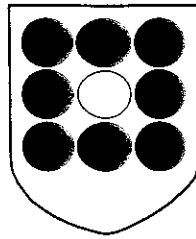


CANADIAN CIVIL LIBERTIES ASSOCIATION

360 Bloor Street West, Suite 506
Toronto, ON M5S 1X1
Telephone (416) 363-0321
FAX (416) 861-1291
Website: www.ccla.org
E-mail: mail@ccla.org



ASSOCIATION CANADIENNE DES LIBERTES CIVILES

360 rue Bloor Ouest, Suite 506
Toronto, ON M5S 1X1
Téléphone (416) 363-0321
Télécopieur (416) 861-1291
Site Internet: www.ccla.org
Courriel: mail@ccla.org

EXECUTIVE COMMITTEE COMITE EXECUTIF

Past Presidents Présidents Précédents

THE HON. J. KEILLER MACKAY
(1888-1970)
J. S. MIDANIK, Q.C.
(1920-1997)
JOHN NELLIGAN, Q.C.
HARRY W. ARTHURS
THE HON. WALTER TARNOPOLSKY
(1932-1993)
WALTER PITMAN
SYBIL SHACK
(1911-2004)
THE HON. ALLAN BLAKENEY

**President
Présidente**
MARSHA HANEN

**Vice-presidents
Vice-présidents**
JAMIE CAMERON
SUSAN COOPER

GISÈLE CÔTE-HARPER, Q.C.
MICHAEL DEPENCIER
MARLYS EDWARDH
EDWARD L. GREENSPAN, Q.C.
PATRICIA JACKSON
JOHN D. MCCAMUS
DELLA OPEKOKEW
THE HON. HOWARD PAWLEY
KENNETH P. SWAN
DR. JOSEPH WONG

**Secretary
Secrétaire**
SYDNEY GOLDENBERG

**Treasurer
Trésorière**
ELAJNE SIATER

**General Counsel
Avocate Générale**
NATHALIE DES ROSIERS

BOARD OF DIRECTORS CONSEIL D'ADMINISTRATION

FRANK ADDARIO

THE HON. WARREN ALLMAND, Q.C.
BROMLEY ARMSTRONG
THE HON. RONALD ATKEY, Q.C.
FRÉDÉRIC BACHAND
JOSEPH BOYDEN
THE HON. EDWARD BROADBENT
LEAH CASSELMAN
THE HON. SAUL CHERNIACK, Q.C.
DOMINIQUE CLÉMENT
JANE COBLEN
MICHAEL CONNER
DR. DEBBY COPEL
DAVID CRONENBERG
FERNAND DAoust
BRIAN A. F. EDY
SUSAN ENG
MEL FINKELSTEIN
ROBERT FULFORD
VICKI GABEREAU
THE HON. CONSTANCE R. GLUBE, Q.C.
KATHERINE GOVIER
LOUIS GREENSPAN
HUSSEIN HAMDANI
SHIRLEY HEAFLEY
HARISH JAIN
MAHMUD JAMAL
JANET KEEPING
JOY KOGAWA
ANNE LA FOREST
CYRIL LEVITT
ANDREW LOKAN
A. WAYNE MACKAY
KEN MANDZLUK
JON OLIVER
PENELOPE ROWE
PAUL SCHABAS
MARVIN SCHIFF
DAVID SCHNEIDERMAN
ERIC TEED, Q.C.
WALTER THOMPSON
THE VERY REV. LOIS WILSON

**Director of Education & Administration
Directrice, Éducation et administration**
D. S. McLAUGHLIN

**Director, Freedom of Expression Project
Directrice, Project de la liberté d'expression**
NOA MENDELSON AVIV

**Director, Public Safety Project
Directeur, Project de sécurité publique**
GRAEME NORTON

**General Counsel Emeritus
Avocat Général Émérite**
ALAN BOROVUJ

Mr. Greg Essensa
Chief Electoral Officer Elections Ontario
51 Rolark Drive
Scarborough, ON. M1R 3B1

May 4, 2010

Dear Mr. Essensa,

I am writing on behalf of the Canadian Civil Liberties Association (CCLA) with respect to Bill 231 which, as you know, passed Third Reading in the legislature on May 3, 2010. The CCLA is pleased that this legislation contains some provisions aimed at making Ontario elections more accessible to voters with disabilities. At the same time, the CCLA is concerned about the potential for delay in facilitating accessible voting. Voting in an election is a fundamental civil right accorded to all Canadians under the *Canadian Charter of Rights and Freedoms*. Similarly, the *Charter* guarantees that everyone is entitled to equal protection and equal benefit of the law, without discrimination on the basis of mental or physical disability. Ensuring accessible voting for Canadians with disabilities is therefore not simply good public policy, it is a constitutional imperative. The Canadian Human Rights Tribunal has found recently that "voting is one of the most sacred rights of citizenship and that includes the right to do so in an accessible context" and that Elections Canada violated the *Canadian Human Rights Act* by failing to provide Mr. Hughes with an accessible voting location. In this context we urge you to begin considering the implementation of alternative voting technologies to avoid any further delay in achieving full accessibility for voters in Ontario. We suggest that Elections Ontario should act promptly to recommend that the ban on access technologies be lifted as soon as permissible under Bill 231, as many alternative voting technologies are readily available from other jurisdictions that have experimented with and used these technologies, even some of Ontario's municipalities.

While Bill 231 requires that proposed voting locations be posted on the internet six months before an election, input from the community should be solicited in



order to ensure that accessibility requirements are met. A physically inaccessible voting station constitutes a denial of the right to vote.

The CCLA is concerned about the difficulties that many Ontarians with disabilities have experienced in attempting to exercise their right to vote and we would welcome the opportunity to meet with you to discuss these issues further.

Yours very truly,

A handwritten signature in black ink, appearing to read 'N. Des Rosiers', with a long horizontal flourish extending to the right.

Nathalie Des Rosiers
General Counsel

¹ Hughes, James Peter v. Election Canada, 2010 CHRT 4 (CanLII) at para. 62.