



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **INTERIM REPORT: PROTECTING PUBLIC HEALTH AND DEMOCRACY DURING A POSSIBLE PANDEMIC ELECTION**

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

**Ruby Sahota, Chair**

**DECEMBER 2020  
43<sup>rd</sup> PARLIAMENT, 2<sup>nd</sup> SESSION**

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Chair**

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## **NOTICE TO READER**

### **Reports from committee presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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has the honour to present its

## **SEVENTH REPORT**

Pursuant to its mandate under Standing Order 108(3)(a)(iii), the committee has studied the conduct of a federal election during the COVID-19 pandemic and has agreed to report the following:





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# INTERIM REPORT: PROTECTING PUBLIC HEALTH AND DEMOCRACY DURING A POSSIBLE PANDEMIC ELECTION

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## INTRODUCTION

In a special report to Parliament about holding a federal general election during the COVID-19 pandemic, Canada's Chief Electoral Officer (CEO) requested three temporary legislative changes that would supersede the *Canada Elections Act* (CEA). These changes are: extend the voting period, flexibility for administering the vote in long-term care facilities, and provide the CEO with power to adapt the Act to respond to problems created by the pandemic. In its study on the matter, the Standing Committee on Procedure and House Affairs (the Committee) examined these proposals and heard from the officials who helped run safe elections in four Canadian provinces during the pandemic, along with organizations who represent voters who may face barriers caused by the pandemic.

### **i. Motion adopted by the Committee to study the Chief Electoral Officer's special report**

On 5 October 2020, Canada's CEO tabled a report in the House of Commons entitled *Special Report of the Chief Electoral Officer: Administering an Election during the COVID-19 Pandemic*. This report was tabled under the authority provided by section 535 of the CEA. Pursuant to Standing Order 32(5), the CEO's report was referred to the Committee that same day.

On 20 October 2020, the Committee adopted the following motion about commencing a study of the CEO's report:

That the committee conduct a study of the challenges posed to the normal conduct of federal elections by the COVID-19 pandemic and identify the measures to be taken to adapt the approach and conduct of a General Election to preserve the health and safety of all Canadians. This study should begin with the top priority on a review of the recommendations made by the Canada's Chief Electoral Officer in the *Special Report of the Chief Electoral Officer: Administering an Election during the COVID-19 Pandemic*, and shall proceed to studying additional



and related challenges. The committee should hear from witnesses including but not limited to: (i) Canada’s Chief Electoral Officer, (ii) provincial Chief Electoral Officers who have already run elections during the pandemic, (iii) Public Health officials, (iv) advocates for those who face barriers to voting; and that the committee report its findings, in the form of an interim report, to the House no later than Tuesday, December 1, 2020.<sup>1</sup>

At its meeting of 5 November 2020, the Committee extended the deadline for reporting its interim report to the House to 11 December 2020.

The Committee considered its review of the recommendations made by the CEO to be urgent. As such, it placed importance on reporting back to the House in a timely manner. The Committee considers this report to be an interim report, with the Committee’s final report on this study to be presented in the House in early 2021.

The Committee also places high importance on informing its views by examining up-to-date health data related to COVID-19. Its greatest concern is ensuring the safety and well-being of electors at any potential general federal election held during the pandemic.

On 22 October 2020, the Committee began its study on the matter. It held 11 meetings and heard from 17 of witnesses. The Committee wishes to extend its sincere gratitude to the witnesses for their insights and valuable contributions to this study. Moreover, the Committee offers a profound thank you to the many public officials who appeared during this study whose tireless work has kept countless Canadians safe and healthy during the ongoing pandemic.

## **BACKGROUND**

### **A. Overview of health data in Canada for COVID-19**

Since its first appearance in Canada in early 2020, the novel coronavirus COVID-19 has had multiple negative effects on the lives of Canadians. In her appearance before the Committee, Dr. Barbara Raymond stated that COVID-19 remained “an unparalleled

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1 House of Commons , Standing Committee on Procedure and House Affairs, [Minutes of Proceedings](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, 20 October 2020.



threat to the health, social and economic well-being of Canadians and the global community.”<sup>2</sup>

Statistics about the severity of the outbreak throughout Canada are constantly changing. On 29 October 2020, the Committee heard the following COVID-related health information:<sup>3</sup>

- to start November 2020, there were 26,687 active cases throughout the country;
- for the week of 11 to 17 October 2020, about 75,000 people were tested for COVID-19, with 3.1% of those testing positive;
- for the week of 22 to 28 October 2020,
  - the daily average for new cases was 2,747;
  - an average of 1,095 people with COVID-19 were being treated in Canadian hospitals each day, including 228 people in intensive care unit (ICU) beds; and
  - an average of 29 COVID-19-related deaths were reported daily.

In addition, the Committee heard that fluctuations in hospitalizations and deaths from COVID-19 tend to lag behind increases or decreases in cases by one to several weeks.<sup>4</sup> As such, it is possible that the ongoing rise in COVID-19 cases occurring in late autumn could result in later severe health outcomes for those afflicted by the virus.

As of 7 December 2020, the total number of cases in Canada was 423,054 and the number of deaths was 12,777. COVID-19 health data for the provinces is found in Table 1 below.

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2 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 6, 29 October 2020, 1110 (Dr. Barbara Raymond, Public Health Agency of Canada).

3 Ibid.

4 Ibid.



**Table 1—COVID-19 Health Data for the Canadian Provinces**

Province/Territory	Active Cases	Total Cases	Deaths
British Columbia	10,338	38,152	527
Alberta	20,067	70,301	631
Saskatchewan	4,763	10,412	60
Manitoba	5,462	19,131	407
Ontario	16,034	129,234	3,798
Quebec	14,602	153,176	7,277
New Brunswick	81	536	7
Nova Scotia	90	1,376	65
Prince Edward Island	14	84	0
Newfoundland and Labrador	28	351	4
Nunavut	51	219	0
Northwest Territories	0	15	0
Yukon	12	54	1

Source: Table prepared using data obtained from the Government of Canada, [Coronavirus disease \(COVID-19\): Outbreak update](#), accessed 8 December 2020.

## **B. Summary of the Special Report of the Chief Electoral Officer**

The *Special Report of the Chief Electoral Officer: Administering an Election during the COVID-19 Pandemic* outlines specific challenges posed to holding an election in the context of a pandemic, and proposes responses to these challenges.<sup>5</sup> The proposed responses would require several temporary legislative changes that would supersede provisions of the CEA.

<sup>5</sup> Office of the Chief Electoral Officer of Canada, [Special Report of the Chief Electoral Officer: Administering an Election during the COVID-19 Pandemic](#), 2020.

## i. Anticipated challenges

The three main challenges identified by the CEO to administering an election during the pandemic are as follows:

- **Longer voting process** – Elections Canada anticipates that safety measures that comply with public health advice could significantly increase the time required to vote. The number of voters and workers present simultaneously at a polling place may need to be limited and the number of polling stations within a polling place reduced to comply with physical distancing rules. Physical distancing would also need to be maintained inside and outside polling places.<sup>6</sup>
- **Fewer election workers** – Potential workers may feel that the risk of infection is too high to work during elections. In addition, a significant number of past election workers may consider themselves vulnerable to COVID-19. Indeed, 47% of the 232,000 election workers for the 43<sup>rd</sup> general election were 60 years old or older, while 18% of them were 68 years old or older. The CEO also anticipates that to comply with physical distancing measures and to address the shortage of election workers, only one election worker will be assigned to each table serving a polling division.<sup>7</sup>
- **Unavailability of traditional polling places** – The availability of traditional and suitable polling places is likely to be reduced during the COVID-19 pandemic. In particular, polling spaces such as schools and churches may opt out of making their locations available because of the perceived risks of contamination.<sup>8</sup>

## ii. Proposed responses to challenges

### (a) Extend the voting period

According to the CEO, holding election day over a two-day period on a weekend may increase both the pool of potential election workers and the availability of buildings that could be used as polling sites. Further, reducing the length of the workday from 12 hours

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6 Ibid., p. 12.

7 Ibid., p. 12.

8 Ibid., p. 12.



to eight would lessen fatigue among workers. Delaying the opening time of polls by one hour would also allow more time to set up polling places in a manner that reflects health guidelines.

Accordingly, the CEO recommends:

- temporarily changing election day from a Monday to a two-day period held on a weekend;
- shorten voting hours for the Saturday and Sunday election days, from 12 hours to eight hours each day;
- temporarily move advanced polling days to Thursday, Friday, Saturday and Sunday before the polling period and to reduce voting hours for advanced polls, from 12 hours to eight hours each day; and
- temporarily move the deadline for receipt of mail-in ballots to 6:00 p.m. on the Monday following the second polling day, a proposal made in anticipation of an increase in the use of mail-in ballots by voters.<sup>9</sup>

However, it was noted that for some voters or candidates, holding election day on the weekend voting would conflict with days of religious significance. This potential problem would be lessened, however, if the elections were held over two days rather than one.

### **(b) Long-term care voting<sup>10</sup>**

The CEO's report notes that health conditions at long-term care facilities have been adversely affected by the COVID-19 pandemic in a disproportionate manner. Rules to access these facilities differ among provinces and change regularly and it is not clear whether these facilities could accommodate Elections Canada's schedule for mobile polls.

Further, Elections Canada has concerns that should election workers proceed from facility to facility to operate mobile polls, as required by the CEA, there would an increased risk of spreading the virus.

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9 Ibid., p. 13-14.

10 Please note that while unstated in the report, the potential advantage of this proposal is presumably to increase voting opportunities for occupants of long-term care facilities. As for potential disadvantages, these could not be readily ascertained from the report.

In light of these concerns, the report proposes that the CEO be authorized to prescribe the timing and manner in which voting would occur at long-term care facilities. Elections Canada would develop a service model that reflects the regulatory framework in each province and that could be adapted to local circumstances.<sup>11</sup>

### **(c) Adjusting the Chief Electoral Officer's adaptation power**

Section 17 of the CEA provides the CEO with the power adapt provisions of the CEA during an election or within 30 days after it, in response to an emergency, unusual or unforeseen circumstance. However, this power is subject to restrictions. According to the CEO's report, section 17 may be too narrowly prescribed to allow for the CEO to respond to unforeseen issues that could arise as a result of the pandemic.

As such, the report recommends adopting temporary provisions that would supersede section 17 to authorize the CEO to make the necessary adaptations within all areas of his mandate, while maintaining certain prohibitions, such as the prohibition on extending voting hours.<sup>12</sup>

## **iii. Testimony of Canada's Chief Electoral Officer**

### **(a) Length of campaign period**

Under section 57(1.2)(c) of the CEA, an election period cannot be shorter than 37 days, nor longer than 51 days. During his appearance before the Committee, Mr. Stéphane Perrault, Canada's Chief Electoral Officer stated that should a general election be called during the pandemic, "I strongly encourage the government to set the longest possible election period."<sup>13</sup>

Mr. Perrault told the Committee that, of the elements that he brought to the Committee's attention during his remarks, the length of the election period was the most important involved in holding a successful election during a pandemic.

According to Mr. Perrault, a longer election period would assist Elections Canada in dealing with the logistical challenges of a pandemic election (e.g. hiring and training of

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11 Office of the Chief Electoral Officer of Canada, *Special Report of the Chief Electoral Officer: Administering an Election during the COVID-19 Pandemic*, 2020, p. 14-15.

12 Ibid., p. 15.

13 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 4, 22 October 2020, 1105 (Stéphane Perrault, Chief Electoral Officer, Elections Canada).



workers) and would allow time for the processing and mail delivery of the several million mail-in ballots that Elections Canada expects to handle.<sup>14</sup>

### **(b) Recruiting election workers**

To deliver a national election, about 250,000 people need to be recruited and trained, and the effectiveness of services provided to voters depends directly on those workers.<sup>15</sup>

Mr. Perrault told the Committee that surveys Elections Canada has examined show that older workers are less likely to be interested in working at an election during the COVID-19 pandemic. He said that recruitment from a larger pool of workers, and not only retirees and those who do not have a job, was the main reason he proposed holding an election during the pandemic over two days on a weekend.<sup>16</sup> The pool of potential workers willing and able to work on a Monday is reduced compared to those who could work on a day of the weekend.

He noted that Elections Canada would certainly adapt their recruitment messages to target younger workers and a broader range of age groups.<sup>17</sup>

### **(c) Adjusting the Chief Electoral Officer's adaptation power**

Current section 17 of the CEA provides the CEO with a wide power to adapt the CEA to enable electors to exercise their right to vote or enable the counting of votes, in cases of emergency, or an unusual or unforeseen circumstance or error.

Mr. Perrault told the Committee section 17 of the CEA does not deal directly with matters such as safety, health or security. Mr. Perrault would like Parliament to make it clear that the CEO possesses the power to adapt the CEA where it is necessary for health reasons. He cited, as an example, that candidates who participated in the 26 October 2020 by-elections in Toronto agreed not to send scrutineers to long-term care facilities. However, the CEO told the Committee that he can currently only restrict access for scrutineers to long-term care facilities by adapting the CEA “in a twisted way” that was not really what was intended in the CEA.<sup>18</sup>

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14      ibid., 1105.

15      ibid., 1120.

16      ibid., 1140 and 1145.

17      ibid., 1140.

18      ibid.

#### **(d) Communication with voters**

Mr. Perrault told the Committee that Elections Canada is planning on launching a communication campaign to properly inform electors about all of the safety measures that will be put in place at polling stations to reassure electors that going to a polling place to vote is a safe activity.<sup>19</sup>

He told the Committee that the communications will be basic, clean and simple messages about health and safety, while at the same time informing voters of the different ways there are to reach Elections Canada to obtain additional information.<sup>20</sup>

Further, Elections Canada plans to communicate to the public that they have a range of options for voting in a way that is safe. Elections Canada will reinforce the importance of alternative voting options, such as mail-in ballots. This information will be made available in a broad range of languages.

#### **(e) Voting by mail and integrity of the vote**

The legal right for Canadians to vote by mail has existed in Canadian federal elections since the end of World War II in 1945.<sup>21</sup> For the 2019 election, about 55,000 Canadians cast their ballots by mail, of which 35,000 electors were Canadians living abroad. Of the 55,000, about 5,000 were voters casting ballots from their home ridings.<sup>22</sup>

Should a federal general election be held during the pandemic, Elections Canada estimates that about 4 million to 5 million voters would vote by mail. Mr. Perrault estimated that this could amount to be about 10,000 or 15,000 ballots per riding, which is manageable. He told the Committee that Elections Canada has an agreement with Canada Post about the delivery of ballots, as a piece of prepaid mail, and that the delivery of ballots, during the pandemic has not been a challenge for Canada Post.<sup>23</sup>

Mr. Perrault said that should Elections Canada receive millions of votes cast by mail, it is possible that an election result could be delayed by “a few days,” but not by weeks or

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19 Ibid., 1150.

20 Ibid., 1225.

21 Elections Canada, “[Chapter 3 - Modernization, 1920–1981](#),” in *A History of the Vote in Canada*, 2<sup>nd</sup> Edition, May 2020.

22 Perrault, 1120 and 1125.

23 Ibid., 1125.



months.<sup>24</sup> He also told the Committee that Elections Canada does not have any concerns about the safety and security of mail-in ballots.

#### **(f) Extend the voting period**

Mr. Perrault told the Committee that he had three reasons for his proposal to Parliament that an election held during the COVID-19 pandemic be held over a two-day period on a weekend. These are:

- Accessibility to a greater number of locations, especially schools;
- Enlarging the pool of potential election workers from which to recruit from; and
- Reducing crowding and thereby increasing physical distancing for electors who attend to their assigned polling place in-person to vote.<sup>25</sup>

#### **(g) Reducing poll hours**

In his report to the House of Commons, Mr. Perrault proposes that a general election held during the COVID-19 pandemic ought to have more days on which to vote, but that the hours that the polls are open ought to be reduced from 12 hours to 8 hours.

Mr. Perrault explained to the Committee that, for election workers, wearing a mask and a face shield for an extended period of time is a difficult working condition, according to anecdotal evidence taken from the 26 October 2020 by-elections that occurred in Toronto.<sup>26</sup>

As such, he considered the measure “a balancing act,” in which the polls would be reduced in hours each day, but increased in total over the weekend, along with an increase in the number of advance polls.

#### **(h) Conduct of the election at the polls**

Mr. Perrault told the Committee that, for an election held during the pandemic, Elections Canada will have organized the polls so that workers sit individually. The poll

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24 Ibid., 1110.

25 Ibid., 1200.

26 Ibid., 1120.



worker and the poll clerk functions would be combined and carried out by a single person. That person would be provided with gloves, masks, sanitizing lotion and a face shield.<sup>27</sup>

Mr. Perrault stated that a challenge facing Elections Canada in holding a general election during the pandemic is finding polling places that are sufficiently large.

A poll supervisor would circulate throughout the polling place and observe work but would maintain physical distance from workers and electors. Scrutineers would be required to wear a mask at all times and maintain physical distance of 2 metres from electors and workers.

#### **(i) Increased cost of holding an election during COVID-19**

Mr. Perrault stated that Elections Canada has access to the resources it needs to hold an election during the COVID-19 pandemic. He noted that the total cost of the protective measures, the additional health-related communication campaign with the public and prepaid postage for mail-in ballots would amount to approximately an additional \$50 million, as compared to an election held in the absence of COVID-19.<sup>28</sup>

#### **(j) Royal prerogative of dissolution<sup>29</sup>**

Mr. Perrault told the Committee that the prime minister had not consulted him about the conduct of a potential October 2020 federal general election.<sup>30</sup> Further, Mr. Perrault was asked for his views about codifying the confidence convention. In response, he told the Committee that he would not say whether he supported or did not support this measure and that the matter goes “well beyond the electoral administration.”

Mr. Perrault did note that it was “easier to run an election in a fixed date context or a more predictable context than a less predictable one, obviously.”<sup>31</sup>

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27 Ibid., 1135.

28 Ibid., 1210.

29 The Royal Prerogative is a series of powers officially held by the Crown. However, by constitutional convention, the bulk of prerogative powers can be exercised only through and on advice of ministers responsible to Parliament.

30 Perrault, 1110.

31 Ibid., 1220.



## PROVINCIAL ELECTIONS HELD DURING THE COVID-19 PANDEMIC

### A. British Columbia

#### i. General information

British Columbia's 42<sup>nd</sup> general election was held on 24 October 2020.

The period for the 2020 election, which was not held on the fixed date, was of 34 days.<sup>32</sup> Section 27(1) of British Columbia's *Election Act*<sup>33</sup> provides for different election lengths. For elections not held on the fixed election date, election day must be within the 32<sup>nd</sup> and the 38<sup>th</sup> day after the date on which the election is called, resulting in a 33 to 39-day election period.

As of 24 September 2020, three days after the writs of election were issued, 1,371 active COVID-19 cases were compatibilized in British Columbia.<sup>34</sup>

As of 20 November 2020, Elections BC estimated voter turnout to be of 52.4%. This represents a decrease since the 2017 general election, where voter turnout was of 61.18%.<sup>35</sup>

#### ii. Health and safety protocols

In his appearance before the Committee, British Columbia's Chief Electoral Officer Anton Boegman indicated that it was necessary to re-engineer the way polling places work in order to mitigate the risks of contamination to COVID-19. Indeed, polling places are typically characterized by close contact interaction and sharing of places and materials.<sup>36</sup>

Elections BC collaborated with the provincial health officer, WorkSafeBC and regional health authorities to develop and implement customized safety plans for electoral

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32 Elections BC, [Writs Issued for British Columbia's 42nd Provincial General Election](#), News release, 21 September 2020.

33 *Election Act*, R.S.B.C. 1996, c. 106.

34 BC Centre for Disease Control, [British Columbia Weekly COVID-19 Surveillance Report: September 18 – September 24, 2020](#).

35 Elections BC, [Preliminary Voter Turnout Estimate Available](#), News release, 26 October 2020.

36 House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 7, 3 November 2020, 1100 (Anton Boegman, Chief Electoral Officer, Elections BC).

offices and polling places.<sup>37</sup> Dr. Bonnie Henry, British Columbia’s provincial health officer, indicated to the Committee that several meetings were held with Elections BC, and question-and-answer sessions were also held with all of the electoral officers from the 87 electoral districts around the province.<sup>38</sup>

Some of the health and safety measures put in place at the polling places in British Columbia include:

- physical distancing in and outside polling places;
- capacity limits in polling places;
- election officials wearing personal protective equipment, such as masks and face visors;
- protective acrylic barriers installed on the top of voting station tables;
- hand sanitizing stations at entry and exit points;
- frequent cleaning of voting stations and frequently touched surfaces; and
- election workers trained on safe workplace guidelines and pandemic protocols.<sup>39</sup>

Further, electors were asked to show their identification to election officials without handing it to them and to verbally declare their eligibility to vote rather than signing a voting book. Electors were also allowed to bring their own pen or pencil to mark their ballot.

Dr. Henry also told the committee that while masks were not made mandatory, they were available for everybody coming in to vote. She indicated that wearing a mask was expected of people who were going into a polling place.<sup>40</sup>

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37 Ibid., 1110.

38 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 6, 29 October 2020, 1100 (Dr. Bonnie Henry, Provincial Health Officer, Ministry of Health, Government of British Columbia).

39 Elections BC, *Voting Safely and COVID-19*.

40 Henry, 1115.



On the question of potential cases of COVID-19 associated with the conduct of the electoral process, Dr. Henry indicated that there had been no reports of spread or transmission at polling stations.<sup>41</sup>

### iii. Lessons of note

#### (a) Flexibility in administering electoral procedures

In his testimony before the committee, Mr. Boegman stressed the increased complexity of administering an election in the context of the COVID-19 pandemic. Among the elements he identified as critical to the success of this endeavour, he referred to his ability to vary from legislation in response to an emergency or extraordinary circumstance.<sup>42</sup>

Indeed, section 280 of British Columbia's *Election Act*<sup>43</sup> provides the CEO may, in case of emergencies and extraordinary circumstances, issue orders to make exceptions to the *Election Act* and associated regulations. During the 2020 general election, the CEO issued a number of orders modifying legislated procedures pursuant to section 280.<sup>44</sup> The implemented exceptions will be further discussed under the subheading "Changes or adaptations made to the electoral law."

#### (b) Maintaining safe spaces and business continuity

Mr. Boegman highlighted the complexity of maintaining safety and business continuity at Elections BC headquarters, in electoral offices and in voting places as a key challenge and cautioned the Committee against underestimating the efforts required to do so. In order to ensure business continuity, risks to workers and voter safety had to be mitigated.<sup>45</sup>

#### (c) Voting by mail

Early on, Elections BC identified scaling capacity to support major increases in vote-by-mail as a critical issue for the upcoming election. Mr. Boegman indicated that voter

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41 Ibid., 1210.

42 Boegman, 1100.

43 *Election Act*, R.S.B.C. 1996, c. 106.

44 Elections BC, *Orders of the CEO*.

45 Boegman, 1110.

surveys sent out during the summer of 2020 showed that about 35% of electors in British Columbia would choose to vote by mail if an election were held during the COVID-19 pandemic. Over 720,000 requests for vote-by-mail packages were fulfilled during the 2020 general election, which represents an increase of 7,200% when compared to 2017 numbers.<sup>46</sup>

The Committee heard from Mr. Boegman that the increased number of mail-in-ballots was part of Elections BC's strategy to reduce line-ups and congestion at polling places and to facilitate physical distancing. Legislative adaptations were required to implement changes to vote by mail processes, and vote-by-mail packages were modified in order to support automated production.

The CEO further indicated that British Columbians had the advantage to be familiar with vote-by-mail procedures, as the province held a number of vote-by-mail referenda in the past. The infrastructure systems and processes developed for those events could be re-utilised in the electoral context.<sup>47</sup>

#### **(d) Increased in-person voting opportunities**

Mr. Boegman told the Committee that the 42<sup>nd</sup> general election was planned in order to spread voting opportunities, including through advance voting and on election day. Adaptations were made to the Election Act to add one day of advance voting, for a total of seven days preceding voting day. He affirmed that Elections BC achieved its goal of spreading out voters, especially on voting day.<sup>48</sup>

#### **(e) Duration of the election period**

In British Columbia, for a fixed date election, the voting day is the 28<sup>th</sup> day after the election is called. For an on-demand election, 4 to 10 days are added to the period. Mr. Boegman stressed that having a longer election period was critical for Elections BC during the 2020 election, enabling them to establish their offices, to send supplies and to establish the telecommunications network that enabled them to communicate with their offices. He concluded that a longer election period is better from an election-administration perspective, especially for an on-demand election.<sup>49</sup>

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46      ibid.

47      ibid., 1120 and 1150.

48      ibid., 1225.

49      ibid.



### **(f) Administering the vote to specific groups**

Mr. Boegman identified providing safe and accessible voting opportunities to at-risk voters and communities as a key challenge during the 2020 general election. He stated that tailored voting options were necessary to address barriers to voting for particular groups, such as at-risk or self-isolating voters, voters in care homes, and voters in First Nation communities. Such voting options included community-organized vote by mail, hiring and training of community members to administer voting, the use of mobile teams with full protective equipment, and the expansion of operator-assisted telephone voting.<sup>50</sup>

Similarly, Dr. Henry indicated that making sure people who were in long-term care or in hospital were able to vote was of particular concern. Among the options implemented, one was ensuring that people were trained in using personal protective equipment to facilitate voting in long-term care homes. Vote by phone processes were also available when people could not vote any other way, including for people sick with COVID-19 or in public health-mandated quarantine.<sup>51</sup>

### **(g) Workforce recruitment**

The Committee was told by Mr. Boegman that no specific outreach was done by Elections BC in order to recruit a younger workforce. Of note, British Columbia has a “youth at the booth” program, first implemented in 2017, which aims to recruit high school and university students as election workers.<sup>52</sup>

Mr. Boegman further indicated that many British Columbians expressed their interest in working as election workers or office staff during the pandemic. In that sense, Elections BC did not face challenges in terms of workforce recruitment. The challenges stemmed rather from hiring and training protocols. As an example, workers had to be trained in smaller groups to respect physical distancing.<sup>53</sup>

### **(h) Campaigning**

While Elections BC is not mandated to oversee campaigning activities, Mr. Boegman felt it was important to bring together political parties and health experts to talk about the

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50 Ibid., 1100.

51 Henry, 1115, 1130 and 1135.

52 Boegman, 1155.

53 Ibid.

ways campaigning should be modified to meet public health requirements. To do so, Mr. Boegman facilitated a meeting of the Election Advisory Committee to discuss campaigning during a pandemic,<sup>54</sup> The Election Advisory Committee, which is composed of representatives from political parties, advises the CEO on the functioning of the *Election Act*, including on political process financing.<sup>55</sup> For her part, Dr. Henry indicated that discussions with political parties around safe campaigning included such subjects as going door to door, having smaller gatherings, not allowing large groups together and wearing masks.<sup>56</sup>

Further, Elections BC, in consultation with the Office of the Provincial Health Officer, developed a document entitled *Information on How to Campaign Safely During COVID-19*,<sup>57</sup> which presents suggested guidelines for campaigning during the pandemic. The document addresses canvassing strategies, campaign events and accepting political contributions.

Mr. Boegman told the Committee that it was his understanding that there had been no COVID-related issues in relation to campaigning.<sup>58</sup> He further specified that political parties and candidates campaigned differently under the circumstances, as there was no door knocking and more remote contacts.<sup>59</sup>

### (i) Voting on a weekend

British Columbia 42<sup>nd</sup> general election was held on Saturday, 24 October 2020. Mr. Boegman underlined that having election day on a Saturday allowed access to locations that were not available during a weekday, such as schools. Elections BC was therefore able to integrate their safe voting place plans with safe-school plans.<sup>60</sup> For her part, Dr. Henry indicated that physical distancing measures are easier to implement in schools, where there are large spaces such as gyms.<sup>61</sup>

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54 Ibid., 1135.

55 Elections BC, [Election Advisory Committee \(EAC\)](#).

56 Henry, 1100.

57 Elections BC, [Information on How to Campaign Safely During COVID-19](#).

58 Boegman, 1120.

59 Ibid., 1135.

60 Ibid., 1115.

61 Henry, 1100.



Dr. Henry also indicated that the choice of a Saturday was beneficial as it allowed people who would normally be at work on election day to work in some of the voting stations.<sup>62</sup> Mr. Boegman said the same, also indicating that the choice of a Saturday allowed for the recruitment of younger workers.<sup>63</sup>

### **(j) Integrity of the vote**

Mr. Boegman has assured the Committee that he has no concerns about potential voter fraud related to the increase of mail-in ballots. He further specified that vote by mail processes has been used successfully in British Columbia for both provincial elections and referenda.<sup>64</sup>

### **(k) Royal prerogative of dissolution**

Mr. Boegman told the Committee that British Columbia's premier did not consult his office prior to calling their provincial election.<sup>65</sup> Similarly, Dr. Henry told the Committee that she "did not recommend anything to the premier," that "political decisions are made by political people," and that she provided Elections BC with health advice on how to carry out the election safely.<sup>66</sup>

Further, Mr. Boegman was asked for his views about codifying the confidence convention. In response he stated that from his perspective as an election administrator in a minority government, it was his mandate to be ready for an election at any time.<sup>67</sup>

## **iv. Changes or adaptations made to the electoral law**

Section 280 of British Columbia's *Election Act*<sup>68</sup> provides the CEO may, in case of emergencies and extraordinary circumstances, issue orders to make exceptions to the *Election Act* and associated regulations. In the context of the pandemic, the CEO issued a number of orders modifying legislated procedures pursuant to section 280.<sup>69</sup> The

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62 Ibid.

63 Boegman, 1115.

64 Ibid., 1220.

65 Boegman, 1120.

66 Henry, 1145.

67 Boegman, 1230.

68 *Election Act*, R.S.B.C. 1996, c. 106.

69 Elections BC, *Orders of the CEO*.



enacted changes to electoral legislation and regulations for the 42<sup>nd</sup> general election include, but are not limited to:

- modifications related to voting in polling places, such as reducing the number of election officials required, adding an additional day of advance voting, and broadening capacity for individuals to vouch for more than one elector in long-term care and acute care facilities;
- modifications related to mail-in voting, such as removing eligibility requirements for alternative absentee voting and allowing completed packages to be returned to specified locations;
- modifications related to candidates, candidate representatives and scrutineers, such as reducing the number of candidate representatives allowed in polling places; and
- modifications to campaign financing, such as removing spending limits on non-branded personal protective equipment and other preventative measures.<sup>70</sup>

## B. Saskatchewan

### i. General information

The election for the province's 29<sup>th</sup> Legislature was held on 26 October 2020. The period for the 2020 election was 28 days. Saskatchewan's *The Election Act, 1996*, sets out that an election period cannot be shorter than 27 days, nor longer than 34 days.<sup>71</sup>

Of the province's 434,000 eligible voters, it was estimated that voter turnout would be about 52%.<sup>72</sup> This would be roughly the same voter turnout as the 2016 election, which had a turnout of 53.5%.<sup>73</sup>

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70 Elections BC, [Orders of the CEO – 42<sup>nd</sup> Provincial General Election](#).

71 [The Election Act, 1996](#), s. 31(2) and (3).

72 House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 7, 3 November 2020, 1110 (Dr. Michael Boda, Chief Electoral Officer, Elections Saskatchewan).

73 Phil Tank, [Half of voters visited polls amid pandemic in Saskatchewan election](#), *Saskatoon StarPhoenix*, 27 October 2020.



## ii. Health and safety protocols

In February 2020, Dr. Michael Boda, Saskatchewan’s Chief Electoral Officer, approached Dr. Saqib Shahab, Saskatchewan’s Chief Medical Health Officer, to seek public health advice for planning and carrying out a provincial election.<sup>74</sup> Together, with Dr. Denise Werker, the former Deputy Chief Medical Health Officer, and an Infection Prevention and Control consultant, health and safety guidelines and protocols for electors and election workers were developed by Elections Saskatchewan.

Dr. Shahab told the Committee that he gave the following advice to Elections Saskatchewan, which they implemented:

- optimize voting by mail;
- reduce crowding by increasing the number of hours of advance polling and the number of polling locations;
- organize the flow of voters and the processes of voting at polling locations to minimize COVID transmission risk;
- implement additional transmission mitigation measures at polling locations, including hand hygiene;
- increase cleaning and disinfection;
- establish measures to promote two-metre physical distancing to further minimize COVID transmission risk; and
- apply additional precautions for voting occurring in long-term care facilities and personal care homes.<sup>75</sup>

Further, the health and safety protocols that were carried out by Elections Saskatchewan for election workers were:<sup>76</sup>

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74 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 8, 5 November 2020, 1105 (Dr. Saquib Shahab, Chief Medical Health Officer, Government of Saskatchewan).

75 Shahab, 1105.

76 The health and safety guidelines and protocols found in this section were taken from Election Saskatchewan’s website: [COVID-19 and the October provincial election](#).

- providing personal protective equipment to workers, including masks, gloves and hand sanitizer;
- separating workers from electors with acrylic sneeze guards (where available) or increased physical distancing;
- providing electors with single-use pencils;
- constant disinfection by workers of shared surfaces in the polls;
- workers were encouraged to wash their hands frequently; and
- increased use of online video training for workers.

The Committee heard from Dr. Boda that, in his view, the safety standards that were put in place needed to meet the standards established by public health officials but also had to convince voters and workers that they would be safe at polling places, despite elevated levels of COVID-19.<sup>77</sup>

Dr. Shahab also had an opportunity to visit a mock-up of a polling location before election day. Further, his office agreed to plan for a worst-case scenario in which an election would remain feasible.<sup>78</sup> He told the Committee that his office was not aware of any new cases of COVID-19 having occurred as a result of the election.<sup>79</sup>

### **iii. Lessons of note**

#### **(a) Voting by mail**

The Committee heard from Dr. Michael Boda, Saskatchewan's Chief Electoral Officer, that Saskatchewan experienced a substantial increase in electors who voted by mail. For the 2016 provincial election, about 1% of electors voted by mail, whereas in 2020 about 12.5% or 55,000 electors voted by mail.<sup>80</sup>

In preparation for this increase, Elections Saskatchewan undertook research into the model employed by British Columbia for voting by mail and conducted surveys and

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77 Boda, 1110.

78 Shahab, 1105.

79 Ibid., 1115.

80 Boda, 1155 and 1220.



examined data about the likelihood of electors seeking to vote by mail in Saskatchewan.<sup>81</sup> Dr. Boda noted that fewer electors than was initially predicted ended up voting by mail in 2020.

### **(b) Duration of the election period**

Dr. Boda told the Committee that, in his view as an election administrator, during the COVID-19 pandemic, a longer election period was preferable to a shorter period. His reasoning was that election administration is based on stability and preparation.<sup>82</sup>

### **(c) Recruitment of election workers**

Dr. Boda told the Committee that Elections Saskatchewan made efforts to communicate with and recruit younger election workers for the 2020 election. Elections Saskatchewan considered it likely that some of the election workers who were older in age and had worked for Elections Saskatchewan in the past might not apply to work during the COVID-19 pandemic because of concerns over the health hazard.<sup>83</sup> The communication efforts to the public targeted individuals who had not previously thought of participating in an election and asked them to become involved and give back to their democracy.

Dr. Boda noted that, anecdotally, the average age of election workers for the 2020 election was lower than during a usual election.<sup>84</sup>

### **(d) Communication by Elections Saskatchewan with the public**

During the 2020 election, Elections Saskatchewan considered public health the primary issue and made it their focus. Dr. Boda told the Committee that “Voting safely is our priority” was made the slogan to be communicated to the public.<sup>85</sup> In the weeks prior to the election, their office made continuous efforts to educate voters, election workers and stakeholders that despite any perceived fluctuations in the rates of COVID-19 within the province, visiting the polls in-person would be safe.

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81      ibid., 1155.

82      ibid., 1225.

83      ibid., 1155.

84      ibid.

85      ibid., 1200.

### **(e) Maintaining a strong relationship between Election Saskatchewan and stakeholders**

In his appearance before the Committee, Dr. Boda stated that his office would not have conducted the 2020 election without ascertaining the strong recognition from the many and varied participants that the 2020 election would unfold very differently from the 2016 election.<sup>86</sup> The participants mentioned by Dr. Boda included voters, the Saskatchewan government, the Legislative Assembly, provincial political parties, candidates, school boards, First Nation communities and long-term care facilities. Further, he stated that the most important relationship his office had was with the Office of the Chief Medical Health Officer.

### **(f) Striking of an advisory body**

In the lead up to the election, Elections Saskatchewan established an advisory body called the Electoral Advisory Group. Membership was composed of the Chief Electoral Officer, who served as Chair, along with the Chief Medical Health Officer, and the two House leaders from the Legislative Assembly. The group met once a month to discuss how COVID-19 could affect the conduct of the provincial election. Further, Dr. Boda indicated that he worked closely with and received input from the six registered political parties in the province.<sup>87</sup>

### **(g) Increased number of polling places**

To ensure the safe conduct of the 2020 election, Elections Saskatchewan determined that the number of polling of stations needed to decrease from five or six at each location, to two or three polling stations.<sup>88</sup> Consequently, the number of polling places increased from 1,100 in 2016 to almost 1,900 in 2020.

### **(h) Directives for political parties about campaigning**

Dr. Boda told the Committee that his office does not oversee campaigning.<sup>89</sup> In collaboration with Dr. Shahab, his office put in place general principles for political participants to adhere to during the campaign period. Dr. Boda stated that his office

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86     ibid., 1110.

87     ibid., 1135.

88     ibid., 1110.

89     ibid., 1130.



determined that the health guidance given by the Chief Medical Health Officer would “supersede anything that I would put forward.”<sup>90</sup> Dr. Boda stated that during the election, large gatherings were not held but door-to-door visits by political participants were allowed and did occur. He noted that his office did not learn of or identify any general problems.

### **(i) Electors who faced barriers**

During the 2020 election, Elections Saskatchewan worked closely with groups it identified as potentially facing increased barriers due to the COVID-19 pandemic. The groups cited by Dr. Boda included First Nations communities, disabled people, students and seniors.<sup>91</sup> He stated that the challenge was having to balance the priorities of the public health authorities with Elections Saskatchewan’s efforts to do everything that they could to provide these voters with full access to participation in the election.

In particular, Dr. Boda told the Committee that he worked closely with First Nations chiefs and their councils to ensure that, even despite a community lockdown in response to COVID-19, Elections Saskatchewan could provide that community with election ballots.<sup>92</sup>

### **(j) Integrity of the vote**

Dr. Boda told the Committee that Elections Saskatchewan put in place processes for voting by mail to ensure that double voting did not occur and that, if it had, his office would have known about it. As such, he stated that he did not know of any cases of voter fraud during the 2020 election and that he was confident in the electoral system in place in Saskatchewan.<sup>93</sup>

### **(k) Use of contact tracing**

As the 2020 election unfolded without any reported instances of COVID-19 being spread among participants, contact tracing played only a minor role in the election. Nonetheless, Dr. Boda noted that four individuals were identified using contact tracing

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90 Ibid.

91 Ibid., 1200.

92 Ibid.

93 Ibid., 1220.

as having been in contact with active cases of COVID-19. Those individuals were removed as workers, following the guidance of Dr. Shahab.<sup>94</sup>

### **(I) Royal prerogative of dissolution**

Dr. Shahab told the Committee that he was not consulted by Saskatchewan's premier about the timing of their provincial election, nor did he provide any advice.<sup>95</sup>

Further, Mr. Boda was asked for his views about codifying the confidence convention. He stated he would "[s]peak to the overall approach of offering a longer period of time for preparation. How it is achieved, I'll leave to the legislators."<sup>96</sup>

### **iv. Changes or adaptations made to the electoral law**

On 19 May 2020, Dr. Boda, published a report entitled *Conduct of Saskatchewan's 29th General Election in the Context of Novel Coronavirus Disease: Recommendations*. In the report, he recommended that the Legislative Assembly amend the province's electoral law to provide his office with the authority to adapt the province's electoral processes to better deliver an election in circumstances where a serious, contagious disease was present in Saskatchewan, either province-wide or regionally.<sup>97</sup> The report states that adaptations made to the Act would be developed in consultation with Dr. Shahab and an Infection Prevention and Control consultant.

In response to the report, the government of Saskatchewan amended *The Election Act Regulations* to define a public health emergency as an emergency under *The Elections Act* and give the Chief Electoral Officer the power to adapt any provision of the Act as necessary to reduce a health risk to the public.<sup>98</sup>

During his appearance before the Committee, Dr. Boda made a distinction between being provided with the power to adapt the Act and being able to change electoral legislation. He noted that not being able to change the voting process made it difficult

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94 Ibid., 1130.

95 Shahab, 1155.

96 Boda, 1230.

97 *Elections Saskatchewan, Conduct of Saskatchewan's 29th General Election in the Context of Novel Coronavirus Disease: Recommendations*, 19 May 2020, p. 5.

98 *Saskatchewan.ca, Government Gives Chief Electoral Officer Clear Authority To Ensure A Safe Election*.



for his office to serve First Nations communities in some cases.<sup>99</sup> He also noted that while he was aware that British Columbia had used telephone voting in their 2020 provincial election, such a mechanism could not be implemented in Saskatchewan without changing the electoral law.<sup>100</sup>

However, using the power to adapt the electoral law, his office introduced “extraordinary voting.”<sup>101</sup> This mechanism was meant to provide an additional voting option for electors who could not physically go to a polling location. Under extraordinary voting, Elections Saskatchewan employed messengers and couriers to provide ballots to individuals who could not get to a polling location. He noted that even this option had its limitations in a COVID-19 context.<sup>102</sup>

Dr. Boda noted two further changes made to the electoral framework prior to the 2020 election:

- The minimum age to work as an election worker was lowered to allow 16 to 18 year-olds to participate as workers. His office also requested that schools be closed on the Monday on which the election was held. This resulted in students being able to participate as workers in the election;<sup>103</sup> and
- Elections Saskatchewan requested that advance voting be held over a five-day period.<sup>104</sup>

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99 Boda, 1200.

100 Ibid., 1215.

101 Ibid.

102 Ibid.

103 Ibid., 1155.

104 Ibid., 1225. Under section 129 of *The Election Act, 1996*, advance voting may take place for up to five days. However, each riding must have at least one polling place open for the full five days. The determination of the number of advance voting days is set by either Elections Saskatchewan or by each riding’s returning officer.



## C. New Brunswick

### i. General information

The province's election for its 60<sup>th</sup> Legislature was held on 14 September 2020. New Brunswick was the first province in Canada to hold an election during the COVID-19 pandemic.

The period for the 2020 election was 28 days. The election was held prior to the fixed date set out in New Brunswick's *Elections Act*. That Act sets out that an election period for elections not held on the fixed date cannot be shorter than 28 days, nor longer than 38 days.<sup>105</sup>

At the time the writs of election were issued, the number of active cases in New Brunswick was in single-digits and the province was in its yellow alert level for COVID-19 (or the second lowest level behind the green level).<sup>106</sup>

Voter turnout for the 2020 election, among the province's 380,000 electors, was 67.1%, which was down only slightly from the 2018 voter turnout of 67.4%.<sup>107</sup>

### ii. Health and safety protocols

Elections New Brunswick established an operational plan to be followed by voters and election workers for a provincial election held during the COVID-19 pandemic. They essentially put in place the measures similar to what the public would see at any retail establishment.<sup>108</sup> Public Health New Brunswick reviewed the operational plan and provided feedback, as did WorkSafeNB.<sup>109</sup>

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105 *Elections Act* (R.S.N.B. 1973, c. E-3), s. 13(2)(b)(ii).

106 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 5, 27 October 2020, 1125 and 1130 (Kimberly Poffenroth, Chief Electoral Officer, Elections New Brunswick).

107 *Ibid.*, 1200 and 1225.

108 *Ibid.*, 1130.

109 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 8, 5 November 2020, 1110 (Dr. Jennifer Russell, Chief Medical Officer of Health, Government of New Brunswick).



Dr. Jennifer Russell, New Brunswick's Chief Medical Officer of Health, told the Committee that the protocols that were in place for the election in New Brunswick, for voters and election workers, were:

- when entering a voting location, electors were asked to apply hand sanitizer;
- two metre physical distancing was practiced during an elector's visit, as much as possible;
- election workers were provided with masks and/or face shields, which they were required to wear during their interactions with each elector;
- electors were asked to bring a non-medical mask with them to the polling station, to be worn when physical distancing could not be maintained;
- frequent cleaning of high-contact areas was conducted at all voting locations; and
- a maximum number of electors allowed to enter a voting location was established for each location.<sup>110</sup>

In addition, Public Health New Brunswick provided guidance to all the parties on how to safely host public gatherings. Dr. Russell told the Committee that her office also provided feedback to parties about activities that are common during elections, such as door-to-door canvassing. She noted that her office provided direction and advice on campaign health plans submitted by parties but did not tell political parties what types of activities they could or could not do.<sup>111</sup>

Kimberly Poffenroth, New Brunswick's Chief Electoral Officer, told the Committee that she conducted numerous interviews during the election. She said that she made it clear that no elector would be turned away from the polls for not wearing a mask, as voting is a basic democratic right.<sup>112</sup> Ms. Poffenroth noted that some electors did refuse to wear a

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110     Ibid.

111     Russell, 1110.

112     Poffenroth, 1235.

mask inside polling places. In those cases, election workers made accommodations but ensured the elector was able to vote.<sup>113</sup>

Dr. Russell told the Committee that her office was not aware of any new cases of COVID-19 having occurred as a result of the election.<sup>114</sup>

### iii. Lessons of note

#### (a) Flexibility in administering electoral procedures for an election held during the COVID-19 pandemic

The Committee heard from Ms. Poffenroth that administering an election during a local or provincial state of emergency poses many challenges. However, she noted that the prescriptive nature of New Brunswick's *Elections Act* limited her ability to respond to challenges that arose from holding an election during the constantly evolving COVID-19 pandemic.<sup>115</sup>

In particular, Ms. Poffenroth stated that the process for administering mail-in ballots is "quite prescribed in legislation," whereas, in her view, she needed some legislative flexibility to simplify voting for residents in long-term care facilities during the pandemic.<sup>116</sup>

The scheduled elections in New Brunswick for municipalities, district education councils and appointments to regional health authorities were delayed from May 2020 until May 2021 because of the COVID-19 pandemic.<sup>117</sup> Ms. Poffenroth told the Committee that prior to the conduct of those elections, she would be seeking changes to the *Elections Act* and the *Municipal Elections Act* to provide her office with greater flexibility in administering an election. This flexibility would be limited to cases where the province has declared a local or provincial state of emergency, including public health emergencies.<sup>118</sup>

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113     ibid.

114     Russell, 1115.

115     Poffenroth, 1120.

116     ibid., 1250.

117     ibid., 1120.

118     ibid.



## **(b) Voting by mail**

In New Brunswick, the special ballot procedure used to vote by mail has, in the past, been used infrequently by voters. Ms. Poffenroth told the Committee that in previous elections, usually less than 100 electors voted by mail.<sup>119</sup> However, in 2020 Elections New Brunswick processed 13,000 mail-in ballots.<sup>120</sup> She noted that 7,000 of those mail-in ballots were used by residents of long-term care facilities.

Ms. Poffenroth noted that special ballots require an application process that requires the voter to provide a signature and other information. She told the Committee that collecting signatures from special ballot applicants counted as a significant challenge for her office.<sup>121</sup>

## **(c) Duration of the election period**

Ms. Poffenroth told the Committee that the election period of 28 days presented her office with multiple challenges. She noted that some of these challenges would have existed regardless of the pandemic.<sup>122</sup>

The principal challenge for Elections New Brunswick, as cited by Ms. Poffenroth, was in quickly having to set up modern election offices. She noted that it was not until week two of the four-week election period that every election office had phone and internet services.<sup>123</sup> During the COVID-19 pandemic, this lag in setting up offices posed a problem because Elections New Brunswick employs a digital version of its list of voters (akin to the federal National Register of Electors). Election offices that were not connected to the internet and could not consult the digital list of electors were, nonetheless, receiving phone calls from voters requesting to be enrolled in the special ballot procedure to vote by mail.

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119     *ibid.*, 1205.

120     *ibid.*, 1305.

121     *ibid.*, 1205.

122     *ibid.*, 1140.

123     *ibid.*

#### **(d) Administering the vote at long-term care facilities**

Residents of long-term care facilities in New Brunswick accounted for about 7,000 of the 13,000 voters who enrolled to vote by mail for the 2020 election.<sup>124</sup>

Ms. Poffenroth told the Committee that a modified vote-by-mail option was used by Elections New Brunswick to administer the vote in long-term care facilities. Under the supervision of election workers, workers at long-term care facilities assisted residents by distributing special ballot applications and making sure these were signed, and by ensuring residents placed their ballots in the appropriate envelopes.<sup>125</sup>

Ms. Poffenroth noted that Elections New Brunswick will consider implementing the option of voting over the phone for residents of long-term care facilities during the 2021 municipal elections. She told the Committee that the process could entail a pair of election workers taking the vote of an individual over the phone during a pre-arranged appointment. The process would involve the elector's voice vote being recorded on a paper ballot.<sup>126</sup>

#### **(e) Voting under quarantine**

Ms. Poffenroth told the Committee that Elections New Brunswick administered the vote for "a number" of individuals who were under quarantine as a result of the COVID-19 pandemic.<sup>127</sup>

Ms. Poffenroth stated that voters under quarantine had the option of emailing their special ballot application to Elections New Brunswick. Election workers would then usually hand deliver and collect ballots from these voters. Specifically, the process entailed having an election worker would put a ballot in the mailbox of the voter under quarantine and a ballot box on the voter's porch. The worker would then phone the voter. The voter would cast their vote and the election worker would observe, from their car, as the voter place their ballot into the ballot box.<sup>128</sup>

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124     *ibid.*, 1205.

125     *ibid.*, 1210.

126     *ibid.*, 1125.

127     *ibid.*, 1245.

128     *ibid.*



### **(f) Increased cost of holding an election during COVID-19**

The Committee heard from Ms. Poffenroth that the election budget for New Brunswick's 2018 election was \$12 million and that Elections New Brunswick had estimated that the cost of the 2020 election would be 10% higher. However, because of the COVID-19 pandemic, Ms. Poffenroth expects that the increase in costs will be larger than 10%.<sup>129</sup> Among the additional expenses incurred by her office to administer an election during the pandemic were the creation of two new positions for every polling location, and the costs associated with mail-in ballots.<sup>130</sup>

### **(g) Royal prerogative of dissolution**

Ms. Poffenroth told the Committee that New Brunswick's premier did not consult her office prior to calling their provincial election.<sup>131</sup> Similarly, Dr. Russell told the Committee that she was not consulted by the premier about the timing of the provincial election, nor did she provide any advice.<sup>132</sup>

### **iv. Changes or adaptations made to the electoral law**

Ms. Poffenroth did not cite any formal changes made to the *Elections Act* prior to the 2020 election, in response to the COVID-19 pandemic. Rather, she told the Committee that returning officers made every effort under the *Elections Act* to ensure voters in quarantine and in long-term care facilities could vote.<sup>133</sup>

Further, her office is contemplating seeking formal changes to the Act to provide for flexibility in administering voting in cases where the province has declared a local or provincial state of emergency, including public health emergencies.

Ms. Poffenroth also noted that in New Brunswick, the process that voters must go through to cast their ballot on election day only requires one election worker per polling

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129     ibid., 1130.

130     ibid.

131     Poffenroth, 1200.

132     Russell, 1155.

133     ibid., 1210 and 1245.

station. In her view, having only one worker at that task helps to process more voters more quickly, while providing for physical distancing between election workers.<sup>134</sup>

## D. Prince Edward Island

### i. General information

On 2 November 2020, a by-election was held in Prince Edward Island's (P.E.I.) District 10 Charlottetown-Winsloe. There was only one polling place, located in a church in Charlottetown.<sup>135</sup>

In P.E.I., little to no community spread of COVID-19 has been reported.<sup>136</sup> There are 4,311 eligible voters in District 10 and the voter turnout for the by-election was reported to be of 67%.<sup>137</sup>

### ii. Health and safety protocols

In his testimony before the Committee, Mr. Tim Garrity, P.E.I.'s Chief Electoral Officer, indicated that Elections P.E.I. collaborated with the provincial Chief Public Health Officer to draft a plan for how to run an election in the current pandemic context. The organization also worked with provincial authorities to procure face masks, face shields, and hand sanitizers for the by-election.<sup>138</sup>

Election workers in P.E.I. were trained on safe workplace guidelines and pandemic protocols. Further, Elections P.E.I. implemented protective measures in the polling place, including:

- physical distancing reminders on floors;

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134 Ibid., 1230.

135 Elections Prince Edward Island, *District 10 By-Election*.

136 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 5, 27 October 2020, 1115 (Tim Garrity, Chief Electoral Officer, Elections Prince Edward Island).

137 Elections P.E.I., [November 2, 2020 – District 10 Charlottetown – Winsloe By-Election](#), News release, 2 November 2020.

138 Garrity, 1115 and 1145.



- capacity limits according to direction from the office of the Chief Public Health Office;
- election officials wearing personal protective equipment, such as masks and face visors;
- protective plexiglass barriers;
- hand sanitizing stations; and
- frequent cleaning of voting stations and frequently touched surfaces.<sup>139</sup>

Voters were required to use hand sanitizer when entering the polling place, and to self-monitor for any symptoms of COVID-19. A new pencil was provided to each elector, and they were to show their identification to election officials without handing it to them.

Although masks were not mandatory for electors in the polling place, their use was strongly recommended. Elections P.E.I. acquired enough masks to provide one to each voter in the district.<sup>140</sup> Face shields were also made available. In his testimony, Mr. Garrity indicated that electors generally wore masks and were compliant with protocols during advance polling days.<sup>141</sup>

### iii. Lessons of note

#### (a) Accessing supplies

Mr. Garrity told the Committee that access to supplies such as hand sanitizers, disinfectant wipes, face masks, shields, stickers for the floor and plexiglass barriers proved to be challenging.<sup>142</sup> He further specified that the smaller size of the by-election made the challenge manageable, and that a province-wide election would pose additional difficulties<sup>143</sup>.

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139 Elections P.E.I., *District 10 By-Election*.

140 Garrity, 1145 and 1240.

141 *Ibid.*, 1115.

142 *Ibid.*

143 *Ibid.*, 1145.



Elections P.E.I.'s staff gathered the necessary supplies in advance, including by buying large quantities at grocery stores and bringing them back to the office. The agency also worked with provincial authorities to acquire additional supplies. Mr. Garrity indicated that the required supplies represented a significant increase in cost for the by-election.<sup>144</sup>

### **(b) Additional workers in offices and polling places**

Mr. Garrity stated a new election worker position was created to ensure the safe conduct of the election at the polling place. He said that additional workers in the polling place were called "COVID compliance officers," and that their tasks included sanitizing stations between use by electors, making sure electors were maintaining physical distance, distributing masks, and other tasks directly linked with the pandemic context.<sup>145</sup>

In total, two additional workers worked in Elections P.E.I.'s office and five additional workers worked at the polling place.<sup>146</sup>

### **(c) Administering the vote at long-term care facilities**

Mr. Garrity discussed the difficulties of administering the vote in long-term care facilities during the COVID-19 pandemic. In District 10, there is one long-term care facility, and entry into it is restricted.

As it was a by-election, with only one long-term care facility involved, Mr. Garrity was able to personally go in, with full protective equipment on, to register the residents. While this was possible because of the size of the by-election, Mr. Garrity stressed that administering the vote in long-term care facilities across the country will be one of the main challenges of a future federal election during the pandemic.<sup>147</sup>

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144     ibid.

145     ibid., 1205 and 1235.

146     ibid., 1205.

147     ibid., 1150.



#### **(d) Voting by mail**

Mr. Garrity reported that 235 applications for mail-in ballots had been filed for the District 10 by-election.<sup>148</sup> During the 2019 general election, approximately 640 mail-in ballot applications were filed for the 27 districts of the province.<sup>149</sup>

#### **(e) Campaigning**

Mr. Garrity indicated that half of the participating political parties decided to do door-to-door campaigning. Those parties submitted a plan for approval to P.E.I.'s Chief Public Health Officer to ensure that it met with health standards and guidelines.<sup>150</sup>

#### **(f) Integrity of the Vote**

Asked whether he had any concerns that a mail-in ballot contributes to electoral fraud, Mr. Garrity stated he had none.<sup>151</sup>

#### **(g) Royal prerogative of dissolution**

Mr. Garrity told the Committee that P.E.I.'s premier did not consult his office prior to calling their provincial election.<sup>152</sup>

### **iv. Changes or adaptations made to the electoral law**

In his testimony before the committee, Mr. Garrity explained his legislated authority to bypass certain sections of the *Election Act* for emergencies.<sup>153</sup>

Mr. Garrity indicated that while candidates are usually allowed two scrutineers per poll, Elections P.E.I. formally requested to political parties that it be limited to, at the very most, one scrutineer.<sup>154</sup> Further, Mr. Garrity told the committee of a legislative

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148 Ibid., 1200.

149 [\*Elections P.E.I. proposes amendment to give more time for mail-in ballots to arrive\*](#), CBC News, 4 November 2020.

150 Garrity, 1215.

151 Ibid., 1235.

152 Garrity, 1200.

153 Ibid., 1115.

154 Ibid., 1250.

requirement for a full door-to-door enumeration process for the district. In the context of the District 10 by-election, Elections P.E.I. was able to get that requirement waived.<sup>155</sup>

Following the by-election, it was reported that Elections P.E.I. is proposing amendments to the *Election Act* to allow more time for mail-in ballots to be delivered and received by voters.<sup>156</sup> These proposed amendments are being made in response to complaints by the public about mail-in ballots not reaching them in time for the by-election.

## ELECTORS FACING INCREASED BARRIERS DUE TO COVID-19

### A. Persons with disabilities

#### i. Communications

In her appearance before the committee, Ms. Jewelles Smith, from the Council of Canadians with Disabilities, stressed the importance of communicating in an accessible manner with people who have disabilities about accessing the electoral process.<sup>157</sup> According to her, different means of reaching out to voters should be used, including through television and radio, but also by connecting with organizations representing people with disabilities.<sup>158</sup>

Ms. Smith indicated that responses to the COVID-19 pandemic were often implemented without considering the needs of Canadians living with a disability.<sup>159</sup> She stated that the axiom of “nothing about us without us” needed to be followed, and that a human rights lens needed to be applied when considering all health-related responses to the pandemic.<sup>160</sup> In the context of a federal election, she recommended hiring additional community relations officers for accessibility in order to ensure that new barriers to voting are not created as COVID-19 responses are developed.<sup>161</sup>

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155 *Ibid.*, 1115.

156 [\*Elections P.E.I. proposes amendment to give more time for mail-in ballots to arrive\*](#), CBC News, 4 November 2020.

157 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1255 (Jewelless Smith, Past Chairperson, Council of Canadians with Disabilities).

158 *Ibid.*, 1320.

159 *Ibid.*, 1310.

160 *Ibid.*, 1255.

161 *Ibid.*



## ii. Impacts of health and safety protocols on accessibility

Ms. Smith told the Committee that while an election held during the pandemic would necessarily involve physical distancing measures, sanitizing practices, and protective personal equipment, it is important to consider the impacts of those measures on people with disabilities.<sup>162</sup>

Along the same lines, Ms. Diane Bergeron, from the Canadian National Institute for the Blind (CNIB) and CNIB Guide Dogs, stated that people with sight loss have experienced difficulties carrying out their daily activities during the pandemic, including, among other things, following pathways identified on the ground. Further, guide dogs are not able to follow physical distancing measures.<sup>163</sup>

According to Ms. Smith, there needs to be trial testing by qualified people with disabilities to ensure that the measures put in place in polling places, as a result of the pandemic, do not create undue barriers to voting.<sup>164</sup> She further indicated that accommodations needed to be available both for voters and electoral workers with disabilities. Among suggested accommodations, she outlined that physical distancing measures could create queues outside polling stations, and that it may be necessary to have as a priority-access line for people who might be unable to stand for prolonged periods.

She recommended that the principles of universal design ought to be followed when designing the layout of polling stations. Particular attention should also be paid to the types of sanitizing agent used in polling places, so that they do not exacerbate environmental illnesses, allergies, asthma and other medical conditions. Individuals not able to wear a mask or face covering due to a disability should also be accommodated.<sup>165</sup>

## iii. Vote by mail

Both Ms. Smith and Ms. Bergeron indicated that it would be helpful for the application process for the mail-in ballot to include an Internet-based option. According to

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162 Ibid.

163 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1325 (Diane Bergeron, President, CNIB Guide Dogs, Vice-President, International Affairs, CNIB Foundation, Canadian National Institute for the Blind).

164 Smith, 1255.

165 Ibid.

Ms. Smith, this would help electors who are trying to avoid exposure to COVID-19 who might be reluctant to go to a postal box.<sup>166</sup>

Ms. Bergeron told the Committee that Elections Canada is preparing to offer an option to electors of having mail-in-ballots sent as PDF documents that could be filled-in on a computer, then be printed and signed. Ms. Bergeron told the committee that some voters with sight loss in New Brunswick and Saskatchewan reported anxiety and frustration that the format of the mail-in ballots did not allow them to independently cast their vote.<sup>167</sup>

#### **iv. Vote by phone**

Both Ms. Smith and Ms. Bergeron recommended adding vote by phone as an option for federal elections and stressed the importance of this option for people with disabilities. Ms. Bergeron told the committee that vote by phone would not only be helpful in the context of a pandemic where a marginalized population is at greater risk of exposure, but it also allows individuals with sight loss to vote independently, without requiring the assistance of a sighted guide. This method of voting also helps voters who would be unable to get to a polling place.<sup>168</sup> Ms. Bergeron told the Committee the ability to vote by phone would not only be helpful in a pandemic, but “would also be another tool in the tool box to combat barriers to independent voting.”<sup>169</sup>

#### **v. Access to polling places**

Ms. Bergeron indicated that for individuals who are blind or partially sighted, accessing a polling place often implies reliance on public transit or having a family member or friend drive them to the polling station. Getting to a polling place can be harder in rural or remote communities, due to the lack of public transit options.<sup>170</sup> She further indicated that moving election day from a Monday to a Saturday or a Sunday could also present a barrier for voters with a disability, as many transit operators have reduced service or do not provide service on weekends. She stated that her preference would be that voting

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166 Ibid.

167 Bergeron, 1305.

168 Ibid, 1300.

169 Ibid.

170 Ibid.



day be split between a weekday and a weekend, such as a Sunday and a Monday, or a Friday and a Saturday.<sup>171</sup> Ms. Smith agreed with this suggestion.<sup>172</sup>

Both Ms. Bergeron and Ms. Smith told the Committee that an election during winter posed increased complications for people with disabilities, due in part, to the potential safety hazards of having the streets covered in snow and/or ice.<sup>173</sup>

## vi. Vouching

Under the CEA, individuals who are not registered or do not possess acceptable identification at the time of voting must be administered exceptional procedures prescribed by the CEA in order to be permitted to vote by election officers present at the polling station. Among these procedures is vouching, a process in which an elector may prove his or her identity and residence by:

- taking an oath; and
- being accompanied by an elector whose name appears on the list of electors for the same polling division, who has proper identification pieces, and who vouches for him or her on oath.

Ms. Smith raised concerns regarding the fact that under current legislation, a voucher can vouch for one elector. She indicated that with the number of people who are currently seeking to limit their personal contacts, it may be difficult for people to be able to find someone willing to go out in public to vouch for them.<sup>174</sup> To alleviate this situation, she recommends that vouchers be allowed to vouch for more than one voter. She stressed that this change would be particularly helpful in long-term care homes, hospitals or other group settings.

## vii. Election period

Both Ms. Smith and Ms. Bergeron emphasized that a longer writ period would be beneficial to address the needs of voters with disabilities in the context of a pandemic. Ms. Bergeron indicated that a longer period would allow Elections Canada to put accommodations and communications schemes in place. Further, she pointed out that

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171 Ibid., 1335.

172 Smith, 1335.

173 Bergeron, 1335; and Smith, 1335.

174 Smith, 1255.

having multiple days to vote increase options regarding public transportation and allowed people to get support if needed.<sup>175</sup>

## **B. Residents of long-term care facilities**

### **i. Entry restrictions into long-term care facilities**

Donna Duncan, from the Ontario Long Term Care Association, and Jason Lee, from the Canadian Association for Long Term Care, told the Committee that the usual practice of establishing polling stations in long-term care facilities on election day for use by residents was not possible during COVID-19.<sup>176</sup>

This was because entry into the facilities by outside visitors must be restricted to only essential caregivers, due to the extreme vulnerability of residents to outbreaks of the novel coronavirus.

Mr. Lee stated that it is possible that an election worker could be categorized as essential workers in order to gain access to long-term care facilities. However, during the ongoing pandemic, it was not safe to have an election worker go from facility to facility to administer the vote.<sup>177</sup>

### **ii. Difficulties for residents temporarily leaving facilities**

Ms. Duncan and Mr. Lee agreed that it would not be feasible for long-term care residents to temporarily leave their facility in order to vote at an outside location.<sup>178</sup>

Among the reasons cited why residents could not be expected to leave their facility to vote were that:

- Non-medical absences from facilities are not possible in regions where COVID-19 cases are high;

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175 Bergeron, 1330.

176 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1110 (Donna Duncan, Chief Executive Officer, Ontario Long Term Care Association); and House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1105 (Jason Lee, Treasurer, Canadian Association for Long Term Care).

177 Lee, 1105.

178 Ibid; and Duncan 1110.



- Non-medical absences need to be approved by each facility based on a case-by-case risk assessment;
- Should an absence be approved, most facilities do not have staff support or capacity, or protective equipment, to take residents to a polling place to vote;
- Any facility staff member who could assist a resident would encounter an increased risk of transmission of COVID-19.<sup>179</sup>

### **iii. Alternative voting methods**

Mr. Lee told the Committee that during the New Brunswick provincial election, residents of long-term care facilities were given the option of voting by mail. However, he noted that this process was time-consuming and required that consultation and coordination begin early between Elections New Brunswick and long-term care facilities.<sup>180</sup>

Ms. Duncan stated that a process for voting where residents could remain in their facilities and would begin in advance of election day would be preferable.<sup>181</sup> She noted that voting using mail-in ballots or approachable forms of technology were desirable possibilities, and acknowledged that often the oldest formats for voting were the easiest formats.

### **iv. Stress and anxiety on staff and residents caused by COVID-19**

Ms. Duncan called to the Committee's attention that long-term care facilities in Ontario were experiencing significant staffing shortages that predated COVID-19, but have also been exacerbated by the pandemic.<sup>182</sup>

She also stated that voting mechanisms that allowed residents to vote from their facility would be preferred because COVID-19 had caused much fear and anxiety among residents and their family members.<sup>183</sup>

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179     Duncan, 1105; and Lee, 1110.

180     Lee, 1105.

181     Duncan, 1145.

182     Ibid., 1110.

183     Ibid., 1135.



## **v. Duration of election period**

Ms. Duncan told the Committee that her association preferred a shorter election period. She expressed concerns that a longer election period would lead to a prolonged period of demands on the staff at facilities.<sup>184</sup> Mr. Lee indicated that, provided adequate planning, forethought and communication occurred, his association did not have a preference to the duration of a campaign.<sup>185</sup>

## **C. Indigenous electors**

### **i. Structural disenfranchisement**

Ms. Amber Potts, from the Assembly of First Nations, recounted to the Committee the historical barriers to meaningful participation in Canada's democratic process endured by Indigenous people. She noted that these barriers had led to mistrust in the colonial systems of governance.<sup>186</sup> Further, Ms. Potts stated that the COVID-19 pandemic illustrated what is, in her view, a disconnect between federal, provincial, municipal and First Nations leadership as to who is responsible for determining safe practices within First Nations communities.

Ms. Potts said that First Nations leadership must have the jurisdictional authority to determine which matters are unsafe or unwelcome in their communities.<sup>187</sup>

### **ii. Barriers to Indigenous voters on reserve**

Ms. Potts told the Committee that fewer polling places are established on reserves.<sup>188</sup> Further, due to the remoteness of these polling places, Indigenous voters must travel long distances in order to vote.

She raised the concern that polling places on reserves must be adequately supplied with products and equipment to make voting safe for staff and electors. Further, Ms. Potts

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184 Duncan, 1140.

185 Lee, 1140.

186 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1200 (Amber Potts, Director of Policy and Research Coordination, Assembly of First Nations).

187 Ibid.

188 Ibid., 1205.



stated that preparation for the election and training of election workers must begin at the earliest feasible time.<sup>189</sup>

Further, Ms. Potts told the Committee that voting by mail was a good option. However, in her view, Elections Canada needed to communicate with Indigenous communities as early as possible about how the process for voting by mail worked and provide local support for registration. Ms. Potts noted that often, individuals who did not speak English as a first language needed support to “navigate the bureaucracy.”<sup>190</sup>

Moreover, the process for voting by mail needed to take into consideration that some Indigenous people live in communities with different address systems or unique housing and living arrangements.<sup>191</sup> This includes those who use post office boxes as their address. As such, the process needed to be clear and accessible.

### **iii. Barriers to voting by Indigenous elders**

Ms. Potts stated that the health and safety of elders was a critical concern when voting in-person at an election during the COVID-19 pandemic.<sup>192</sup> She indicated that elders may need support to get to a polling place, language assistance, and support in respect of possible disabilities.

### **iv. General recommendations**

Ms. Potts told the Committee that the Assembly of First Nations had published a report on Indigenous participation in federal elections.<sup>193</sup> She noted that the report contained recommendations about, among other things:

- implementing a self-identification option for Indigenous people during the hiring process at Elections Canada; and
- ensuring that election workers at polling places are adequately trained on acceptable forms of identification.

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189     ibid.

190     ibid., 1215.

191     ibid., 1200.

192     ibid., 1205.

193     ibid., 1200.

## DISCUSSION AND RECOMMENDATIONS

At the heart of the Committee’s study of the conduct of a federal election during the COVID-19 pandemic is the well-established right to vote that belongs to all Canadians. Even the onset of a global pandemic should not disenfranchise any eligible voter.

A federal general election held in the absence of the COVID-19 pandemic remains a very large, complex and difficult undertaking. Currently, many provinces and regions have, beginning around autumn 2020, seen the number of COVID-19 cases increase to levels approaching or exceeding levels measured in spring 2020. Mr. Perrault told the Committee that: “[a] national election is a logistical feat in the best of circumstances, and these are not the best of circumstances.”<sup>194</sup>

The Committee makes the following recommendations to the House of Commons in order to provide Elections Canada with the tools necessary to administer a safe and accessible election in the context of the COVID-19 pandemic. While the Committee is confident that Elections Canada has made the necessary plans and arrangements to deliver a safe and accessible federal election, the COVID-19 pandemic has dictated that legislative amendments will be necessary to facilitate this task.

### A. Recommendations from Canada’s Chief Electoral Officer

#### i. Extend the voting period

Adopting a two-day voting period over a weekend and reducing voting hours from 12 to 8 per day is highlighted as the key substantive change recommended by Canada’s CEO in his special report. The Committee heard from Mr. Perrault that holding elections over a weekend would increase access to a greater number of polling locations, enlarge the pool of potential election workers from which to recruit from and reduce crowding at polling places.

The advantages highlighted by the CEO seem to be supported by British Columbia’s experience during the 42<sup>nd</sup> general election. Indeed, the Committee heard from Mr. Boegman and Dr. Henry that holding the election on a Saturday allowed access

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194 Perrault, 1110.



to locations that would have been unavailable on a weekday and permitted the recruitment of election workers that would otherwise be working on election day.<sup>195</sup>

However, Ms. Bergeron indicated that moving election day from a Monday to a weekend could create difficulties in accessing public transportation to get to polling places. She suggested that one weekday and one weekend day be chosen instead.

The Committee is of the view that election day be extended to occur over a three-day period, including a Saturday, Sunday and Monday. The Committee wants to ensure greater accessibility to polling locations provided by the enhanced public transportation options typically available during the work week; accommodate the traditional voting routines of rural voters; and recognize that mail is not delivered over the weekend. Lastly, the Committee took into account that the disruption caused to days of religious observation by an election held on a weekend day would be lessened if the election day was held on both Saturday and Sunday. Therefore, the Committee recommends:

**That Elections Canada provide voting opportunities for three 12-hour long voting days, including Saturday, Sunday and Monday. While the committee recognizes the challenges for staff in a 12-hour work day, the Committee recommends that Elections Canada endeavour to shorten shifts by recruiting more poll workers so that the voting period can be extended without reducing the voting hours on any particular voting day below 12 hours.**

## **ii. Long-term care voting**

To address the particular needs of the vulnerable population in long-term care facilities, which may vary across regions, the CEO recommends in his report that he be authorized to prescribe the timing and manner in which voting would occur at long-term care facilities.

The Committee heard from provincial CEOs and health officers of the difficulties surrounding administering the vote in long-term care homes. Mr. Boegman told the Committee of the necessity of tailored voting options to address barriers to voting for particular groups, including voters in long-term home. The Committee heard from Ms. Poffenroth that a modified vote-by-mail option was used by Elections New Brunswick in long-term care facilities, and that vote by phone will be considered for the

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<sup>195</sup> British Columbia's electoral legislation was amended in 2019 to establish that election day must be a Saturday. See *Election Act*, R.S.B.C. 1996, c. 106., section 27.

future municipal elections. Finally, Mr. Garrity was able to administer the vote himself in the single long-term home in District 10.

Further, the Committee was told by Ms. Duncan and Mr. Lee that the usual practice of establishing polling booths in long-term care facilities would not be safe during the pandemic, and that it would not be possible for residents to leave their facility in order to vote. These witnesses emphasized that voting mechanisms allowing residents to vote from their facility would be ideal.

The Committee recommends:

**That Elections Canada must do everything in its power to protect the health and safety of seniors in long-term care and congregate settings, and when necessary, ensure that alternative voting methods are put in place;**

**That Elections Canada extensively consult with appropriate public health authorities and long-term care facilities to determine a safe and mutually-agreeable way to conduct the vote in those facilities. In recognition of the risk that election workers moving between facilities would pose, these consultations should begin as soon as possible. Elections Canada should consider identifying non-medical staff and volunteers for each facility that could be trained to assist long-term care residents obtain and submit their ballots in the event that an election is called during the pandemic;**

**That Elections Canada consider how rapid-testing of its employees may increase the safety of residents of long-term care facilities;**

**That the Chief Electoral Officer be authorized to strengthen voting procedures for the conduct of voting in long-term care facilities, taking into account local circumstances and the rules in force in Quebec and in each of the provinces; and**

**That as part of administering an election in long-term care facilities, Elections Canada workers be responsible for helping residents vote and collecting ballots using the same health measures as staff members in those facilities, so as to ensure safe voting and to prevent fraud or irregularities.**

### **iii. Adjusting the CEO's adaptation power**

In his report, the CEO recommends adopting temporary provisions that would supersede section 17 of the CEA to authorize necessary adaptations to the legislation within all areas of his mandate. The Committee heard from Mr. Perreault that the CEA currently



does not specify if he possesses the power to adapt the CEA where it is necessary for safety, health or security reasons.

All provincial CEOs that appeared before the Committee commented on their ability – or inability – to adapt their respective electoral legislation during the pandemic. Mr. Boegman told the Committee that his ability to vary from legislation was crucial to administer the latest general election, while Mr. Garrity indicated that he was able to bypass certain sections of the Election Act in cases of emergencies. In contrast, the Committee heard from Ms. Poffenroth that the prescriptive nature of New Brunswick’s electoral legislation limited her ability to respond to challenges related to the pandemic.

In Saskatchewan, *The Election Act Regulations* were amended to give the CEO the power to adapt any provision of the Act as necessary to reduce a health risk to the public. However, Dr. Boda told the Committee that his inability to change the voting process, which would have required change to the legislation, made it difficult to administer the election in some First Nations communities.

The Committee recommends:

**That the *Canada Elections Act* should be temporarily amended to explicitly allow for the Chief Electoral Officer to adapt the Act where it is necessary for safety, health or security reasons, in consultation with public health officials and the Advisory Committee of Political Parties, provided that reasons are given for each adaption and that these adaptations are publicly communicated along with the reasons.**

## APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<b>Elections Canada</b> Stéphane Perrault, Chief Electoral Officer Anne Lawson, Deputy Chief Electoral Officer Regulatory Affairs Michel Roussel, Deputy Chief Electoral Officer Electoral Events and Innovation	2020/10/22	4
<b>Elections New Brunswick</b> Kimberly Poffenroth, Chief Electoral Officer	2020/10/27	5
<b>Elections Prince Edward Island</b> Tim G. Garrity, Chief Electoral Officer	2020/10/27	5
<b>Government of British Columbia</b> Dr. Bonnie Henry, Provincial Health Officer Ministry of Health	2020/10/29	6
<b>Public Health Agency of Canada</b> Dr. Barbara J. Raymond, Executive Medical Advisor Vice-President's Office, Infectious Disease Prevention and Control Branch	2020/10/29	6
<b>Elections British Columbia</b> Anton Boegman, Chief Electoral Officer	2020/11/03	7
<b>Elections Saskatchewan</b> Dr. Michael Boda, Chief Electoral Officer	2020/11/03	7
<b>Government of New Brunswick</b> Dr. Jennifer Russell, Chief Medical Officer of Health Ministry of Health	2020/11/05	8

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Government of Saskatchewan</b> Dr. Saqib Shahab, Chief Medical Health Officer Ministry of Health  Dr. Denise Werker, Medical Health Officer Ministry of Health	2020/11/05	8
<b>Assembly of First Nations</b> Amber Potts, Director of Policy and Research Coordination	2020/11/12	9
<b>Canadian Association for Long Term Care</b> Jason Lee, Treasurer	2020/11/12	9
<b>Canadian National Institute for the Blind</b> Diane Bergeron, President CNIB Guide Dogs, Vice-President, International Affairs, CNIB Foundation	2020/11/12	9
<b>Council of Canadians with Disabilities</b> Jewelles Smith, Past Chairperson	2020/11/12	9
<b>Ontario Long Term Care Association</b> Donna Duncan, Chief Executive Officer	2020/11/12	9



## APPENDIX B LIST OF BRIEFS

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The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

**Canadian National Institute for the Blind**



## 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. 4 to 9 and 14 to 16](#)) is tabled.

Respectfully submitted,

Ruby Sahota  
Chair



## **LIBERAL PARTY OF CANADA SUPPLEMENTARY OPINION: CONDUCT OF A FEDERAL ELECTION DURING THE COVID- 19 PANDEMIC**

The Liberal Party of Canada believes that the health and safety of Canadians remains the top priority in the event of an election during the COVID-19 pandemic, and that Elections Canada must take into consideration the regional and local nature of COVID-19 outbreaks.

We highlight that COVID-19 has had a tragic impact on long-term care (LTC) residents and has exposed long-standing vulnerabilities within the system of LTC.

The Liberal Party of Canada believes that all efforts must be taken to protect the health and safety of those living in LTC, while protecting their right to vote.

In order to avoid the potential spread of COVID-19 into LTC, we recommend that Elections Canada limit the number of Elections Canada staff (including employees and volunteers) from entering LTC homes. As a result, we strongly recommend that Elections Canada promotes alternative and remote voting methods for LTC and other congregate settings.

In addition, we strongly recommend that facilitating the vote in LTC homes should not become the responsibility of the already overburdened LTC staff.



# **SUPPLEMENTARY INTERIM REPORT FROM THE CONSERVATIVE PARTY OF CANADA REGARDING THE CONDUCT OF A PANDEMIC ELECTION**

## **Introduction**

Throughout the COVID-19 pandemic, Conservatives have sought to work collaboratively with the government to make sure that Canadians stay safe and healthy. We have also pushed the government to improve its pandemic response with regards to rapid-testing, vaccine procurement, and economic recovery for Canadian businesses and workers. With all that Canadians are facing, the last thing they should have to worry about is their government calling an unwarranted snap election.

As the above interim report indicates, conducting an election in the midst of the COVID-19 pandemic would be a challenging task with certain inherent risks involved. We appreciate the insight gained from the provincial elections that have been held during the pandemic, as well as the concerns voiced by advocacy groups that appeared before the committee. We have used their testimony to inform this supplementary report, and our associated recommendations.

It is unfortunate that the Liberal government has chosen to ignore the testimony of the many witnesses that appeared, and introduce its own legislation, without waiting to receive the interim report from the Committee. This clearly demonstrates the government's disdain for the Parliamentary process, and its desperation to avoid accountability. The Prime Minister used the study of a pandemic election to avoid a study on the reasons for the government's shutdown of Parliament through August's prorogation. The Prime Minister knew his government would be introducing legislation before the committee had a chance to make any recommendations on a pandemic election, therefore completely bypassing any constructive advice offered by the many expert witnesses.

All of this was done to avoid a study demanded by Conservative members of the committee that would have held the government accountable for its needless prorogation. Instead of answering difficult questions regarding the Prime Minister's cover up of his ethical scandals, the government chose to waste the time, not only of the committee, but also of the many expert witnesses who appeared, including officials from Public Health Agency of Canada, the Public Officer of Health for British Columbia, the Chief Medical Health Officer of Saskatchewan, and the Chief Medical Officer of Health of New Brunswick. These officials are needed at their posts now more than ever, and it is absolutely shameful that the government chose to take them away from the important work of protecting Canadians for political purposes. We sincerely regret and wish to apologize that the committee asked them to step away from their incredible responsibilities to provide us with their thoughtful advice when, in hindsight, the Liberals sent them and this Committee on a fool's errand all autumn.

## **Extending the Voting Period and Mail in Ballots**

Conservatives appreciate the feedback gained from the Chief Electoral Officer (CEO) and his suggestions regarding how to ensure a pandemic election is safe and fair, while taking into account certain modifications that reflect the public health realities of the pandemic.

Conservatives agree that adopting a three-day voting period is wise for the reasons expressed in the report. We also recognize that it may be necessary to consider using the longest allowable election period (51 days) in order to protect the health and safety of all Canadians during this period. Additionally, we understand the emphasized role that mail-in ballots will have if a pandemic election is called by the government.

That is why we agree with the Committee's adoption of the CEO's recommendation to allow for voting over a multi-day period. We agree with the Committee's slight alteration to the CEO's initial recommendation that will ensure that the final day of the voting period is a Monday. Not only does this reflect the testimony received by multiple witnesses with regards to having voting take place on both weekdays and weekend days, but it also allows Canada Post to deliver any ballots received over the weekend to Elections officials.<sup>1</sup>

However, we disagree with the CEO's recommendation to allow mail-in ballots to be received a full 24-hours following the close of polls. We believe that in order to ensure election results are not delayed, and to guarantee that Canadians' confidence in our election system remains uncontested, that all ballots, including mail-in ballots, must be received by Elections Canada officials by the close of polls on the final day of the voting period. One needs only to look at the recent American election to recognize that delays in election results lead to heightened pressure on election workers, and anxiety for citizens. In any event, if voting concludes on a Monday, as recommended by the Committee, it would render moot the original concern which motivated the CEO's recommendation in the first place.

Finally, given the likely surge in demand for mail-in voting and in order to ensure that candidates have access to appropriate information regarding voter turnout, we recommend that Elections Canada commit to providing regularly updated information with regards to the distribution of mail-in ballots, the electors who are receiving them, and any completed mail-in ballots that have been returned to Elections Canada. This will ensure that candidates receive comparable information with regards to mail-in voting, as would be available for conventional voting methods through Sequence Number Sheets (bingo sheets).

## **Protecting our Seniors in Long-Term Care**

Canadian seniors have borne tremendous stress over this pandemic – particularly those living in Long-Term Care facilities. Conservatives are committed to ensuring the rights of our seniors in Long-Term Care are respected, and that these seniors have the resources they need to

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<sup>1</sup> House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1335 (Ms. Diane Bergeron, Canadian National Institute for the Blind).



participate fully in our democracy and exercise their democratic right if a pandemic election is called.

Instead of exploring brand-new, untested voting methods, we recommend that the government step up its efforts to secure rapid-tests and vaccines in order to supply Elections Canada with the resources it needs to flexibly adapt existing voting methods in Long-Term Care facilities. This adaptation would be done in direct consultation and collaboration with Long-Term Care facilities and public health officials to determine a mutually-agreeable process that could involve ensuring anyone entering these facilities has been vaccinated, tests negative for COVID-19, and has appropriate PPE to protect themselves and our seniors.

When he appeared before committee, the CEO stated that, “A national election is a logistical feat in the best of circumstances, and these are not the best of circumstances.”<sup>2</sup> Conservatives agree wholeheartedly with this statement and recognize the massive organizational challenges a pandemic election would create. That’s why we believe that introducing sweeping new methods of distributing mail-in ballots or an untested vote-by-phone system, as suggested by some witnesses, would place unreasonable pressure on public servants, who will already be under immense pressure.<sup>3</sup>

## **CEO Adaptation Power**

The CEO and Elections Canada have been conducting federal elections since their creation in 1920.<sup>4</sup> Over the last century, Elections Canada and the CEO have served Canadian democracy. With the collaboration of Parliament, these institutions have also built up institutional knowledge that helps to inform their work. Conservatives acknowledge Elections Canada and the CEO’s capacity to conduct a federal election, even with the challenges posed by the COVID-19 pandemic.

The CEO has already displayed foresight regarding likely challenges he will face with regards to a pandemic election, and has proposed solutions to overcome these challenges. To provide greater clarity, and to ensure that Canadians have access to specific information about how a potential election might impact their ability to vote, Conservatives are recommending that the CEO proactively provide more extensive information on the unique obstacles for which he expects his adaptation powers would need further expansion. We believe that his ability to

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<sup>2</sup> House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 4, 22 October 2020, 1110 (Mr. Stéphane Perrault, Chief Electoral Officer)

<sup>3</sup> House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1255 (Ms. Jewelles Smith, Past Chairperson, Council of Canadians with Disabilities)

House of Commons, Standing Committee on Procedure and House Affairs, [Evidence](#), 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 9, 12 November 2020, 1300 (Ms. Diane Bergeron, National Institute for the Blind)

<sup>4</sup> <https://www.elections.ca/content.aspx?section=abo&dir=100/com&document=index&lang=e>

anticipate these challenges can overcome the need for uncapped expansions to his existing powers, and that Parliament can help provide input to these decisions.

To enhance transparency and accountability, we recommend that this list of considerations be tabled in Parliament for review and approval. For any unforeseen adaptations which go beyond the scope of the lists approved or which are required after Parliament has been dissolved, we would go one step further than the Committee has recommended on consultation and vest approval authority in the Advisory Committee of Political Parties, as established under Section 21.1 of the *Canada Elections Act*, is an as the appropriate body to evaluate and approve these decisions, with the input of public health officials.

## **Conclusion**

Conservatives agree substantially with this interim report and its recommendations to make modifications to our elections if Canadians must head to the polls before this pandemic is over. However, we will remain vigilant in approaching the final report to ensure that Canadians—and especially senior Canadians—will still be able to exercise their franchise while avoiding an embrace of experimental voting methods or other needless changes to the democratic process we all know well.

Conservatives have been listening to Canadians and know that they are under tremendous pressure. They are doing their best to keep their families safe and healthy despite the ravages of the pandemic. Unfortunately, the government has already, on multiple occasions, threatened to send Canadians to the polls, risking their health and safety, instead of answering questions about the failed elements of their pandemic response, or their ethical scandals.

While it is logical for this study to be held given there is a minority government, it should not be taken as license for the Prime Minister to call an early election. To protect Canadians, we are recommending that the government make the simple commitment to work collaboratively with the Opposition Parties. Conservatives will continue to demand accountability from this government, while also seeking to maintain the stability Canadians desperately need to get them through this pandemic.

Unfortunately, the Liberals' track record during this pandemic has left Canadians apprehensive about the future. Not only has the Liberal government failed to deliver on rapid tests, procure vaccines, or develop any real plan for economic recovery; but they have also already threatened to force an election to cover up their ethical scandals, regardless the risks such an election would entail.

As noted above, we also know that the government has chosen to table its own legislation, completely dismissing the work of the committee. It is disappointing, but not surprising, that the government would again seek to avoid accountability by wasting the time of public health officials, during a pandemic, only to carve out its own path regardless of the advice of expert scientists and stakeholders.

Conservatives will continue to demand concrete action to help Canadians get through this pandemic and rise above the bully politics of this Prime Minister.

## **APPENDIX: RECOMMENDATIONS**

1. We recommend that Elections Canada develop a task force responsible for extensively consulting with Long-Term Care Homes to determine a safe and mutually-agreeable way to conduct the vote in Long-Term Care Homes; that these consultations include both national and regional stakeholders; and that these consultations include a consideration of how rapid-testing of Elections Canada employees may increase the safety of residents of Long-Term Care Homes.
2. We recommend that the Government commit to making rapid tests available to Elections Canada for the purpose of conducting an election during the COVID-19 pandemic.
3. We recommend that Elections Canada provide a list of expected situations where it would require an expansion to the Chief Electoral Officer's adaption power, as well as a list of actions that would remain prohibited under the expanded adaption power, and that these lists be tabled before Parliament for review and approval, and that any unanticipated adaptations require the approval of the Advisory Committee of Political Parties struck under section 21.1 of the Canada Elections Act.
4. We recommend that Elections Canada ensure all voting locations are accessible for those living with disabilities, and that alternative methods of voting, such as mail-in ballots, are adequately accessible for electors who do not wish to leave their home.
5. We recommend that Elections Canada only receive ballots until the close of polls on election day and that any ballots received after the close of polls on election day not be counted.
6. We recommend that Elections Canada outline a plan to reconcile the number of special ballots received during the course of the election with the number of special ballots distributed, and that up-to-date information on who has received mail-in ballots be made available to candidates throughout the election.
7. We recommend that in addition to outlining the safety measures at polling places, the Elections Canada's planned communication campaign include specific guidance for those living with vulnerabilities to COVID-19 and extensive information on mail-in voting.

## **SUPPLEMENTARY OPINION OF BLOC QUÉBÉCOIS**

In this period of the COVID-19 pandemic and in the context of a minority government, it is clear that a federal election could be called at any time during the coming months. Faced with this eventuality, it is essential to ensure that a federal election can be held in a safe manner, in compliance with the rules and directives established by Québec's and provinces' public health authorities. Both voters' health and fundamental right to vote should then be protected.

From the outset, the Bloc Québécois deplores the fact that the Liberal government has already tabled a bill to amend the Canada Elections Act in response to COVID-19 before tabling this report. The Bloc Québécois maintains that the government should have, at the very least, informed the Committee that it was already working on the bill and taken into consideration the opinions of the members of the Committee. This would have demonstrated basic respect for the witnesses who so generously appeared before the Committee, for the members of the Committee itself, as well as for the staff of the House of Commons who worked hard to carry out this study.

This once again confirms that the Liberal government, although in a minority position, is trying to conduct its work without considering other parliamentarians who nevertheless represent a majority of Quebeckers and Canadians.

Regarding this report, the Bloc Québécois agrees with most of the Committee's recommendations but believes that certain issues deserve to be put forward.

During the Committee's deliberations, Stéphane Perrault, Chief Electoral Officer of Canada (CEO), gave an enlightening testimony on the fact that the Canada Elections Act (Act), in its current version, allows various mechanisms to modify certain electoral procedures in response to the pandemic. However, in order to reduce the risks for the voters in the event of a federal election being called, the powers granted to the CEO by the Act are not sufficient to make all necessary changes.

In fact, in his special report, tabled in the House of Commons last October, the Chief Electoral Officer clearly states that for an election to take place in a safe manner, in full compliance with the recommendations and directives of the provincial public health authorities, temporary additional legislative provisions are required in the Act.

To this end, the CEO made the following recommendations:

Measure 1: replace the polling day fixed on a Monday by a two-day polling period, corresponding to a Saturday and a Sunday, and increase the voting hours by reducing them from a 12-hour day to 16 hours spread over two days;

Measure 2: authorize the Chief Electoral Officer to determine when and how the voting will take place in long-term care facilities;

Measure 3: modify the power of the Chief Electoral Officer so he can adapt the Act when an emergency situation arises in order to give him greater leeway in facing the pandemic (or any other major unforeseen event).

The Bloc Québécois agrees with these recommendations and considers that the demands of the Chief Electoral Officer are essential to the safe conduct of an election. We are satisfied with the work of the Committee about the recommendations that have been adopted to address the concerns of the CEO expressed in measures 2 and 3.

However, we would like to point out that the Committee did not retain several of the elements in the CEO's first measure. In our opinion, it appears important to modify the Monday polling day in order to replace it with a period of two (2) consecutive days of eight (8) hours, that is to say a Saturday and a Sunday, in order to increase the attendance.

This temporary change in the law offers several advantages.

First, holding polling days on Saturday and Sunday would make a greater number of establishments accessible to offer a satisfactory surface area to guarantee the application of the physical distancing rule for voters.

Second, holding polling days on Saturdays and Sundays would help recruit enough people to work in polling stations and prevent the risk of worker shortage. In fact, more than half of the people who usually work for Elections Canada on polling days are over sixty years old. These people are considered to be most vulnerable to the Covid-19 virus and could legitimately decide not to volunteer during the pandemic.

On the other hand, adding Monday as a third day of voting seems excessive to us. According to a survey conducted by Elections Canada, between 4 and 5 million voters could use alternative ways to vote during the pandemic, particularly by mail. We would also like to point out that electors can vote on advance polling days that normally take place over four (4) consecutive days, thus offering the option of

voting during the week. In addition, electors can vote at any time during the campaign by going to their respective polling station, according to their availability.

In the 2019 election, Elections Canada reported that 4.7 million citizens voted early, up 29% from 3.6 million early voters in 2015<sup>1</sup>. Thus, the service offer of two (2) eight (8)-hour polling days on Saturday and Sunday, combined with four (4) advance polling days and the option of voting by mail, seems quite adequate to us, in terms of meeting the needs of voters.

The Bloc Québécois is pleased that the Committee has adopted its position concerning the tightening of the conditions for the conduct of votes in long-term care establishments by considering local circumstances in Québec and in the provinces. Permitting residents in long-term care facilities to exercise their right to vote safely and without being the victim of irregularities is a priority for the Bloc Québécois. That is why we have suggested that staff members trained by the CEO be on site to collect the ballots and ensure that voting guidelines and sanitary measures are properly applied for the safety of the voters.

On the other hand, it is unfortunate that the recommendation from the Bloc Québécois to broaden the powers of the Chief Electoral Officer to adapt the provisions of the law in the exceptional circumstances of a pandemic, other than those related to the exercise and counting of the votes, have not been taken into account. Our proposition to expand the temporary changes to the law would:

- Allow candidates to collect signatures in support of the nomination paper electronically to avoid door-to-door or solicitation of signatures in public places;

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<sup>1</sup> <https://www.rcinet.ca/fr/2019/10/16/vote-anticipation-record-elections-federales/>



- Broaden recruitment among young people aged 16 to 18 in order to prevent the shortage of workers expected by the withdrawal of people aged 60 and over because of the risks associated with the pandemic;
- Assign workers from neighboring constituencies in the event of a shortage of personnel for a constituency.

Finally, the Bloc Québécois concludes this report insisting on the fact that it is unacceptable that the government tabled a bill to amend the Canada Elections Act in response to COVID-19 even before the final committee report was tabled. Despite the lack of consideration on the part of the Liberal government, the Bloc Québécois intends to continue the discussions in committee so that the report's recommendations consider the various testimonies.



## **SUPPLEMENTARY OPINION OF THE NEW DEMOCRATIC PARTY OF CANADA**

It is clear that an election during the pandemic risks disenfranchising many Canadians. The best way to avoid the complications of the pandemic for a federal election is not to have an election during the pandemic.

This requires that parliamentarians work hard to find acceptable and appropriate compromises. It requires a government that recognizes it does not have a majority, that it must compromise to make progress and that opposition members have an important and legitimate job to do in holding the government to account. It requires opposition parties to not only criticize, but provide constructive proposals for moving forward, and to avoid some of the more extreme forms of hyperbole that often come with politics.

While New Democrats are committed to doing our part to make this parliament work, we recognize that many of the variables in that equation are beyond our control. We must be prepared for the possibility of an election during the pandemic.

That is why New Democrats reached out to the other parties in June 2020 to propose a study of these issues. While we are pleased it did eventually get underway, we would have preferred to see it begin sooner.

New Democrats support the recommendations of the interim report and would add the following recommendations, so that they may be considered by the government sooner than later as we try to develop a framework for a safe and healthy election, should one be called during the pandemic, that protects the right and ability of every Canadian to vote:

1. In the event of a pandemic election, the maximum writ period allowable under legislation should be adopted, so as to provide Elections Canada as much time as possible to prepare the proper administration of the election.
2. Elections Canada should make vote-by-mail as accessible as possible, including by adopting an application process that includes, but is not limited, an on-line component.
3. An on-line-only application procedure would put voting by mail out of reach for too many Canadians, many of whom already face barriers to participation in elections. Registration for voting by mail should be available in-person and by phone, in addition to on-line. Elections Canada should consider partnering with Canada Post to make in-person registration at postal outlets possible.
4. In recognition of the fact that many people continue to live and work on campus, Elections Canada should maintain polling locations on university and college campuses.
5. Elections Canada should, without delay, consult with Canada's disability stakeholder organizations in order to create a list of accommodations it can deliver to people living with disabilities to help them overcome long-standing barriers to

their exercise of the vote, as well as new challenges that would arise in the case of a federal election held during a pandemic.

6. Elections Canada should, without delay, establish a team to reach out proactively to Canada's Indigenous communities to engage with them about the challenges they may face during a pandemic election, how to establish a polling station in their community if they wish to, including the question of providing training to people in the community who want to work as election staff, and how to facilitate mail-in voting.
7. The Advisory Committee of Political Parties, established under section 21.1 of the *Canada Elections Act*, ought to begin meeting immediately for the purpose of establishing guidelines for campaigning that are consistent with the best public health advice and, to the greatest extent possible, mutually acceptable to as many of Canada's registered political parties as possible.