of identification authorized by the Chief Electoral Officer each of which will establish his name and at least one of which establishes his address; **or**
3. if an elector does not have sufficient identification, the *Canada Elections Act* also provides that an elector may be vouched for by another elector residing in the same polling division and whose name appears on the list of electors. You are not authorized to accept registration by vouching. However, you may pre-fill the back of the form with the voucher's information obtained from the *Alphabetical List of Electors by Polling Site*.



In order to reduce the waiting lines at polling stations, you are authorized to complete a *Registration Certificate* (EC 50050) for an elector for whom another elector is vouching (as mentioned in box 6 of [chapter 12, *Completing the Registration Certificate*](#)). Just remember not to sign the *Registration Certificate*. Hand the pre-filled *Registration Certificate* to the elector and direct him and the elector who is vouching for him to the correct polling station.

10.1 Attestation of Residence (EC 50053)

Certain electors may have difficulty in providing proof of identity and address to register and to vote. For that reason, the Chief Electoral Officer has authorized the use of the *Attestation of Residence* (EC 50053) as proof of address for residents of homeless shelters, soup kitchens, student residences, seniors' residences or Aboriginal reserves.

Prior to the opening of the polls, the returning officer provides you with a *List of Authorized Signatures – Attestation of Residence* (EC 50054) for each institution served by your polling site.

When the elector arrives at the polling site, he will provide you with his *Attestation of Residence* (EC 50053). You must then verify the signature of authorities responsible for this institution on this form against the signatures on the *List of Authorized Signatures – Attestation of Residence* (EC 50054) for the specified institution.



The elector must use the *Attestation of Residence* (EC 50053) in combination with a second document appearing on the *Remember: To vote, you must prove your identity and your address pamphlet* (EC 90189).

If an elector provides you with an *Attestation of Residence* (EC 50053) for an institution for which you do not have a *List of Authorized Signatures – Attestation of Residence* (EC 50054), consult your central poll supervisor on how to proceed.

11 Verifying the Registration Documents

Before proceeding with registration, you must first make sure that the elector is not already registered. Ask the elector for his name and address and look on the list of electors provided. If the elector is registered, direct him to the appropriate polling station. If not, you must then determine whether the applicant is a qualified elector. For citizenship, age and residency requirements, refer to [chapter 8, *Elector Qualifications*](#).

Please ask the elector:

- Are you a Canadian citizen?
- Are you at least 18 years of age?
- Please show me one or two pieces of identification as shown on the list of acceptable pieces of identification (**show the list to the elector**).

11.1 Verifying Proofs of Identity and Address

1. Documents must be in original form – photocopies are not valid.



Electors living in long-term care facilities and senior residences may use photocopies of their pieces of identification in order to register and/or to vote on polling days. These photocopies can be produced by their residence administrators or by family members who often hold their relatives' pieces of identification.

2. Downloaded documents are not valid.
3. Document expiration date is of no concern.
4. Document language must be either English or French – documents in non-official languages are not valid.
5. If the elector chooses to provide two pieces of identification, the documents must be issued by two independent sources, i.e. bank statements from the same bank for two different months are not sufficient.
6. If the elector has his face covered, the registration officer will ask to see two pieces of identification to establish the elector's identity. He can, if the elector enquires, explain that one piece of identification with photo is not sufficient to establish the identity of a person whose face is covered. The registration officer can also inform the elector that he will need to uncover his face or swear an oath in order to vote.

Occasionally an elector may be caught off guard and may not know which document to use. You may help him by going over the list with him. If the elector is unable to produce the requested documents, offer the option of registering by vouching. If the elector's identity cannot be established, do not register him.

If the person is a qualified elector, you must use the poll key to determine the polling division matching his address.

12 Completing the Registration Certificate

Once you have established that the elector meets the registration requirements, you must:

- Complete a *Registration Certificate* (EC 50050) for the elector.
- Give it to the elector to present to the deputy returning officer at the elector's polling station, which will enable the elector to vote.


When you fill out the *Registration Certificate*, enter the name of the electoral district and the elector's polling division number.

Please, be sure to respect the following guidelines:

Box 1	<p>Fill in the elector's family name, given name, middle name, gender and date of birth. If an elector refuses to provide his date of birth, you must try to persuade the elector by informing him that:</p> <ul style="list-style-type: none"> ▪ The date of birth information is a requirement for a name to appear on the National Register of Electors. If a date of birth is not provided, the elector will be added to the list of electors for the current election but will not be added to the National Register of Electors and will need to register again at next event. ▪ Dates of birth are used in the National Register of Electors to distinguish between electors who have the same name. ▪ Dates of birth will not appear on the lists of electors prepared for candidates, members of Parliament and political parties. ▪ Dates of birth will be matched with the same information that the elector has already provided to other agencies (such as provincial or territorial departments issuing driver's licences) so that electors can be automatically registered at their new residences without the inconvenience of having to re-register every time they move. <p>Note: Remember that you must register all electors who qualify to vote, whether or not they provide a date of birth.</p>
Box 2	<p>Fill in the elector's current residential address by recording:</p> <ul style="list-style-type: none"> ▪ the street number; ▪ the street name, including the street type (such as Street, Avenue, Place and so forth) and the direction, if applicable (such as NW, South, and so forth); ▪ the unit number (such as the number of an apartment); ▪ the city, town, village or municipality; ▪ the postal code; ▪ the phone number.
Box 3	<p>Fill in the elector's mailing address, if it is different from the elector's current residential address.</p>
Box 4	<p>Fill in the elector's previous home address. This information is very important, and you should always try to obtain it when registering an elector.</p>

Box 5	<p>If the elector does not want his information to be added to the National Register of Electors, he may check the box next to the declaration. Ask the elector to sign and date the form.</p> <p>Note: For a by-election only, you must add the date of the first day of revision on the line provided in the declaration.</p>
Box 6	<ul style="list-style-type: none"> ▪ Tick the box to show that the elector has provided acceptable proof of identity and address. Sign and date the form. ▪ Tick the Vouching box if the elector was vouched for and remember not to sign the <i>Registration Certificate</i>. Fill the back of the form.
Back of the form	<p>If the Vouching box in section 6 of the front of the form has been ticked, fill the back of the form with the information about the person that vouched for the elector.</p>

For an example of a *Registration Certificate*, see [Figure 1](#) and [Figure 2](#) below.



REGISTRATION CERTIFICATE
CERTIFICAT D'INSCRIPTION

(See sections 161, 169, 170, 47 of the Canada Elections Act / Voir articles 161, 169, 170, 47 de la Loi électorale du Canada)

Electorat district / Circonscription
Ottawa - Nepean

Polling division / Section de vote
150

EC50050
(01/09)

The personal information you provide is used for federal and provincial electoral purposes only. It is protected under the Canada Elections Act and the Privacy Act. The information is retained in Personal Information Banks CEO PPU 005 and CEO PPU 037.
Les renseignements apparaissant sur ce formulaire ne sont utilisés qu'à des fins électorales fédérales et provinciales. Ils sont protégés en vertu de la Loi électorale du Canada et de la Loi sur la protection des renseignements personnels et sont conservés dans les banques de renseignements personnels DGE PPU 005 et DGE PPU 037.

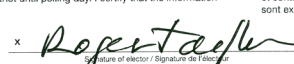

1	Family name / Nom de famille	Given name / Prénom	Middle name / Autre prénom	Gender / Sexe	Date of birth / Date de naissance		
	Taylor	Roger	John	M	Day / Jour	Month / Mois	Year / Année
					04	12	1966
2	Current home address / Adresse de la résidence actuelle			Apartment / Unité			
	No. / N°	Street / Rue					
	234	Main					
	City, town, village or municipality / Ville, village ou municipalité			Postal Code / Code postal		Telephone number / Numéro de téléphone	
	Nepean			K2E 0K3		613-555-1234	
3	Mailing address (if different from current home address) / Adresse postale (si différente de l'adresse de la résidence actuelle)						
	City, town, village or municipality / Ville, village ou municipalité			Province or territory / Province ou territoire		Postal Code / Code postal	
4	Previous home address / Adresse de la résidence précédente						
	PO / SV	No. / N°	Street / Rue	Apartment / Unité			
		567	Levine				
	City, town, village or municipality / Ville, village ou municipalité			Province or territory / Province ou territoire		Postal Code / Code postal	
	Nepean			Ontario		K2C 0K1	
5	Declaration / Déclaration						
	<input type="checkbox"/> Tick here if you DO NOT want your name added to the National Register of Electors I, the person whose name appears in Box 1, certify that I am a Canadian citizen, 18 years of age or over on polling day and have been ordinarily resident at the address appearing in box 2. If the electoral event underway is a by-election , I certify that I have been ordinarily resident in the electoral district since the beginning of revision, _____ and will continue to reside in the electoral district until polling day. I certify that the information provided on this form is accurate.			<input type="checkbox"/> Veuillez cocher cette case si vous NE VOULEZ PAS que votre nom soit ajouté au Registre national des électeurs. Je, dont le nom apparaît dans la case n°1, certifie que je suis citoyen canadien, que j'ai 18 ans ou plus le jour du scrutin et que je réside habituellement à l'adresse indiquée à la case n° 2. Si le scrutin en cours est une élection partielle , je certifie que je réside habituellement dans la circonscription depuis le début de la période de révision, le _____ et continuerai d'y résider jusqu'au jour du scrutin. Je déclare que les renseignements fournis ci-haut sont exacts.			
	x  <small>Signature of elector / Signature de l'électeur</small>			2009-07-01 <small>Date</small>			
6	FOR OFFICE USE ONLY / À L'USAGE DU BUREAU SEULEMENT						
	<input type="checkbox"/> Proof(s) of identity and address shown / Preuve(s) d'identité et d'adresse présentée(s)		<input checked="" type="checkbox"/> Vouching / Répondant		 <small>Registration Officer or Designating Officer / Inscriptrice ou inscripteur</small>		2009-07-01 <small>Date</small>

Figure 1 *Registration Certificate* (EC 50050)

Vouched for by	
Name	John Fraser
Address	60 Main Street, Nepean, Ontario K2C 0K3
Telephone	613-555-6073
Polling Station	150
Sequence Number	123

Répondant	
Nom	
Adresse	
Téléphone	
Bureau de vote	
Numéro de séquence	

Figure 2 Back of Registration Certificate (EC 50050)

13 Final Duties

Ensure that the *Alphabetical List of Electors by Polling Site* is placed back into the *Large All-Purpose Envelope* (EC 11520) and returned to the central poll supervisor with the remaining of your electoral materials. If no central poll supervision is on duty, you must hand your supplies to a deputy returning officer who will return it.

As a registration officer for Elections Canada, your tasks and responsibilities are completed.

14 Reference Material

Sections of Law Related to Accessibility

Canadian Human Rights Act

2.“[...] all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated....without being hindered in or prevented from doing so by discriminatory practices based on a prohibited ground.”

3.(1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

5. It is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public

(a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or

(b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination.

7. It is a discriminatory practice, directly or indirectly,

(a) to refuse to employ or continue to employ any individual, or

(b) in the course of employment, to differentiate adversely in relation to an employee, on a prohibited ground of discrimination.

Canadian Charter of Rights and Freedoms

15.(1) It is not a discriminatory practice if

(a) any refusal, exclusion, expulsion, suspension, limitation, specification or preference in relation to any employment is established by an employer to be based on a *bona fide* occupational requirement;

James Peter Hughes v. Elections Canada – Summary

Rev. Hughes and his wife lived for many years in the United States. They moved back to Canada upon retirement. Rev. Hughes uses a wheelchair or walker. They live in a condo in downtown Toronto, near St. Basil's Church, the polling location used in the two electoral events at issue in the case. Mr. Hughes testified that the March 2008 by-election was his first time voting in a Canadian election since he lived in Quebec in the 1970s.

1) First Electoral Event

On March 17, 2008, he proceeded using his walker to vote at St. Basil's Church in downtown Toronto. St. Basil's has three entrances: entrance #1 (main one, south side); entrance #2 (back one, north side); and entrance #3 (side one, west side).

From the street, the Complainant walked up a sloped hill on a long, winding path to entrance #1. At the front door was a handicap ramp which Rev. Hughes found to be acceptable. He found some "cryptic, yellow" EC signs, but they pointed away from entrance #1 and toward entrance #3. Entrance #1 was locked. Rev. Hughes proceeded around the building to entrance #3. When he opened the door, he found a flight of stairs leading downward.

Rev. Hughes was not able to get down the stairs without assistance. He called out for assistance, and someone who appeared to be an EC official came over and told him he could either come down the stairs or walk around the building (to entrance #2). Rev. Hughes chose to stay at entrance #3. The official took his walker down the stairs and Rev. Hughes then proceeded to go down the stairs on the seat of his pants. The walker was put back together and Rev. Hughes walked down the hallway to the election polling stations in the basement hall.

However, when he arrived in the hall, he was not able to vote in the polling booth because the tables were placed too close together, blocking his path. EC officials had to re-arrange the tables. While in the Church basement hall, Rev. Hughes told an EC official about his "difficult voting experience." Rev. Hughes recalled that the person replied that the lack of accessibility was for financial reasons.

After Rev. Hughes marked his ballot, his departure was no less difficult. Rather than go back through entrance #3, the EC officials offered to help him leave through the back way, entrance #2, adjacent to the parking lot. Rev. Hughes had to walk up a steep, narrow ramp which caused him great difficulty with his walker. The two doors leading out to the parking lot, which were heavy, steel doors, were not open. There was no automatic opening mechanism and only one of the two doors was openable. Rev. Hughes' walker had to be folded in order to get it through. Outside the doors, there was snow on the ground which had not been sufficiently cleared. The width shoveled looked like it had been done with ambulatory people in mind. It was barely wide enough for his walker's wheels, and not wide enough for a person using a wheelchair. There was a sloped ramp downward which was described by Rev. Hughes as steep and slippery. Rev. Hughes could not have exited through entrance #2 without assistance.

2) Written Complaint to EC, Complaint to CHRC, and EC's responses

In addition to his verbal complaint on the day of the election, Mr. Hughes made a written complaint to EC on March 20, 2008 with the assistance of his counsel. Although it was addressed correctly it was routed to the wrong official at EC. It was then forwarded to the Legal Services Directorate at EC. Rev. Hughes heard nothing from EC regarding his verbal and written complaints to it (other than a letter from the official who had originally received the letter indicating that it had been forwarded to Legal Services) until receiving EC's August 6, 2008 letter to the Commission. On June 5, 2008, Rev. Hughes had filed a CHRA Complaint with the Commission. The August 6th letter was EC's response to the CHRA Complaint. EC had its officials investigate Rev. Hughes' Complaint, although he didn't speak to them directly about it and didn't personally speak to the Toronto Centre Returning Officer or other relevant EC officials at the St. Basil's Church polling stations.

The Tribunal found that EC's response to the written complaint to EC and to the CHRA complaint was not timely, contained inaccuracies, and was dismissive in tone. In the August 6th letter, EC made a number of factual errors including stating that all three entrances were unlocked during voting hours.

3) The Second Electoral Event

On October 14, 2008, Canadians went to the polls in a federal general election. Mr. Hughes received a Voter Information Card, indicating that his polling station would be at St. Basil's Church once again. The Card had the universal accessibility symbol

on it. Mr. Hughes was hopeful that things would be different this time, and that EC had addressed his concerns.

However, Rev. Hughes experienced the same lack of accessible voting on October 14th, except for the snow on the ground. When he went to St. Basil's, the front door (entrance #1) with its accessible ramp was again unavailable. This time he proceeded to entrance #2, where he found one of the doors was being held ajar by a broken rock. He could not open the heavy steel door himself. With assistance, he entered via entrance #2, voted and left the same way. Rev. Hughes was quite upset that, notwithstanding his verbal and written complaints to EC some seven months earlier and his June 2008 Complaint to the Commission, EC had not remedied the problem by providing a barrier-free polling facility to exercise his important democratic right to vote.

4) Post-Election, Tribunal Hearing and Decision

Following the election, the Commission referred the subject-matter of the Complaint to the Tribunal on December 29, 2008. EC commissioned architect and accessibility expert Robert Topping to do an on-site inspection of St. Basil's Church and report on certain accessibility issues in March 2009. He outlined some of the problems with the St. Basil's facility from a barrier-free perspective. As a result of Rev. Hughes' Complaint, Mr. Topping's report, the steepness of the incline and better alternative locations in the area, prior to the hearing EC decided that it would no longer use St. Basil's Church as a polling location, notwithstanding some of its "significant advantages" (e.g., parking, community use and prior election use).

The Canadian Human Rights Tribunal held a hearing on Rev. Hughes' complaint in October, 2009 and rendered a decision on February 12, 2010. EC admitted liability at the beginning of the hearing. EC's official at the hearing testified that EC has learned a lot from the negative voting experience of Rev. Hughes, and it has made improvements. EC also agreed to many of the systemic remedies requested by the Complainant. However, EC argued that the evidence did not demonstrate a systemic problem, but rather that it was a case of human error – of people not doing things correctly within the system that was in place.

The Tribunal pointed out that the system is made up of people, and that the "problem is not so much the standards or policies on accessibility, or EC's training in regard to them", but "[t]he problem is more in the nature of the policies and guidelines and training not being followed or applied by EC officials". The Tribunal

reiterated the importance of the right to vote, and that it is protected in the Charter. The Tribunal also stated that it is arguably a duty of citizens of Canada to vote, and that the State has a legal duty to ensure that all barriers, whenever possible, are removed. The Tribunal also relied upon the evidence of disability rights/accessibility expert Professor Catherine Frazee who explained the barriers that people with disabilities face in society, structurally and attitudinally, including details of “disability disadvantage”.

5) Remedies

The Tribunal awarded Rev. Hughes damages for compensation for pain and suffering. The amount was based in part on the fact that “voting is one of the most sacred rights of citizenship and that includes the right to do so in an accessible context.” However, the majority of the remedies are systemic in nature and most are to be completed by EC within either 6 months or 12 months. (The time frames are to be suspended for three months in the event of a general election, other than the time frames for the individual remedies and the cease order.) The Canadian Human Rights Commission has a monitoring role over the implementation of the decision, and EC is to consult with the other parties (the Complainant, the Commission, and the Council of Canadians with Disabilities who intervened as in interested party in the case.) The following list is a summary of the systemic remedies that the Tribunal has ordered Elections Canada to carry out:

- Greater consultation with voters with disabilities and disability groups, with a consultation plan to be formulated within 6 months upon discussion with other parties.
(6 months)
- Cease order re situating polling stations in locations that do not provide barrier-free access, subject to standard of bona fide justification and the duty to accommodate to the point of undue hardship, once a prima facie case of discrimination has been established.
- Implement a procedure for verification of accessibility of facilities on the day of an electoral event and consult with other parties regarding same.
(6 months)
- Review of Accessible Facilities Guide, Accessibility Checklist, and accessibility sections of the Manuals for ROs and other categories of election workers (CPSs, DROs, Poll Clerks, Information Officers and Registration Officers), and consult with other parties about same.
(12 months)

- Revise standard lease for polling locations to include the requirement that the leased premises provide level access and are barrier-free, and consult with other parties about same.

(6 months).

- Provide sufficient and appropriate signage at elections, including the universal accessibility symbol so that voters with disabilities can easily find the shortest and most appropriate route to all accessible entrances at polling stations, and consult with other parties about same.

- Review, revise and update training manuals and programs concerning accessibility issues for ROs and officials below them, and training to be given to every officer or employee who deals with disability and accessibility issues, including the CEO and senior management, the accessibility officers at national headquarters, the ROs and others in the electoral districts. EC officials are to be trained as well on the new public complaints process. The training materials are to include the *Hughes v. Elections Canada* reasons for decision, and a case study made from it for training purposes. EC is to consult with other parties about same.

(12 months)

- Implement a procedure for receiving, recording and processing verbal and written complaints about lack of accessibility and suitably publicize same. EC shall execute this reporting requirement for a period of three complete general election cycles. EC is to consult with other parties about same.

(6 months)

- Elections Canada is to report to the Tribunal in at least three-month intervals about its progress in implementing the Order, and the Tribunal remains seized in the matter to the later date of the reporting of accessibility complaints by EC after the next general election and the implementation of the other parts of the Order, including any further implementation Orders as required.

Case Study – Rev. James Peter Hughes

In compliance to the orders of the decision by the Canadian Human Rights Tribunal, Elections Canada has put in place several new procedures to ensure polling sites are accessible for all electors. Following the reading of the summary, reflect on the following questions:

- How would you have reacted had you had been in Rev. Hughes' position?
- Remembering what you have learned on the duty to accommodate, how would you have reacted if you had been in the position of the election official who was providing assistance?
- How could the situation have been handled differently? What steps could have been taken to address the obstacles to accessibility?
- With the new accessibility procedures that Elections Canada has put in place, how would this incident be resolved differently if it happened during the next general election?

Reference Material