

The best way to protect yourself from discrimination and from complaints is to know and respect  
**The Saskatchewan Human Rights Code.**



## Elections and Voting

The Canadian Charter of Rights and Freedoms<sup>1</sup> (“the Charter”) and *The Saskatchewan Human Rights Code*<sup>1</sup> (the “Code”) guarantee electoral rights to everyone who meets the requirements to vote at an election. The Saskatchewan Human Rights Commission seeks to collaborate with all stakeholders to protect, and to ensure that elections are conducted in accordance with the provisions of the Charter, and the Code.

Section 15(1) of the Charter and section 12(1) of the Code provide for the equality of all persons before the law, and thus prohibit the inhibition of, or discrimination against, any qualified person from participating in an election.

These sections apply to people with disabilities who are qualified to, and wish to vote at an election. This legislation requires that Elections SK implements processes and procedures that remove barriers to participation and that provide reasonable accommodation for persons with disabilities.

People with disabilities have a right to participate in the electoral process in Saskatchewan. Their rights are provided for and protected by *the Code*<sup>1</sup>, the *Charter*<sup>2</sup>, and the *United Nations Convention on the Rights of People with Disabilities*<sup>3</sup>, to which Canada is a signatory.

The Code defines “disability” as:

- (a) any degree of physical disability, infirmity, malformation or disfigurement, including:
  - (i) epilepsy;
  - (ii) any degree of paralysis;
  - (iii) amputation;
  - (iv) lack of physical coordination;
  - (v) blindness or visual impediment;
  - (vi) deafness or hearing impediment;
  - (vii) muteness or speech impediment;or
  - (viii) physical reliance on a service animal, wheelchair or other remedial appliance or device; or
- (b) any of the following disabilities:
  - (i) an intellectual disability or impairment;
  - (ii) a learning disability, or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language;
  - (iii) a mental disorder;<sup>4</sup>

<sup>1</sup> *The Saskatchewan Human Rights Code – s.12(1)*.

<sup>2</sup> <https://laws-lois.justice.gc.ca/eng/Const/page-15.html#h-42> - s.15.

<sup>3</sup> *Article 29, UNCRPD*.

<sup>4</sup> *The Saskatchewan Human Rights Code – s.2(1)*.



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The election process is required to be accessible in every respect, affording the participation of people with disabilities in all stages of the process. This includes, for example, public information, election materials, signage and polling centers. In all cases, people with disabilities are to be treated with respect.

### Accessibility of Elections

Election/polling centers are required to be physically accessible to people with disabilities.

As example:

- People with mobility or visual disability should be able to get into and move around the election centers without difficulty.
- Voters with hearing-related disability are required to be provided accommodation such as sign language interpreters, close caption or described video information, to facilitate their unhindered participation in the election process.
- Election officials are to ensure that polling centers meet necessary accessibility standards, in conformity with the Code and relevant building codes.
- Where polling centers are not fitted with accessibility features for people with mobility disabilities, Elections SK plans to provide ramps which will aid accessibility of these polling centers for voters.
- Elections SK will provide curbside voting for voters with mobility disabilities who

are unable to access a polling center with the aid of a mobility device.

For people who require specific accommodations, it is advised that they contact Elections SK.

### Receiving Assistance

Election officials receive sensitivity training to provide assistance to voters who may require it. A voter with a disability who requires assistance may request assistance from an election official. A voter with a disability is also entitled to be assisted by a friend or a person of their choice, who can assist up to two people.

### Improving Accessibility

Elections SK has taken steps to make elections more accessible for people with disabilities, in compliance with provisions and expectations of the Code, as outlined in its *Elections Accessibility Implementation Plan for the 28<sup>th</sup> General Elections*<sup>5</sup>.

Some of the features designed to make elections more accessible in Saskatchewan which were implemented during the 28<sup>th</sup> Provincial General Elections in 2016 include:

1. Advance Voting – Open to all voters without giving reason for the preference for it. Open five (5) days prior to election day voting.
2. Mobile Polls – Available to all voters in the location where it is established.
3. Mail-in Ballots – For voters who would not be available to vote on election day or advance voting.

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4. Home Bound Voting – Open to voters with a disability, or those who are unable to go to polling centers and to people who care for such voters. Available upon the voter applying and providing proof of disability to Elections SK.

Voters with disabilities are at liberty to take advantage of these voting options, subject to their meeting the conditions prescribed in the Saskatchewan Election Act.

### **Compliance of Elections**

Electoral processes are required to comply with Charter and Code provisions in order to protect the electoral rights of people with disabilities, who make up 22.2% of Saskatchewan’s population. Non-accommodation may be considered discriminatory and/or result in a human rights complaint being filed by aggrieved persons.

Where any person feels that their electoral rights have been breached or that they were discriminated against on a Code-protected ground, by or during an aspect of the electoral process, such concerns should be directed to the Commission via the process outlined on the Commission’s website.

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