



HOUSE OF COMMONS  
CANADA

**IMPROVING THE INTEGRITY OF THE ELECTORAL PROCESS:  
RECOMMENDATIONS FOR LEGISLATIVE CHANGE**

**Report of the Standing Committee on  
Procedure and House Affairs**

**Gary Goodyear, M.P.  
Chair**

**June 2006**



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# **THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS**

has the honour to present its

## **THIRTEENTH REPORT**

Pursuant to its mandate under Standing Order 108(3)(a)(vi), the Committee is pleased to present this report on legislative changes to the *Canada Elections Act*.





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# IMPROVING THE INTEGRITY OF THE ELECTORAL PROCESS: RECOMMENDATIONS FOR LEGISLATIVE CHANGE

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## INTRODUCTION

Section 535 of the *Canada Elections Act* requires the Chief Electoral Officer, as soon as possible after a general election, to make a report to the Speaker of the House of Commons that sets out any amendments that, in his or her opinion, are desirable for the better administration of the Act. On September 29, 2005, the report on the 38<sup>th</sup> general election (June 2004) was tabled in the House. Entitled *Completing the Cycle of Electoral Reforms*, this report focused primarily on matters that are not related to the political financing reforms which came into effect on January 1, 2004 with S.C. 2003, c. 19 (Bill C-24). There was no opportunity to review this report and its recommendations prior to the general election being called on November 29, 2005.

As Members of Parliament, we are directly concerned with the electoral process, and have first-hand experience with the rules governing the conduct of elections. There have been two federal general elections within a short period of time – one on June 28, 2004 and the other on January 23, 2006. It is important that we use these experiences and the lessons learned to correct deficiencies and improve our electoral system. As we are currently in another minority Parliament, and the timing of the next general election is unknown, it is important that the necessary legislative changes are made in an efficient and timely manner. The Committee believes that a window of opportunity for legislative changes exists, and, for this reason, we have made the review of possible legislative amendments our priority over the past few weeks.

The Committee appreciates the assistance of Jean-Pierre Kingsley, the Chief Electoral Officer of Canada, and the staff at Elections Canada. Representatives of the recognized four parties in the House of Commons appeared before the Committee and provided important insights into the electoral system. The Committee also solicited suggestions from the other political parties registered under the *Canada Elections Act*, and appreciates the submissions that were received from the Marijuana Party, the Progressive Canadian Party, the Marxist-Leninist Party, and the Green Party. The Committee also solicited the views of other Members of Parliament and we appreciate their input into our deliberations. In addition, the Privacy Commissioner of Canada, Jennifer Stoddart, appeared before the Committee to discuss certain issues relating to privacy concerns, and we greatly appreciate her cooperation and submissions.

Canada's electoral system generally works well, and is respected around the world. While there have been discussions about fundamental changes to our electoral system – such as introducing an element of proportional representation – these should not detract from the basic point that we have an electoral system of which we should be justly proud. The system, however, is not perfect, and can always be improved. In addition, there are certain specific areas where Members and others have particular concerns.

Three themes guided the Committee in its review of the *Canada Elections Act* and its deliberations over possible reforms: the integrity and accuracy of the National Register of Electors, voter identification at the polls, and voter fraud. Each of the recommendations considered below was reviewed and considered in light of these over-arching – and, to some extent, inter-related – themes. The integrity of the electoral process is fundamental to the effective functioning of a democracy. Without adequate safeguards to ensure that those who exercise the vote are in fact eligible to vote, to prevent fraudulent voting practices, and to ensure that eligible voters are not disenfranchised or impeded in their ability to vote, the entire electoral process is undermined.

In assessing the *Canada Elections Act* and possible amendments, the Committee took as its starting point the September 2005 report of the Chief Electoral Officer, entitled *Completing the Cycle of Electoral Reforms*. Many of the changes that he is proposing make sense and have the support of all members of the Committee. In other cases, the Committee is proposing slight adjustments to the changes that have been recommended. In the case of other recommendations, the Committee is not convinced of the need for the suggested changes, or disagrees with the proposals. The Committee has also considered other proposals for legislative changes from members of the Committee, other Members of the House of Commons, and from political parties registered under the Act.

The Committee believes that a more comprehensive review of the *Canada Elections Act* is warranted, and hopes to undertake this at an early opportunity.

## **A. RECOMMENDATIONS OF THE CHIEF ELECTORAL OFFICER**

### **1.0 Operational Issues**

#### **1.1 Advance Administrative Confirmation Process**

A series of recommendations were made by the Chief Electoral Officer under this general heading. These recommendations are directed to facilitating and simplifying the nomination process prior to the issuance of a Notice of Election. The Chief Electoral Officer recommended:

- (1) a purely administrative and centralized nomination confirmation process through the Office of the Chief Electoral Officer, rather than through local returning officers;
- (2) a process to permit the person seeking a nomination to file a basic application himself or herself, without the need to obtain 100 signatures from electors in support of the application;
- (3) that nomination candidates be permitted to confirm their nomination status prior to the issuance of an election writ; and,
- (4) that the candidate confirmation process should be done through the office of the Chief Electoral Officer, rather than through local returning officers.

The Chief Electoral Officer's rationale for this series of recommendations was to remove unnecessary complexity in the nomination and candidate confirmation process. All of the political parties that commented on this recommendation supported the advanced confirmation process, with the exception of the Marxist-Leninist Party. Representatives of the New Democratic Party, the Liberal Party, and the Conservative Party who appeared before the Committee also supported the elimination of the 100-signature requirement.

While the Committee is generally supportive of the overall aim of simplifying the process, it is concerned that centralizing the registration process would remove an important connection between nomination contestants or candidates and their constituencies, and undermine the role of the returning officer and local control of elections. The Committee is also not persuaded that the 100-signature

requirement is irrelevant in the electoral process. Some Members considered the obtaining of 100 signatures a measure of the legitimacy of a nomination contestant's candidacy. The Committee, therefore, supports only Recommendation 1.1(3), under which candidates could confirm their nomination status prior to the issuance of the election writ. It rejects the other recommendations.

## **1.2 Integration of the Office of the Chief Electoral Officer and Returning Officers**

For a number of years, the Chief Electoral Officer has been recommending that returning officers be appointed by him or her pursuant to a merit-based process and that returning officers be made employees of Elections Canada.

These reforms have been superseded by Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, which would grant the Chief Electoral Officer the authority to appoint, and terminate the appointments of, returning officers. The Chief Electoral Officer will also be required to establish a merit-based process for the appointment of returning officers. The majority of the Committee recommends that this be done by means of a public competition.

## **1.3 Expansion of the Statutory Budgetary Authorization**

The Chief Electoral Officer seeks statutory authority to pay all expenses relating to the administration and enforcement of the *Canada Elections Act* out of the unappropriated funds of the Consolidated Revenue Fund. Currently, funding comes from pre-authorized draws upon the Consolidated Revenue Fund and an annual appropriation vote. The Chief Electoral Officer considers that reliance on an annual appropriation vote does not enhance the effectiveness, efficiency and integrity of the electoral process.

This issue has arisen in the past, and the Committee has not been prepared to endorse the proposal. There is, in our view, an advantage in having the Office of the Chief Electoral Officer appear before the Committee annually to discuss the Main Estimates. We would also want to be assured that the Treasury Board and the Auditor General had no concerns before agreeing to such a change.



#### **1.4 Extension of the Adaptation Power**

Currently, the Chief Electoral Officer may use the power under section 17 of the *Canada Elections Act* to adapt most provisions of the Act in cases of emergency or unforeseen circumstances. That power, however, can only be used during an election period. The Chief Electoral Officer has recommended that this power be extended for a period of 90 days after the return of the writ. The rationale for this recommendation is that much of the work in the elections process continues well past the election period.

The Committee understands that this provision may limit the flexibility that the Chief Electoral Officer may require to respond in a timely way to emergency situations after an election. The Committee, however, considers a 90-day extension period to be excessive. It recommends a 30-day extension of the adaptation power.

#### **1.5 Senate Role in Appointment of the Chief Electoral Officer**

The Senate is currently accorded no role in the appointment of the Chief Electoral Officer, although it participates in the removal for cause of the Chief Electoral Officer. The Senate has suggested that it be given a role in the selection of the Chief Electoral Officer, given that it already has a mandate to review legislation respecting electoral matters, and that this would be consistent with the appointment procedures for other officers of Parliament.

Given that the Chief Electoral Officer is only responsible for overseeing the election of Members to the House of Commons, the Committee believes that the status quo is appropriate, and is not prepared to endorse the proposal that the Senate be given a role in the selection of the Chief Electoral Officer. If, in the future, there were to be federally-run elections for Senators, this issue could be revisited.

In the course of its deliberations on this question, the Committee briefly discussed the fact that the Chief Electoral Officer is currently appointed to hold office during good behaviour until age 65. It was noted that other officers of Parliament, such as the Auditor General, the Privacy and Access to Information Commissioners, and the Commissioner of Official Languages, are all subject to fixed term appointments. The Committee wishes to emphasize that the raising of this issue in no way reflects on the commendable work of Jean-Pierre Kingsley, the current Chief Electoral Officer. Members see both pros and cons in the current arrangements for the Chief Electoral Officer, and, therefore, make no recommendation at this time.

## **1.6 Removal of the Office of the Assistant Chief Electoral Officer**

In the Chief Electoral Officer's report, it is argued that the Office of the Assistant Chief Electoral Officer serves no particular statutory mandate and performs no operational role, other than what may be assigned by the Chief Electoral Officer. It is also stated that there is no statutory purpose behind the requirement that the Assistant Chief Electoral Officer be appointed by Order in Council; indeed, it is suggested that as a Governor in Council appointee, the appointment process of the Assistant Chief Electoral Officer undermines the perceived impartiality of Elections Canada. The Chief Electoral Officer recommends that the *Canada Elections Act* be amended to remove the Office of the Assistant Chief Electoral Officer.

The majority of the Committee is not prepared to support this recommendation.

## **1.7 Appointment of Revising Agents**

Revising agents assist returning officers and assistant returning officers in the registration of electors during the revision period leading up to polling day. Currently, revising agents are selected by returning officers after soliciting the names of potential candidates from the parties who ranked first and second in the previous election. The Chief Electoral Officer recommends that section 33 of the *Canada Elections Act* be amended to remove this requirement. This recommendation is repeated from the Chief Electoral Officer's 2001 report, *Modernizing the Electoral Process*.

The Committee sees no need to change the current system. The consensus is that this provision, which is consistent with other provisions of the Act whereby names are put forward by the registered parties whose candidates finished first and second in the previous election, works well and serves the needs of candidates and the electoral process.

## **1.8 Right of Elections Canada Employees to Strike**

The Chief Electoral Officer has regularly recommended in his reports to Parliament that the right of Elections Canada's unionized employees to strike be restricted. This would require an amendment to the *Public Service Labour Relations Act*. The Chief Electoral Officer maintains that Elections Canada employees perform an "essential service." He has asked that the right to strike be removed both during and between elections. In justifying the denial of the right

between elections, he argues that much of the work of election planning and preparation is carried out between elections.

In the Committee's 35<sup>th</sup> Report to Parliament in the 1<sup>st</sup> Session of the 36<sup>th</sup> Parliament, concerns were expressed about this recommendation. Alternatives to denying the right to strike were suggested, including binding arbitration. The Committee, at the time, was divided on this proposal.

This is a difficult issue with which members of this Committee, like its predecessor, have had to grapple. The challenge is to balance the legitimate rights of unionized employees with the legitimate needs of election readiness in a democratic system. A strike involving Elections Canada employees during an election would be unacceptable, as Parliament cannot legislate a return to work when it has been dissolved. The Committee is mindful that Elections Canada must be prepared for an election at any time, and this is especially true in a minority Parliament situation.

We understand that there is no single bargaining unit for Elections Canada employees, but that they are members of the bargaining units of public service-wide unions. We further understand that the affected number of employees at Elections Canada is fairly small, and that there are precedents at the provincial level and elsewhere in the federal public service for designating groups of employees as performing an "essential service." The withdrawal of the right to strike from Elections Canada staff would not affect other collective bargaining rights and protections which they possess under the *Public Service Labour Relations Act*, nor would they be denied the benefits of any agreements entered into on behalf of their bargaining units.

After careful consideration, the majority of the Committee is prepared to support this recommendation.

## **1.9 Hiring and Payment of Temporary Elections Canada Staff**

The Chief Electoral Officer noted that casual and temporary workers are indispensable to the preparation for, and conduct of, elections. While the Chief Electoral Officer has authority to hire these workers, section 50(2) of the *Public Service Employment Act* limits their term of employment to 90 working days in a 12-month period. It is argued that this time limit impedes the ability of Elections Canada to administer elections effectively and to meet its legal obligations. The Chief Electoral Officer proposes that the *Canada Elections Act* be amended to allow him to hire temporary workers for the direct preparation for and the conduct of elections, and that he determine the duration of such employment. A

companion recommendation to amend section 542 of the *Canada Elections Act* is proposed to enable the Chief Electoral Officer to pay these workers under the *Federal Elections Fee Tariff*. Other temporary workers would continue to be subject to the 90-day time limit in the *Public Service Employment Act*.

The *Public Service Employment Act* limits the term of employment of temporary and casual employees, whereas “election officers” – as that term is defined in section 22 of the *Canada Elections Act*, including returning officers, deputy returning officers, poll clerks, and so forth – are retained separately. We appreciate that the requirements imposed by the *Public Service Employment Act* can make the work of Elections Canada more difficult, and the Committee accepts this has been exacerbated by a recent decrease in the maximum term from 125 days to 90 days for casual employees. While mindful of the need for flexibility in the hiring of staff by the Chief Electoral Officer, the Committee is not prepared to grant him the authority to hire casual or temporary employees for indeterminate periods of time. The Committee recommends the Chief Electoral Officer be authorized to employ temporary and casual workers for the direct preparation for, and the conduct of, elections for up to 125 days, which was the length of time permitted by the *Public Service Employment Act* until December 2005.

### **1.10 Greater Flexibility in the Establishment of Advance Polling Stations**

The Chief Electoral Officer proposes that section 168 of the *Canada Elections Act* be amended to permit the establishment of advance polling stations for a single polling division. Currently, the Act requires that two or more polling divisions must be served by an advance polling station.

The Committee supports this recommendation. Anything that furthers the goal of facilitating voting is to be encouraged. The implementation of this recommendation will be particularly useful in rural and remote parts of the country. The Committee, however, wishes to emphasize that candidates need to be consulted regarding the location of polls and when to establish them, as they have intimate knowledge of the characteristics and particular needs of their electoral districts, which would be of valuable assistance to Elections Canada.

### **1.11 Transfer Certificates and Accessibility**

Section 159 of the Act permits an elector who is in a wheelchair or who has a physical disability to apply for a transfer certificate to enable him or her to vote at

another polling station if his or her polling division lacks polling stations with a level access. The application must be made before 10 pm on the Friday before polling day. The Chief Electoral Officer recommends an amendment to remove the limitation period for making the application.

The Committee supports this proposal.

At the same time, facilitating the availability of transfer certificates must not become a substitute for making polling stations accessible. (We address this issue further in section 6.5 under the heading “Polling Stations.”) A concern was expressed about the practical implications of requests for transfer certificates that come late in the day on polling day. Questions such as whether there should be a cut-off time, after which officials may exercise a discretion to refuse the issuance of a certificate, were of concern to the Committee.

### **1.12 Provision of Transfer Certificates**

The Chief Electoral Officer recommends that the *Canada Elections Act* be amended to permit the issuance of a transfer certificate to any elector who presents at the wrong polling station owing to a change in the assignment of polling stations or advance polls that occurred after the issuance of the original voting card to the elector.

The majority of the Committee supports this recommendation.

### **1.13 Establishment of Mobile Polling Stations**

The Chief Electoral Officer recommends amending section 538(5) of the *Canada Elections Act* to allow the creation of mobile polling stations to serve any institution serving as the ordinary residence of persons who may have difficulties travelling to regular polls due to poor health, age or other circumstances.

The Committee is concerned about the open-ended nature of the various circumstances that could require the establishment of mobile polls. It also has concerns about the seemingly non-exhaustive definition of “institution”.

Mobile polls are currently designed to enable voting by persons who are unable to attend at polling stations, whereas the proposal would open it up much more broadly. While the Committee is obviously supportive of measures which seek to

improve the ability of voters to exercise their vote, it is not prepared to endorse the recommendation as presently worded.

#### **1.14 Access to Multiple-residence Buildings, Gated Communities and Other Premises**

Section 81(1) of the Act currently provides a limited right of access to candidates and their representatives to multiple-residence buildings during an election. There is some doubt, however, whether this section permits candidates to enter “gated communities” whereby access to any single residence is controlled by someone other than the residents of those premises. The Report recommends amending the Act to permit such access. The Report further recommends that access to multiple-residence buildings and gated communities be extended to election officials as well as candidates and their representatives.

Concerns were also raised about places like shopping centres and other areas to which the public is customarily invited or given access during business hours, although they are privately owned. While some Members would leave this to be resolved on an individual basis with the property owners concerned, others feel that the legislation should accommodate the legitimate needs of candidates and election officials. The majority of the Committee believes that the common areas of shopping centres and malls should be accessible to candidates for campaigning purposes during business hours.

#### **1.15 Right to Vote of Inmates Serving Sentences of Two Years or More**

As a result of the Supreme Court of Canada’s decision in *Sauvé v. Canada (Chief Electoral Officer)*, [2002] 3 S.C.R. 519 (“*Sauvé*”), all prison inmates who are otherwise eligible to vote in a federal election may vote regardless of the length of their sentences. The Court struck down the provisions of the Act which denied the right to vote to inmates serving sentences of two years or more. The government, however, has not tabled legislation to put in place a voting process to facilitate voting for these inmates, most of whom are held in federal institutions. The Act currently only authorizes a process in provincial institutions. The Chief Electoral Officer has had to rely on his power of adaptation in section 17 of the Act in each election held since the judgment in *Sauvé* to enable these inmates to vote. He seeks an amendment to the Act explicitly authorizing him to establish a process for voting in federal institutions.

The majority of the Committee endorses this recommendation.

### **1.16 Voting by Electors Absent from the Country for More Than Five Consecutive Years**

Section 11(d) of the Act prohibits voting by persons who have been absent from Canada for a period exceeding five consecutive years. The Chief Electoral Officer recommends removing this limitation for persons who intend to return to Canada as residents. He is of the view that this provision deprives these individuals of the right to vote and could be contrary to section 3 of the *Charter of Rights and Freedoms*, in light of the *Sauvé* judgment of the Supreme Court of Canada.

The majority of the Committee agrees that the five-year limitation period is arbitrary and should be removed. It would, however, go further, and propose that all Canadian citizens who are absent from Canada should be able to vote in accordance with Part 11 of the *Canada Elections Act*. The requirement that there be an intention to return to Canada should be dropped.

### **1.17 Review of Special Voting Rules**

Currently, the special voting rules in sections 231 to 243.1 of the *Canada Elections Act* allow voting by special ballot only in four cases: electors temporarily residing outside Canada, Armed Forces electors, incarcerated electors, and electors residing in Canada. The procedures established for special ballots effectively exclude many electors who may be unable to exercise the vote, such as persons unexpectedly admitted to hospital in the days leading up to polling day. The Chief Electoral Officer calls for a far-ranging review of these rules to consider whether they are appropriate in light of changing technologies and expectations.

The Committee agrees that greater use of special ballots would facilitate voting. This would be consistent with our earlier support for other recommendations, such as more flexibility in advance polls. We have noted that particular problems arose in the far North. For all of these reasons, the Committee endorses the Chief Electoral Officer's call for a wide-ranging review of the Special Voting Rules.

### **1.18 Extension of the Limitation Period for the Prosecution of Offences**

The *Canada Elections Act* currently provides that a prosecution of an offence under the Act must be initiated within 18 months of the Commissioner of Canada

Elections becoming aware of the facts that gave rise to the prosecution. There is an absolute limit of seven years from the date the offence was committed. The Chief Electoral Officer recommended extending the second limitation period to ten years.

Clause 59 of Bill C-2 would amend section 514(1) of the Act and extend the time limit within which a prosecution may be initiated by the Director of Public Prosecutions to five years from the date on which the Commissioner of Canada Elections becomes aware of the facts that gave rise to the prosecution. The absolute limit within which to initiate a prosecution is extended to ten years. The Committee supports the proposal in principle, but is concerned about enforcement of the *Canada Elections Act* generally. Changes in the limitation period, by themselves, will not rectify this concern. In light of the proposed amendment contained in Bill C-2, the Committee does not need to comment further on this recommendation.

### **1.19 Removing the Sunset Provision in Bill C-3**

This issue has been addressed by Bill C-4, which received Royal Assent on May 11, 2006.

## **2.0 Registration of Electors**

### **2.1 Registration through Income Tax Returns**

Voters can currently update their voter registration between elections through their income tax returns, by consenting to have their names, addresses and birth dates forwarded to Elections Canada. This enables the National Register of Electors to be updated on a regular basis. Currently, this arrangement has been achieved through an administrative agreement with the Canada Revenue Agency. The Chief Electoral Officer seeks express statutory authority for this practice. The Chief Electoral Officer further recommends amendments to the *Canada Elections Act* and the *Income Tax Act* to revise the electoral consent box on tax returns to provide for an express statement of citizenship. The Canada Revenue Agency has indicated that there may not be sufficient legal authority to share citizenship information. Such an amendment is seen as necessary to overcome the problem of non-citizens consenting to have their personal information forwarded to Elections Canada for inclusion on the National Register



of Electors. There are insufficient assurances that tax filers who consent to having their personal information sent to Elections Canada are in fact Canadian citizens. An analysis of data by Elections Canada revealed that significant numbers of these individuals were not Canadian citizens.

The Committee agrees with this recommendation. The use of a consent box on income tax forms has proved useful, and there should be express statutory authority for the arrangements between the Canadian Revenue Agency and Elections Canada. Moreover, an express statement of citizenship on the tax form would be beneficial, for the reasons set forth by the Chief Electoral Officer. If there is any doubt as to whether there is sufficient legal authority to share citizenship information, this should be clarified in the legislation. During her appearance before the Committee on June 14, 2006, the Privacy Commissioner indicated that if the elector consents to the collection and use of the information for electoral purposes, the use of the information for those purposes would not be objectionable on privacy principles.

## **2.2 Income Tax Returns as a Source of Information about Deceased Electors**

The Chief Electoral Officer has recommended an amendment to the *Canada Elections Act* to provide express statutory authority to enable Elections Canada to obtain personal information about deceased tax-filers, where the deceased had consented, in order to update the National Register of Electors.

The Committee supports this recommendation. It notes, however, that this change will not address the larger problem of duplicative names and other names that ought to be removed from National Register of Electors,

## **2.3 Removal of the Need for Signed Certification**

Sections 48(2) and 49(1) of the *Canada Elections Act* require an elector's signed certification that he or she is an elector. The Chief Electoral Officer recommends that this requirement be replaced by a general authority to refuse to add a person to the Register of Electors unless the Chief Electoral Officer is satisfied that the person is qualified to be an elector.

The Committee considered this issue under the general issue of the accuracy and integrity of the National Register of Electors. The Committee does not support this recommendation.

## **2.4 Proof of Identity When Registered at Residence**

Sections 101(a) and (b) of the *Canada Elections Act* provide that where a revising agent visits the residence of an elector for the purpose of adding a voter's name to the preliminary list of electors, proof of identity is required from the elector or another elector living in the same residence. The Chief Electoral Officer recommends that the provision be amended so that identity may be established by a written affirmation from the elector where proof of identity is not available. The rationale for this recommendation is that the presence of the elector at his or her residence affords a degree of certainty in establishing identity.

The Committee does not support this recommendation. Members are concerned that this proposal does little to enhance the accuracy and integrity of the Register of Electors or the permanent list of electors.

## **2.5 Inter-District Change of Address**

Section 101(6) of the *Canada Elections Act* provides that a returning officer may record an elector's intra-district change of address upon the elector providing adequate proof of identity and residence. Where the voter has moved to a new district and wishes to be added to the list of electors in the new district, the process is more cumbersome and administratively more demanding. The elector must apply to the returning officer for the new district by completing a prescribed registration form. The Chief Electoral Officer recommends that the simplified process be available for both intra- and inter-district changes of address.

The Committee rejects this recommendation on the basis that it is not convinced that it will achieve the goal of enhancing the integrity and accuracy of the National Register of Electors.

## **2.6 Authority to Determine When to Send Out Voter Information Cards**

The Chief Electoral Officer seeks greater flexibility in determining when to issue voter information cards. Currently, they are to be sent as soon as possible after the issuance of the writ, but not later than the 24<sup>th</sup> day before election day. The Chief Electoral Officer notes that while this process functions well, greater flexibility is needed to avoid situations where cards are required to be issued before all the information required on the card is gathered (polling station, advance polling station, dates and hours of voting).

The Committee agrees that the current system works well, and is not prepared to support this change. We address the larger issue of the inadequacies of, and the potential for abuse in, the use of voter information cards in section 6.3 of this report.

## **2.7 Addition of Year of Birth on Lists of Electors Used on Polling Day**

The Chief Electoral Officer recommends amending section 107(2) of the *Canada Elections Act* to require that a voter's year of birth be indicated in the official lists of electors for each regular and advance poll. The Chief Electoral Officer has expressed concern about discarded voter information cards being used by persons not eligible to vote or persons whose name does not appear on the cards. A year of birth could be used as a cross-reference to assist in identification of the person purporting to be the person whose name is listed in the voter information card.

The Committee would go further and recommend that the lists should include the date of birth – not just the year of birth – of electors. This information would be available to election officials and to candidates' representatives at the polls. The majority of the Committee believes that this information should not appear on the lists provided to candidates or parties under the Act. Persons who have inadequate identification could be asked to provide their date of birth, and this could be checked against the official list for the purpose of validating their identity.

This issue raises broader questions about voter identification at the polls. The Committee discusses these at length in section 6.1 of this report.

## **2.8 Retention of Statutorily Authorized Personal Identifiers for Later Use**

Section 46 of the *Canada Elections Act* authorizes the Chief Electoral Officer to draw upon various sources of information to update the National Register of Electors, including:

- information that electors have provided to him,
- information held by government departments where the elector consents to the release of that information, and

- information collected pursuant to provincial statutes listed in Schedule II of the Act, provided the elector consents to the release of that information.

Not all of the information from these sources may be incorporated into the National Register of Electors. Information such as a driver's licence number and vital statistics, for example, may not be used. The Chief Electoral Officer seeks an amendment to permit him to *incorporate* such information in the National Register of Electors.

The majority of the Committee supports this recommendation, believing that such an amendment would be potentially useful as a means to enhancing the accuracy of the Register. Some Members, however, had concerns about the scope and open-endedness of the information that would be retained. The Privacy Commissioner indicated that the retention of information that is collected and used solely for electoral purposes is unobjectionable, so long as safeguards are in place and modern data protection protocols are observed.

## **2.9 Release of Information from the National Register of Electors for Public Safety, Health or Security Purposes**

The Chief Electoral Officer recommends amending section 56(e) of the *Canada Elections Act* to permit the release of personal information about individual voters from the National Register of Electors where, in his opinion, this is necessary in the interests of public health, safety and security. Currently, the Act only permits the release of such information for electoral purposes.

This proposal provoked considerable debate in the media and was criticized by various groups when the Chief Electoral Officer's report was issued in September 2005. The Committee's discussion echoed many of the concerns about protecting the privacy of personal information held by the Chief Electoral Officer and restricting the use of information collected for electoral purposes to those purposes alone. For these reasons, the Committee rejects this recommendation.

## **2.10 Use of Personal Information by Political Parties and Members of Parliament**

The Chief Electoral Officer recommends amending sections 110 and 111 of the *Canada Elections Act* to permit parties and Members of Parliament who are provided with lists of electors to share the information with other Members of

Parliament and with registered electoral district associations of the same party. Currently, restrictions are placed upon Members on the use that may be made of lists of electors provided to them or their constituency associations. They can only use the list to solicit contributions and party memberships and communicate with electors within their own electoral district. They may not make use of lists held by other Members of Parliament or the party to communicate with electors in other electoral districts, nor can they share the list with other Members or the party.

The Committee is not persuaded that the expanded use of this information would significantly enhance a Member's capacity to serve his or her constituents. Some Committee members noted the potential for abuse in the use of such information. The Committee does not support this recommendation.

## **2.11 Stable, Unique Identifiers for Electors**

The Chief Electoral Officer recommends amending section 46 of the *Canada Elections Act* to authorize the Chief Electoral Officer to assign unique identifiers to each registered elector on the National Register of Electors. This identifier would be included in the lists of electors sent to political parties, candidates and Members of Parliament. A corollary recommendation would prohibit the use of the unique identifiers for purposes other than updating the Register or a federal or provincial electoral list.

The New Democratic Party, the Conservative Party, the Bloc Québécois and the Green Party expressly supported the idea of unique identification numbers for voters. Although the Privacy Commissioner had some reservations about assigning numbers to individuals, she was satisfied that privacy concerns could be addressed if random numbers were used and there was a distant relationship from government. The Committee, moreover, rejects the idea of using Social Insurance Numbers as identifiers, since a considerable amount of highly personal information is associated with these numbers.

The Committee supports both recommendations as they have the potential to contribute towards enhancing the accuracy, integrity and usefulness of the National Register of Electors and electoral lists.

## **2.12 Distribution of Lists of Electors to Registered and Eligible Parties**

The Chief Electoral Officer repeats a recommendation made in an earlier report, *Modernizing the Electoral Process* (2001) to amend sections 45 and 109 of the *Canada Elections Act* to permit the distribution of voters' lists to eligible parties and to registered parties for electoral districts in which they did not run a candidate in the previous election. The current provisions are perceived as inequitable and contrary to the decision of the Supreme Court of Canada in *Figueroa*.

As the Committee's discussions demonstrated, this proposal raises a number of difficult issues and concerns, and, accordingly, we are not prepared to support it until such time as the Committee has had an opportunity to engage in a broader discussion.

## **2.13 Distribution of Additional Lists of Electors to Candidates on Day 19 Preceding Election Day**

An amendment is sought to the *Canada Elections Act* to enable returning officers to provide an updated list of electors following the close of nominations, in electronic format, by the 19<sup>th</sup> day preceding election day.

The Committee supports this recommendation, as it will help to ensure the accuracy and currency of voting lists, and assist candidates in their campaigning.

## **2.14 Distribution of Preliminary Lists of Electors to Parties at the Issue of the Writ**

The *Canada Elections Act* does not authorize the transmission of a preliminary list of electors in an electoral district to registered or eligible parties upon the issuance of an election writ. Parties must use the lists provided on an annual basis under section 45 or obtain a copy of a list from the party-endorsed candidate in the district. The Chief Electoral Officer seeks statutory authority to issue a preliminary list of electors to the registered and eligible parties to ensure they have current and accurate voter information in a district.

The Committee supports this recommendation.

## **2.15 Change in the date for the Annual Distribution of Lists of Electors**

Section 45 of the *Canada Elections Act* requires that updated lists of electors are to be sent to Members of Parliament and, where requested, to registered parties that ran candidates in associated districts in the last election, every year by October 15. The Chief Electoral Officer suggests that this date be changed to November 15 given that the largest number of changes of address occurs in the summer months, and these changes are often not reported until September or October, providing insufficient time to enter the changes in the lists of electors.

The Committee supports this recommendation.

## **2.16 Exception Period for Production of Annual Lists of Electors**

If the date by which an annual list of electors is to be provided to Members of Parliament and registered parties under section 45 (currently October 15) falls during an election period, that date may be extended by three months. The Chief Electoral Officer seeks an amendment to extend that period to six months. Since the parties already receive final lists of electors immediately following a general election, the rationale is that there is no need for the production of another list so soon after an election.

The Committee supports this recommendation.

## **2.17 Use of Returning Officers Outside of Elections for Updating Initiatives**

The Chief Electoral Officer recommends the use of returning officers between elections for tasks involving updating the National Register of Electors.

The Committee conditionally approves this recommendation subject to a clarification of the additional costs involved.

## **2.18 Updating Lists during Elections on the Basis of Information from the National Register of Electors**

Express statutory authority is sought to enable returning officers to update lists of electors on the basis of information in the National Register of Electors. Currently, there is only implicit authority for a returning officer to update electoral lists based on information received from the National Register of Electors.

The Committee supports this recommendation.

## **2.19 Provincial Use of Data from the National Register of Electors**

The wording of sections 55(3) and 56(e) of the *Canada Elections Act* makes it unclear whether provincial authorities are prohibited from using the provincial list of electors if information in the provincial list originally came from the National Register of Electors. The Chief Electoral Officer seeks an amendment to make it clear that neither section precludes the use of provincial lists of electors according to provincial law.

The Committee agrees with this recommendation.

## **2.20 Sharing Elector Data with Provincial Electoral Authorities for Updating Purposes**

Section 55 of the *Canada Elections Act* authorizes the Chief Electoral Officer to share electoral information in the National Register of Electors with provincial election authorities. He cannot, however, share information that has not been incorporated into the Register, thus restricting Elections Canada from sharing source or preliminary data. This data is useful, not only for provincial and territorial authorities in updating their registers, but it can also facilitate the updating or correcting of data held by Elections Canada, since provincial and territorial election authorities can confirm the data through their own verification processes. The Chief Electoral Officer seeks an amendment to the Act to enable him to share all the information from which he is authorized to update the Register.

The Committee has no objection to Elections Canada providing information from the Register of Electors, and preliminary data that has been collected but not yet been incorporated into the Register. Source data or raw data that is provided to



Elections Canada, on the other hand, should not be made available to provincial or territorial election officials.

## **2.21 Sharing Neutral Address and Geographic Information**

The Chief Electoral Officer recommends that the *Canada Elections Act* be amended to grant his office specific authority to share neutral address and geographic information with other government bodies. These kinds of information are developed and secured in the course of performing duties under the Act and the *Electoral Boundaries Readjustment Act*, and include maps and comprehensive lists of addresses for the entire country.

The Committee is not persuaded of the need for such authority and, accordingly, rejects this recommendation.

## **2.22 Verification of Eligibility at Polls**

The Chief Electoral Officer repeats a recommendation made in his 2001 report calling for an amendment to section 144 of the *Canada Elections Act* to require a written affidavit or solemn affirmation of eligibility from a potential elector at a poll where there is reasonable doubt about that person's eligibility to vote.

The Committee supports this recommendation.

In section 6.1 of this report, the Committee goes further, and supplements this recommendation with a series of other proposals that seek to instill some confidence that individuals who attempt to exercise the right to vote are who they claim to be and are, in fact, eligible to vote.

## **3.0 Broadcasting**

### **3.1 Simpler, Fairer Entitlement to Broadcasting Rights**

The Chief Electoral Officer repeats a series of recommendations made in his 2001 report, *Modernizing the Electoral Process*. These recommendations are

aimed at achieving some degree of equity among political parties in the availability of paid and free-time broadcasting during elections. The recommendations include: granting registered parties the right to purchase up to 100 minutes of paid time from each broadcaster at the lowest unit rate; and, a requirement on each broadcaster (as opposed to network) that accepts paid political advertising to apportion 60 minutes of free time in prime time equally among registered parties.

The Committee endorses these recommendations on the assumption that the registered political parties have been consulted and agreed with them.

## **4.0 Financial Matters**

### **4.1 Examination and Inquiry Powers for the Chief Electoral Officer**

The *Canada Elections Act* grants the Chief Electoral Officer only limited verification powers over candidate and nomination contestant returns and no effective review powers over the returns of registered parties, registered electoral associations, leadership contestants or third parties. In his report, the Chief Electoral Officer seeks statutory authority to conduct audits and reviews of the returns of all political entities that are subject to the Act. The powers sought are extensive and include:

- Power to examine any document that relates or should relate to the information that is or should be in the records of the political entity or its election return.
- Power to compel a political entity to provide any document or additional information.
- Power to enter premises and compel the occupant to provide required information or answer questions. Entry into a dwelling should be done only on consent or by *ex parte* warrant issued by a judge.
- Power to compel any person who is not a political entity subject to the Act to provide any information or document, with prior judicial authorization.

The Committee unanimously and strenuously rejects this recommendation as worded.

#### **4.2 Reports of Volunteer Labour**

The Chief Electoral Officer recommends amending the *Canada Elections Act* to require registered political parties who receive an annual allowance under section 435.01 of the Act to submit a statement of volunteer labour provided to the party as part of its annual financial report to Elections Canada. This work constitutes a contribution to the party made by the organization employing the individual. This recommendation follows allegations made at the Commission of Inquiry into the Sponsorship Program and Advertising Activities that a registered party benefited from the work of full-time volunteers who were on the payroll of an outside organization while the volunteer work was being provided to the party. In his appearance before the Committee on June 13, 2006, the Chief Electoral Officer indicated that some threshold could be established to trigger the reporting requirement – for instance, 40 hours a week.

Members of the Committee believe that, while well-intentioned, this proposal is not workable and, moreover, would have disproportionate and unintended consequences. It would impose an onerous burden on parties and other persons in order to comply with this proposal, and could deter people from becoming involved in the electoral process.

#### **4.3 Mailing Householders after the Issue of the Writs**

Members of Parliament, pursuant to a policy approved by the Board of Internal Economy of the House of Commons on March 30, 2004, are permitted to mail one-page householders during the period they serve as Members of Parliament and up to 10 days after the dissolution of Parliament. The Chief Electoral Officer expressed concerns that householder mailings may constitute election advertising if they have the effect of promoting or opposing a registered party or the election of a candidate. Currently, such householder mailings do not constitute an election expense. It is recommended, therefore, that householder mailings during an election period that promote or oppose a political party or a candidate by means set out in sections 319 and 350(2) of the *Canada Elections Act* should be considered election advertising. An amendment to the Act is sought to explicitly define such advertising as an election expense.

This has been a problematic area in recent years, and the campaigns of some Members have been inadvertently caught. This issue arises because the legitimate interests of Canada's electoral legislation intersect with the legitimate desire of elected MPs to communicate with the public. The Committee is of the view that this matter would be more appropriately dealt with by the Board of Internal Economy of the House of Commons. Accordingly, the Committee rejects the Chief Electoral Officer's recommendation.

#### **4.4 Extension of the Deadline Process for Candidates' Returns**

Extensions on the filing of candidates' returns are currently permitted in cases of inadvertence, mistake, illness, death or misconduct by an official agent or employee. If a candidate does not ask for the extension prior to the deadline for the filing of the return or, where the request is made before the four-month deadline and he or she cannot demonstrate any of the established grounds for the extension, the candidate's only recourse is to obtain a court order. The Chief Electoral Officer seeks to revise the process to minimize the need for recourse to the courts for filing late returns.

The Committee supports this recommendation as it seeks to minimize recourse to the courts.

In its appearance before the Committee on June 1, 2006, the Liberal Party of Canada expressed similar concerns about the inflexibility in the current process when a candidate is unable to submit the required financial reports following an election, and cited a number of examples of unfairness in the process.

#### **4.5 Candidate Audit Fees**

An amendment to section 466 of the *Canada Elections Act* is sought to expressly establish the amount of the candidate audit fees as the amount of the audit expense, to a maximum of 3% of the candidate's election expenses and \$1500, whichever is less. The minimum audit fee would be \$250.

The majority of the Committee supports this recommendation.

## **5.0 Technical Amendments**

Chapter 5 of the Chief Electoral Officer's report addresses a small number of technical drafting issues. In addition, an amendment is sought to section 117(2)(c) of the *Canada Elections Act* to require a party to have registered status within 48 hours after the close of nominations if the party is to be permitted to place the party's name under the name of the candidate that it is endorsing. Currently, the Act requires that a party be registered at the close of nominations if its name is to appear on the ballot below the name of the endorsed candidate.

The Committee agrees with these recommendations.

## **B. OTHER PROPOSED LEGISLATIVE CHANGES**

### **6.1 Identification at the Polls**

Many Canadians have expressed concern about the potential for fraud and misrepresentation in voting. Members of the Committee share this concern. While we have no means of knowing how widespread this problem is, the fact that it exists undermines the integrity of the electoral process. To an extent, the concern stems from the unreliability of the Register of Electors, and the lack of confidence that many of us have in the permanent voters list.

At present, there is no requirement that voters show any identification before being able to vote, so long as their names are on the list. In our society, most important activities require that an individual be able to furnish some form of proper identification, often with a photograph. In the case of voting, we do not believe that it would be unreasonable to impose a similar requirement. Moreover, it would bring home to voters the seriousness and public importance of what they are about to do: exercise a valued and fundamental democratic right.

We note that requiring identification at the polls is intended to establish three things: that persons are who they claim to be; that they live at an address that entitles them to vote at the polling station; and that they are Canadian citizens. No one piece of identification is likely to provide all of this information. The absence of a requirement for any form of identification before being allowed to vote, however, is unacceptable. Moreover, the fact that no identification is required means that many election officials are hesitant to request or demand proof of identity. Making such a requirement the norm will address this problem.

It will also help deter people who are not eligible to vote and prevent mistakes and misunderstandings.

We would propose that:

1. Potential voters be required to provide one piece of government-issued identification with a photograph and residential address before being allowed to vote.
2. If an elector does not have photo identification, he or she should be required to provide two pieces of acceptable identification to establish his or her identity and residence. (In such cases, it has also been proposed that the prospective elector should be asked for his or her date of birth, which can be checked against the official list of electors for the purpose of validating the identity of the elector before a panel established for the purpose of verifying voting eligibility.)
3. If a prospective voter does not have two acceptable pieces of identification, he or she would be required to swear an oath as to his or her identity. In addition, a person who has already qualified to vote would be required to vouch for the prospective elector.
4. Concerns were expressed that in the case of electors without identification, there should be a random verification process after the election. There should be severe sanctions for people who falsely take an oath or vouch.

Traditionally, Canada has tried to make voting as easy as possible, but if confidence in the system is undermined, it becomes necessary to make changes. Obviously, it is not our intention to impose any measures that would discourage voting, nor do we want to make voting more difficult than necessary. The credibility and legitimacy of the system, however, require that procedures be adopted to ensure that only those persons who are entitled to vote do so, and that they are who they say they are. This is essential to preserve the integrity in the electoral system.

The Committee's concerns about adequate proof of identification and residency, and proof of a person's eligibility to vote were shared by the witnesses who appeared before the Committee and who made written submissions. All of the parties currently represented in the House of Commons support a more effective method of ensuring voter identification, including photo identification, with alternatives available for persons who are unable to furnish the required identification. The Committee wishes to make it clear that voter information cards should not entitle a person to cast a ballot. This was never the intent of these

cards, although, in practice, they appear to often be used for this purpose. Given the problems with how they are delivered or disposed of, this must be clarified. Members of the Committee are also disturbed that voters seem to be able to use magazine subscription labels and utility bills to establish their identity. Although such documents may be useful in establishing one's address, they are no substitute for adequate identification.

The model of the Québec legislation was suggested. Québec requires that voters must provide their name, address and, if asked, their date of birth. They must also produce, as identification, one of a driver's licence, a health insurance card, a Canadian passport or another document that has been issued by a government body (*Elections Act* (Québec), section 337). If an elector cannot produce the required identification, in order to vote he or she must report to an identity verification panel and provide a sworn statement along with either two alternative pieces of identification or have another voter who has produced the required identification vouch for him or her (*Elections Act* (Québec), section 335.2).

## **6.2 Posted Warnings at Polls**

In order to deter fraud, and to reinforce the integrity of the electoral process, Members of the Committee believe that signs should be posted at all polling stations warning of the offences and punishments under the *Canada Elections Act* for voting unlawfully. The Chief Electoral Officer indicated that signs are already posted regarding eligibility to vote, but that these could be amended to include warnings about the consequences for violating the voting eligibility rules in the *Canada Elections Act*.

The Committee further recommends that warning signs be well-displayed in both official languages as well as any other language that may be widely used in a given poll or electoral district.

## **6.3 Voter information cards**

The adequacy and integrity of the voter information cards was an issue that generated considerable discussion during the Committee's study. There were reports, for example, of bundles of voter information cards in apartment buildings and other multiple-residence buildings being left out in the open where anyone could take them. To the extent that these were the result of the actions of mail carriers, we would urge Elections Canada as a priority to take steps to resolve this matter with Canada Post. There are also indications that, in many cases,

these cards were discarded by the addressees. The potential for abuse is obviously rife. The Chief Electoral Officer acknowledged this as a problem in the text accompanying his Recommendation 2.7: "Voter information cards (VICs) sent to some addresses – often apartment buildings in areas with a large turnover of residents – are sometimes discarded near the mailboxes of the building. Some electors who are not interested in voting may also discard their VICs. This situation may raise concerns that the discarded VICs will be used by others, fraudulently, to vote under the name of the card's addressee."

During his appearance before the Committee on June 13, 2006, the Chief Electoral Officer proposed sending out voter information cards in envelopes. This would presumably mean that the name and address of the voter would not appear on the card itself. Members of the Committee are not convinced that this solution is satisfactory.

As the intent of the card is to inform the person living at a particular address where he or she is supposed to vote, some Members think that the cards should be mailed by first class post to the "occupant" of all addresses. The disadvantage of this is that many people disregard non-personalized mail, and such a practice would not allow voters to know whether they were on the voters list.

As noted in the section above, we wish to make it clear that voter information cards do not entitle a person to cast a ballot, although, in practice, they seem to serve that purpose. Given the problems with how they are delivered or disposed of, this entire issue must be addressed as a priority.

#### **6.4 Registration of Voters Not on the Voters List**

Concerns were expressed about the high number of election day registrations, particularly in certain ridings. The representative of the Liberal Party noted that in the last election 55,000 individuals registered at advance polls and 795,000 at regular polls. By his calculation, this is an average of 2,700 voters per riding, although, in fact, the election day registration was not evenly distributed across the country. The result of these voters' names not appearing on election lists is that the spending limits imposed on political candidates and parties were understated, in addition to the inability of candidates to communicate with or identify electors. At our meeting on June 13, 2006, the Chief Electoral Officer agreed with a suggestion that an audit should be undertaken in the riding of Trinity-Spadina, where there were approximately 10,000 voters who registered on voting day. Mr. Kingsley also agreed to table the results of this audit with the Committee.



The large number of election day registrations reinforces serious questions as to why so many voters are not on the National Register of Electors or, if they are, why their names do not appear on the voters lists.

The practice known as “serial vouching” was also drawn to our attention. This occurs when one person who is eligible to vote and whose name appears on the voters list vouches for a person whose name does not appear on the list; the voter who has been vouched for can, in turn, vouch for the next person, and so on. It is our hope that the implementation of the recommendations in this report will minimize the need for vouching. In any event, we expect Elections Canada to develop guidelines and policies for preventing such practices in the future.

## **6.5 Polling Stations**

There a number of concerns about the location, accessibility, and adequacy of polling stations.

- First, Members noted that access for the disabled is lacking in some polling stations. According to *Completing the Cycle of Electoral Reforms*, in the 2004 general election, only 45 (0.2 percent) of the 18,807 polling stations lacked level access, although anecdotal evidence would place the number higher.
- Second, there were concerns as well about the distance that voters must travel in some ridings to access polling stations, and particular problems in the far north were drawn to our attention.
- Third, it was noted that some institutions that normally host polling stations in convenient and accessible locations, such as schools, have revoked permission, often with little advance notice, on the basis of safety and security concerns. This raises the broader question of the obligation of public authorities generally to make their properties available to establish polling stations, and what penalties should be imposed for withdrawing permission.

Members also expressed concern about the filming of party leaders and candidates as they cast their ballots on election day. The general rule is that no media is permitted inside polling stations, but this appears to be applied inconsistently, given that some media have been permitted to enter polling stations. During his appearance before the Committee on June 13, 2006, the Chief Electoral Officer assured the Committee that he would take steps so that the rules concerning media coverage are applied uniformly at all polling stations.

## **6.6 “Bingo Card” System of Updating Voting Lists on Polling Day**

Currently, political parties have to rely on their own election volunteers and staff to periodically update the voters list to keep track of who has voted on election day. This process is cumbersome and puts a strain on the parties’ resources. At present, some ridings seem to have different practices. All the parties currently represented in the House of Commons support a system whereby staff at polls would make available copies of voters lists showing who has voted to candidates’ representatives at regular intervals. The Chief Electoral Officer was uncertain as to whether this practice is authorized by the *Canada Elections Act*. The Committee recommends an amendment to the Act, if such is required, to permit this method of updating voting lists on polling day.

## **6.7 Roles and Powers of Candidate Representatives at the Polls**

It was noted by some of the witnesses before the Committee that there is uncertainty over the powers of candidate representatives at the polls. It was noted, for instance, that while the *Canada Elections Act* provides that they may demand identification from potential voters whose identity and eligibility is reasonably in doubt, Elections Canada has taken the contrary position. Its view is that candidate representatives can only ask election officials to demand identification. Ultimately, it is at the discretion of the official whether to accede to the request. There have also been reports of election officials at the polls threatening the expulsion of candidate representatives who assert a right to challenge a potential voter. This issue would be less likely to arise if our recommendations for requiring identification are adopted. In any event, the rights and roles of candidate representatives in this regard should be clarified.

## **6.8 Enumeration**

As is apparent from the above discussion, the accuracy of electoral lists and the integrity and accuracy of the National Register of Electors were issues of great concern to both the Committee and the political parties that appeared before the Committee. The idea of conducting periodic door-to-door enumerations to refresh the National Register of Electors generated some interest among members of the Committee. Door-to-door enumeration was replaced by the National Register of Electors in 1997. While considered highly accurate, enumeration is very labour intensive and requires a longer election period. It is also subject to other

difficulties including: recruiting enumerators, finding potential voters at home, reluctance on the part of residents to answer the door in the evenings, and safety concerns.

Some Members believe that consideration should be given to conducting a door-to-door enumeration periodically – e.g. in connection with every third federal general election, or every 10 years. The costs of an enumeration today would be in the neighbourhood of \$85 million. This figure is based on the cost of the last enumeration (\$71.4 million), conducted prior to the 36<sup>th</sup> general election in 1997 to compile the National Register of Electors, escalated for inflation.

Some parties have recommended more targeted revision efforts by the Chief Electoral Officer as a means to addressing some of the defects in the Register. The Chief Electoral Officer favours targeted enumerations to supplement the information in the National Register of Electors, and has said that he will consider proposing legislative amendments in the fall for the Committee to consider.

Another proposal that the Committee believes is worth pursuing is that Elections Canada make arrangements to obtain information that is collected by Statistics Canada during decennial or quinquennial censuses. One drawback to this proposal is that, according to the Privacy Commissioner in her letter to the Committee of June 15, 2006, the census data may not include comprehensive citizenship information. She noted that in the 2006 census, citizenship information was not collected on the short questionnaire, which most residences would have received. We would urge Elections Canada and Statistics Canada to work closely to try to ensure that their respective needs are jointly met.

### **C. ELECTION FINANCE ISSUES**

The Chief Electoral Officer's report *Completing the Cycle of Electoral Reforms*, focused on matters that are not related to political financing reforms. The party and electoral financing provisions of the *Canada Elections Act* were significantly changed by Bill C-24, which came into effect on January 1, 2004 as S.C. 2003, c. 19. That bill included section 536.1, which provides:

After the submission to the House of Commons of a report under section 535 in relation to the first general election following the coming into force of this section, any committee of that House to which the report is referred shall, in addition to considering the report, consider the effects of the

provisions of this Act concerning political financing that came into force on the same day as this section.

The Chief Electoral Officer has indicated that he will be tabling a report on the electoral financing provisions of the *Canada Elections Act*. The Committee awaits this report. Several of the proposals from Members and parties related to these sections of the Act:

- Membership Fees and Tax Credits
- Tax Receipts for Pre-Election Contributions
- Minimum Age for Making Political Contributions
- Exclusion of Certain Services as Contributions
- Limits on Leadership Campaign Spending
- Transfer of Candidates Debts
- Elimination of Threshold for Quarterly Allowance for Parties.

We believe that these issues would best be dealt with in the context of the overall electoral finance issues. We intend to return to these upon receipt of the Chief Electoral Officer's report.

As mentioned at the beginning, members of the Committee believe that a more comprehensive review of the *Canada Elections Act* needs to be undertaken, and we intend to do so at an early opportunity.

## **REQUEST FOR GOVERNMENT RESPONSE**

Pursuant to Standing Order 109, the Committee requests that the Government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 3, 7, 8, 9, 11, 12, 13, 14, 15 and 16) is tabled.

Respectfully submitted,

**GARY GOODYEAR, M.P.**  
*Chair*



# **SUPPLEMENTARY OPINION OF THE BLOC QUÉBÉCOIS**

## **1.12 Issue of transfer certificates**

Given the resulting potential for fraud, the Bloc Québécois will not be able to support such a recommendation until such time as the management of electoral lists is automated.

## **1.16 Voting by electors outside the country for more than five consecutive years**

The Bloc Québécois cannot support this recommendation. As regards paragraph 11(d) of the Act, we favour the *status quo*, because we feel that the imposition of a time limit must remain in effect. Obviously, this restriction would not apply to citizens on assignment outside the country, such as the staff of embassies and consulates.

## **2.7 Addition of date of birth to electoral lists used during polling days**

The Bloc Québécois feels that the date of birth should also appear on the electoral lists provided to the candidates and parties.





# MINUTES OF PROCEEDINGS

Meeting No. 16

Tuesday, June 20, 2006

The Standing Committee on Procedure and House Affairs met in camera at 6:03 p.m. this day, in Room 112-N, Centre Block, the Chair, Gary Goodyear, presiding.

Members of the Committee present: Yvon Godin, Gary Goodyear, Michel Guimond, Hon. Marlene Jennings, Joe Preston, Marcel Proulx, Hon. Karen Redman and Scott Reid.

Acting Members present: Dean Allison for Tom Lukiwski and Hon. Raymond Simard for Hon. Stephen Owen.

In attendance: Library of Parliament: James Robertson, Principal; Sebastian Spano, Analyst.

Pursuant to Standing Order 108(3)(a)(vi), the Committee resumed consideration of matters relating to the election of Members to the House of Commons.

The Committee resumed consideration of a draft report.

It was agreed, — That, pursuant to Standing Order 109, the Committee request that the Government table a comprehensive response to the report.

It was agreed, — That the Committee append to its report a supplementary opinion from the Bloc Québécois provided that it is no more than one (1) page in length and submitted electronically to the Clerk of the Committee no later than 4 p.m. on June 21, 2006.

It was agreed, — That the Chair, Clerk and analyst be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the draft report be adopted.

It was agreed, — That the Chair present the report to the House, including the supplementary opinion which will be appended to the report.

At 7:27 p.m., the Committee adjourned to the call of the Chair.

Lucile McGregor  
Clerk of the Committee