



## **Annual General Meeting of the Advisory Committee of Political Parties**

**October 11–12, 2012  
Gatineau, Quebec**

### **MEETING SUMMARY**

This summary follows the same order as the annual general meeting agenda. The objectives of the meeting were to:

- Review Elections Canada's activities over the last year;
- Provide information and seek feedback on the agency's plans and activities leading up to the 42nd general election; and
- Identify opportunities for Advisory Committee of Political Parties (ACPP) engagement over the coming year.

#### **Introductory Remarks and Report by the Chief Electoral Officer**

The Chief Electoral Officer (CEO) introduced Sylvain Dubois, the new Deputy Chief Electoral Officer of Political Financing, and thanked François Bernier, who is retiring, for his years of service. He then presented an overview of key activities since June 2011 and upcoming initiatives.

#### **Appearances and Legislative Reform**

The CEO noted that he has appeared before House and/or Senate committees on six occasions over the last year. He highlighted legislation of interest to Elections Canada that has received Royal Assent or is currently before the House, including:

- Bill C-13: *An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011 and other measures*. Part of the bill amended the *Canada Elections Act* (CEA) to phase out quarterly allowances to registered parties.
- Bill C-20: *An Act to amend the Constitution Act, 1867, the Electoral Boundaries Readjustment Act and the Canada Elections Act*. The bill readjusted the number of members of the House of Commons and resulted in 30 additional seats (for a total of 338 ridings). It also resulted in technical amendments, such as reducing Elections Canada's implementation period after the proclamation of the representation order from 12 months to seven.

- Bill C-7 – *An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits (Senate Reform Act)* is still before the House. It proposes 10-year limits for Senate terms and recommends senators be chosen from a list of nominees submitted by a provincial/territorial government.
- Bill C-21 – *An Act to amend the Canada Elections Act (accountability with respect to political loans)*, which received second reading last week, was approved in principle and referred to the Standing Committee on Procedure and House Affairs (PROC). The CEO noted he will be appearing before PROC on October 23, 2012.

In response to a question about Bill C-21, the CEO noted that a report was not yet available; however, following his appearance on October 23, a transcript of PROC's proceedings will be available. He also noted that PROC is likely to hold hearings wherein the public may make remarks.

## Upcoming Reports

The CEO intends to submit a number of reports to PROC. These include:

- A consolidated report on the **evaluations of the 41st general election**. This report will share Elections Canada's assessment of the experience of voters and political entities in the last general election, as well as the agency's performance in administering the election. It will be published before Christmas and ACPP will be advised.
- A report on **communications with electors by political entities** (which addresses some issues around "robocalls") by the end of March. It will present issues and recommendations arising from alleged improper communications received by electors during the 41st general election, highlight investigative challenges, and suggest potential legislative or regulatory changes that could assist in preventing similar conduct or facilitate enforcement.
- A report expected in April 2013 outlining **recommendations to improve compliance with standards and procedures on voting day**. This report will address issues raised in Etobicoke Centre and will be further discussed at the meeting, along with feedback that will be sought from ACPP members.

## By-elections

The CEO noted the by-election that was held in Toronto–Danforth (Ontario) in March 2012 and the three vacancies in the House of Commons (Victoria, British Columbia; Durham, Ontario, Calgary Centre, Alberta). The Calgary Centre by-election must be called by December 4, 2012. Depending on the results of the Supreme Court of Canada decision, there is the potential for a fourth in Etobicoke Centre. By-elections are often used to pilot new initiatives, and the impending ones will be used to pilot a quality control initiative for registration and voting procedures on ordinary and advance polling days prior to the 2015 general election.

## **42nd General Election: Administrative Improvements**

The CEO noted that several improvements for the 42nd general election will be discussed later in the meeting. The focus will be on improving services to electors and political entities, as well as increasing the agency's administrative efficiency. The CEO highlighted the need for fiscal restraint and consideration of the timing of the next election. Many of these planned initiatives were also discussed with PROC members who visited Elections Canada recently. The CEO noted that the agency has identified April 2015 as its general election readiness date.

### ***Discussion***

In response to a question regarding a potential change in the timing of the next general election, the CEO clarified that Elections Canada has no information in this regard and that it is up to the Prime Minister and provincial premiers, who may decide to modify current election dates.

### **E-Registration update**

The CEO noted that in April 2012, Elections Canada launched Phase 1 (outside an election) of its online voter registration service (e-registration). He invited members to test the system and advise Elections Canada if they encounter any issues. The service offers to Canadians an additional and convenient way to check whether they are registered to vote and update their address. To date, the service has processed over 8,000 successful transactions, 83% of which were registration confirmations. As the CEA requires a signature and/or documentary proof for most new registrations and for address changes between electoral districts (EDs) during an election, legislative changes are required in order to allow for the full range of e-registration services. The CEO noted that the required legislative changes have been recommended and endorsed by PROC, and Elections Canada is awaiting the government's response. Elections Canada plans to offer the service during the 2015 general election.

### **Advertising/Sponsorship Sold by Political Entities**

The CEO noted that over the last year, there have been a number of regulatory issues where Elections Canada has needed to clarify its position, including how the agency will treat sponsorships and advertising sold by political entities at political events, such as annual conventions. The CEO noted that the sale of advertising space by political entities at political events blurs the line between commercial transactions and political contributions and may be perceived as an attempt to avoid the restrictions on contributor eligibility and contribution limits. Internal gatherings of parties, associations and their members do not constitute a commercial market, and advertising directed at them serves the same purpose as contributions. This would not apply where a true commercial market exists – for example, if a party that owns a building rents billboard space on the building. In that case, the market at which the advertising is directed is the general public.

## **Discussion**

Several questions were raised regarding the rules for advertising at political events, including whether a company selling its products in this forum would similarly be treated as a sponsor, and whether a party that obtained a fair-market value assessment for potential advertising would be subject to the same interpretation of sponsorship. The CEO reinforced Election Canada's position that all instances of advertising at political events would be treated as sponsorship, and thus as a contribution, as the audience for these events is essentially restricted to party members. An inability to define what constitutes "fair market value" was one consideration in adopting a broad approach to this term. Should a party have commercial assets that lend themselves to advertising to the general public, those instances may be interpreted differently.

A question was asked about revenues obtained from website advertising, such as Google advertisements on a party's website. The CEO noted that if there is public reach through the website, then the commercial value of the advertising would have to be assessed.

The CEO noted that, as in the past, Elections Canada is willing to provide advice to any party in advance of them undertaking activities that may be deemed advertising/sponsorship. He noted that additional information will be included in forthcoming handbooks.

## **International Electors and the Five-year Registry Rule**

The CEO noted that, with some exceptions, Canadians residing abroad are only authorized to vote in an election if they have been residing outside Canada for less than five consecutive years immediately prior to applying to vote. Two electors whose names have been removed from the International Register of Electors have filed an application challenging this decision on the basis that the five-year rule violates the right to vote protected by the *Canadian Charter of Rights and Freedoms*. This application is proceeding before the Ontario Court of Appeal, and Elections Canada is awaiting a ruling to determine how it will move forward.

## **Canada's Democracy Week**

The CEO highlighted Canada's Democracy Week, which Elections Canada organized for the second consecutive year. The week is an annual civic education initiative that brings together multiple partners to engage Canadians, and youth in particular, in learning about democracy and the electoral system. There was a particular focus this year on engaging teachers and hosting interactive workshops with high school and post-secondary students on democratic engagement, civic education and active citizenship. The CEO highlighted some of [Elections Canada's research](#), including data that show only about one third of youth aged 18–25 vote, and that youth who do not vote when they become eligible are less likely to vote in the future. This trend is of concern to the agency. In conjunction with the Public Policy Forum, Elections Canada recently held a workshop with stakeholders from across the country to discuss ways to address the issue of youth civic engagement, specifically youth voter turnout; members are invited to consult the [event's report](#). The CEO also encouraged political parties

to consider how they can get further involved in addressing the situation and invited them to contact Elections Canada with any ideas.

### ***Discussion***

The topic of youth participation and recent trends (such as those around the Quebec provincial election) generated extensive discussion, with many members expressing support for Elections Canada initiatives in this regard. Some members felt that the current voting system, the timing of some elections, and the targeting of particular demographics at the exclusion of others during election campaigns alienates young electors.

In response to questions about research in this area, the CEO noted the [National Youth Survey](#) conducted by Elections Canada, which is available on the website. He also noted that the trend of declining participation is not unique to Canada, with many Commonwealth countries experiencing similar declines; a workshop will be held in February with Commonwealth countries to explore trends and potential solutions. Work is also ongoing with Canadian partners in this regard to target both teachers and young voters directly. The CEO highlighted curriculum jointly developed with Elections Ontario and a new voters' guide developed with the Library of Parliament.

### ***Follow-up item***

Elections Canada will compile and circulate a summary of research on youth participation, with links to relevant reports.

## **1) Electoral Boundary Readjustment Process**

François Faucher (Senior Director, Electoral Redistribution) gave an update on the electoral boundary readjustment process. A copy of the presentation was provided.

### ***Discussion***

Several questions were raised regarding the timing and process for the registration of electoral district associations (EDAs) under the new boundaries:

- Under which name should an EDA register?
- Can multiple EDAs be registered in the same riding?
- Will each EDA need to be re-registered individually?
- What are the political financing implications?
- What assistance will Elections Canada be able to provide in this process?

Stéphane Perrault (Deputy Chief Electoral Officer, Legal Services) indicated that new EDAs should register now under the existing riding name, and Elections Canada can provide assistance in the re-registration process later. He indicated that the CEA does not address the issue of multiple EDAs within the same riding. Elections Canada will need to discuss the issue of re-registering individual versus multiple EDAs.

Questions were raised regarding how parties are advised when each commission's report has been tabled in Parliament (which triggers the 30-day period for objections to be filed by members of Parliament) and what oversight mechanism exists to ensure the 30-day period is respected. Mr. Faucher noted that Elections Canada is not involved in that process. He further noted that as each report is received, digital maps of the proposed new boundaries will be made available to political parties; however, this is not an indication that the report has been tabled. Elections Canada committed to advising parties as each report is tabled in Parliament.

In response to several questions and comments, it was clarified that the number of representations made to commissions (2,087) includes those made by people who requested to appear and does not include written submissions. Written submissions made in lieu of appearing are read aloud by the commissioner during the hearing. Often, there are written transcripts for hearings, and these can be made available upon request. Concern was expressed regarding the timing of the commission's hearings in Quebec, which took place during the provincial election, potentially limiting representations. A request made to the Quebec Commission to delay them was not accepted. The CEO indicated that the commissions are dealing with strict statutory deadlines and may not have been able to honour requests. He added that post-mortems will be held with the commissions after the redistribution exercise, to discuss any issues.

In response to comments regarding the allocation of new seats, the CEO indicated that neither Elections Canada nor the commissioners have jurisdiction regarding the number of seats or provincial allocation; their role solely pertains to distribution within provinces.

### ***Follow-up items***

- Elections Canada will provide further information regarding the timing and process for the registration of EDAs under the new boundaries.
- Elections Canada will advise ACPP by e-mail when electoral boundaries commissions' reports are tabled in Parliament.

## **2) Contested Elections and the Role of Elections Canada**

Stéphane Perrault gave a presentation on contested elections and Elections Canada's role. A copy of the presentation was provided to participants.

## ***Discussion***

In response to questions, Elections Canada clarified some facts pertaining to the Etobicoke Centre contestation:

- The number of polling day registrations was not atypical;
- There was no suggestion of fraud in the riding; the contestation is based strictly on procedural matters;
- The decision to limit the contestation to 10 polls (out of a possible 200) was that of the applicant; and
- The Supreme Court of Canada typically releases its decisions within six months; however, there is no maximum time frame.

The CEO noted that the reliance on over 200,000 temporary staff who work for a 15-hour day after receiving only 2.5 hours of training is one of the main challenges in ensuring all procedural requirements are met. One way Elections Canada is looking to address this is by redesigning the voting process on polling day.

Elections Canada also clarified its role and that of the Commissioner of Canada Elections, in the context of contested elections:

- Elections Canada's mandate is to remain neutral in any contested election. It will assist the Court by providing information at the request of parties to the litigation, or at the request of the Court. It is neither the CEO's nor the Commissioner's mandate to actively contest elections.
- A court order, as was obtained in the case of Etobicoke Centre, is required to unseal poll bags and provide information to an applicant.
- Without a court order, Elections Canada (or the Commissioner) will only provide publicly available information (as was the case for information requested by the Council of Canadians).

### **3) Introduction of the Commissioner of Canada Elections**

The CEO introduced Yves Côté, who was named Commissioner of Canada Elections in June 2012. The Commissioner then addressed members, highlighting the following:

- The Commissioner is non-partisan and, in the exercise of his discretion, operates completely independently from Elections Canada; the determination of what matters to pursue and the method used are solely at his discretion. Treating every complaint fairly,



maintaining public confidence in the system and acting to increase compliance with the electoral system are paramount.

- A fundamental aspect of the Commissioner's role is to preserve the integrity of the system and confidentiality of investigations; consequently, the Commissioner does not comment on ongoing investigations. The Commissioner, however, will be exploring ways to keep the public better informed regarding the complaints received by his office and how they are dealt with.
- The level of resources at the Commissioner's disposal is excellent. Lengthy investigations are typically the result of complex issues and technical processes that are often time consuming.

### ***Discussion***

Much of the discussion focussed on describing the requirements and authority for intervention by the Office of the Commissioner of Canada Elections. Further to questions, the Commissioner and CEO clarified that the only mechanism provided by the CEA to contest election results is an application by an elector to the court; neither Elections Canada nor the Commissioner has that authority. However, an elector can request an investigation by the Commissioner, and Elections Canada may similarly refer matters to the Commissioner's Office for investigation (e.g. political financing irregularities). Based on the findings of an investigation, the Commissioner may then pursue the matter further (e.g. a caution letter, a compliance agreement, referral to the Director of Public Prosecutions, etc.)

## **4) Compliance with Procedural Requirements on Voting Day**

Rennie Molnar (Deputy Chief Electoral Officer, Electoral Events) gave a presentation on Elections Canada's plans to address compliance with voting day procedures. A copy of the presentation was provided to participants.

Elections Canada has engaged Harry Neufeld, independent consultant and former Chief Electoral Officer of British Columbia, to investigate causes and possible solutions to the issue of non-compliance with voting day procedures. As part of this process, Mr. Neufeld is seeking representatives from political parties to participate in a one-day workshop on November 15 in Ottawa and to comment on research findings and an interim report during the period following the activity. Political parties were asked to nominate one technical expert per party to participate in this Technical Experts Group.

### ***Discussion***

In response to questions and comments, several aspects of the compliance review process and short-term plans for upcoming by-elections were clarified:



- While by-elections do not offer the same environment as general elections, they do provide an opportunity to test new measures to increase compliance.
- Typically, when an elector registers on polling day, an entry is made in the poll book and the reconciliation with the registration certificate occurs at the end of the day. During upcoming by-elections, periodic reconciliations will occur several times throughout the day to allow for early identification of issues.
- The distinction between the new position of Compliance Advisor during by-elections and other staff is that the former will focus exclusively on quality control throughout the day. They will bring any issues to the attention of other staff, such as central poll supervisors, so that the issues can be addressed.
- In regard to the audit of polling stations from the 41st general election, the polls are being randomly selected, and will not be identifiable after the audit. This is a distinct process, designed to identify potential compliance issues generally rather than issues at specific polls.

Other issues raised by members included:

- The appropriateness and difficulty for Elections Canada to recruit deputy returning officers and poll clerks, particularly as the agency must rely on candidates for nominations. The CEO confirmed that, further to Elections Canada recommendations (which included abolishing the candidate's nomination process), PROC has recommended that EDAs assume responsibility for providing names, and that more time be provided to Elections Canada to recruit staff, should names not be submitted by EDAs. Elections Canada is awaiting the government's response.
- The requirement for 100 signatures per candidate: the CEO confirmed that the rule is a requirement of the CEA. He clarified that returning officers verify that the signatories are residents of the riding. They need not be registered electors, and no validation of signatures takes place.

## 5) Elections Canada Roadmap to 2015: Key Initiatives

Michel Roussel (Senior Director, Field Readiness and Event Management) presented an overview of the major initiatives planned for the 42nd general election and opportunities for ACPPE engagement. A copy of the presentation was provided to participants.

### ***Discussion***

#### *Theme 1 – Implementing New Boundaries*

Questions about the process and timing for aligning polling divisions (PDs) with census blocks were asked. Clarifications provided by Mr. Roussel included:

- Previously, returning officers had to manually redraw polling divisions with the implementation of new boundaries to account for population changes – an intensive and time-consuming task. This work will now be simplified and initially completed by Elections Canada headquarters.
- The process of transposing the votes involves examining the results from each polling division and identifying what the results would have been under the new boundaries. This allows for the identification of the parties who would have placed first and second in the riding, required for the purposes of nominating DROs and poll clerks.
- The new maps and census data resulting from the realignment of boundaries will be available in 2014.

Although not its purpose, one result of the realignment of PDs with census blocks will be the availability of socio-demographic data at the PD level. While the data have always been publicly available from Statistics Canada, this process offers direct alignment without requiring further data manipulation. There was a difference of opinion regarding the value and potential applications of these data:

- Elections Canada noted this could be of use in designing field or outreach programming by both the agency and political parties, and will be of value to researchers. It also offers opportunities for smaller parties, which do not have the same resources as the larger parties to obtain this level of data.
- Several parties opposed this work, citing privacy concerns and the authority of Elections Canada to facilitate access to the data. Potential use of these data by political parties, namely for targeting specific geographic areas to the exclusion of others, was also cited as a concern. It was also felt that this could further shift voter contact from the public to the private sphere.
- Elections Canada will evaluate the need to conduct a Privacy Impact Assessment as part of this initiative.

### *Theme 2 – Convenience Through Modern Services*

Following the presentation, which included a description of the long-term vision for a live national voters list and technology at the polls for registering electors and striking them from the list electronically, a question was raised as to how electors who may have voted twice are currently identified, and what the consequences are. Noting that such cases are exceptionally rare, Mr. Roussel explained that a verification is completed following each election and any case of an elector found to have potentially voted more than once is referred to the Commissioner.

### *Theme 3 – Reducing Barriers to Registration and Voting*

Questions and comments on this theme included:

- While expressing support for the initiative to place special ballot kiosks on school campuses, it was asked what would be done if elections were called outside or on the cusp of the academic year.
- While Elections Canada identified registration drives for students and Aboriginal electors as a new initiative for 2015, questions were raised regarding initiatives to target other potentially under-registered groups, such as tenants. The suggestion was made for greater enumeration, as was done in the past. Elections Canada noted that:
  - There is a program in place since the creation of the National Register of Electors that targets high-mobility areas with door-to-door revision (called “targeted revision”). This often includes buildings a high number of tenants; and
  - Evidence suggests that national enumeration is no longer effective due to a combination of factors, including an increasing trend of electors not answering the door and increasing difficulty in recruiting staff for some areas.

### *Theme 4 – Preserving Trust and Improving Compliance*

No comments or questions were raised regarding the two initiatives proposed to preserve trust and increase compliance, i.e. Implement Compliance Review Action Plan and Develop a More Effective Voting Service Delivery Model, which had been discussed earlier in the meeting. Elections Canada’s decision to scale back efforts on Internet voting and to delay a pilot project until after the 2015 general election, however, resulted in an extensive discussion.

Members in favor of Internet voting cited its appeal to youth, high rates of Internet use among Canadians and the proliferation of online services. It was suggested that private firms may be interested in working with Elections Canada at reduced or no cost, in exchange for the opportunity to develop a system that they could then market globally.

Members opposed to Internet voting cited security concerns, cost, and an inability to confirm with certainty that a voter’s ballot was submitted as intended.

The CEO outlined several other considerations behind the decision to scale back efforts on Internet voting at this moment in time. In addition to the significant costs of developing a system, the risks in developing a system that is secure and not susceptible to fraud remain too great at this time. Confirming the identity of electors is a key feature of the current process; without a universal authentication system (e.g. a national ID card), confirming the identity of electors would be a challenge. The CEO noted that in other online transactions, such as banking, Canadians have a vested interest in protecting their identity. Other significant issues requiring further examination include online voting-swapping or selling of votes. With regard to the suggestion of working with a private firm on developing a system at a reduced cost, the

CEO noted that while cost is an important factor, maintaining the integrity of the system, for which the agency alone is responsible, is paramount.

The CEO, however, noted that the agency is committed to pursuing Internet voting post-2015. Elections Canada is monitoring the activities of other jurisdictions and continuing to consider future pilots (e.g. for military personnel overseas).

## **6) Communication with Electors by Political Entities**

Stéphane Perrault presented an overview of issues arising from improper telecommunications with electors by political entities. Mr. Perrault noted that a discussion paper on this issue will be circulated to ACPPE members within three to four weeks and members will be asked to submit their feedback in writing by December; a telephone hotline will be set up to answer questions from parties. A copy of the presentation was provided to participants.

### ***Discussion***

Key points that arose in the discussion following the presentation include:

#### ***Expanding Rules on Unsolicited Communication***

It was suggested that creating a parallel regime similar to that of the Canadian Radio-television and Telecommunications Commission (CRTC) is not advisable, noting the already complex regulatory regime and the diverse regulations and statutes from multiple government agencies to which parties must adhere (e.g. Elections Canada, the CRTC, the *Criminal Code* and provincial privacy laws). It was suggested that further training would be appropriate, and that Elections Canada work more closely with other regulatory agencies, such as the CRTC, to provide more integrated information to political entities.

In relation to the CRTC penalties for corporations, it was clarified that political parties are not necessarily corporations, unless they are incorporated.

#### ***Applying Privacy Principles to Political Parties and Increasing Reporting Requirements***

In relation to the recommendation that parties' policies and practices be certified by an independent auditor, it was clarified that this would be distinct from current financial auditing practices examining the financial transactions of the party. Concern was raised about the ability of smaller parties to pay for such an audit, the financial cost to parties of the increasing regulatory burden, and the latter's impact as a barrier to participation.

It was suggested that a public education campaign to advise electors on what to do if they suspect they have received improper telecommunications would be effective in enabling Elections Canada to undertake immediate action and correct misinformation during an election. Mr. Perrault noted that public education will be part of a solution, and added that additional enforcement tools are also required to address these issues. Elections Canada was

aware of the events in Guelph immediately after they happened, but did not have the authority to compel the reporting of required information for several months.

### *Increase the CEO's Audit Tools and Increase Commissioner's Investigation Tools*

In response to several questions, the CEO and Mr. Perrault clarified that while Elections Canada has the power to require information and documentation from candidates, this is not the case for political parties unless a court order is obtained further to an investigation by the Commissioner (although Elections Canada may ask for voluntary submission of documents).

Some members expressed support for increased audit and investigation tools, but suggested that the penalties for contravening the CEA are not a significant enough deterrent. Elections Canada agrees and will be submitting a report to Parliament in 2014 on enforcement and compliance, including recommendations on penalties. The current penalties and sentencing regime are beyond Elections Canada's control.

### *Other areas of discussion and clarification*

Mr. Perrault clarified that while it is illegal for political parties to use elector data for non-election purposes, once these data are merged with data from another source, it becomes difficult to identify where data originated. He further clarified that while parties are exempt from the national Do Not Call List, they must maintain and respect an internal Do Not Call List.

One member raised the issue of "push-polling", whereby an organization attempts to influence or alter the view of an elector under the guise of a poll.

Several parties had strong views regarding Elections Canada's suggestions for greater self-regulation by political parties, as it was felt that those entities who wished to operate outside the law would continue to do so. Mr. Perrault identified the recommendations for increased enforcement powers and penalties as a counterbalance to self-regulation.

### ***Other topics included:***

- Concerns about the provision and potential use of "bingo cards" to parties. Elections Canada clarified that information relating to who has voted has always been available to parties, whose candidate's representatives (scrutineers) are authorized by the CEA to obtain it.
- Fairness and the exclusion of small parties from candidates' debates.

### ***Follow-up item***

Following receipt of Elections Canada's discussion paper on potential improvements, political parties will be asked to submit their comments in writing.

## **7) Political Financing Updates**

Sylvain Dubois (Deputy Chief Electoral Officer, Political Financing), presented updates on the 41st general election candidate returns and reimbursements, the 2011 electoral district association annual filings, nomination contests and contestants, the official agent training program, and compliance unit activities. A copy of the presentation was provided to participants.

### ***Discussion***

It was recommended that training videos similar to the existing EDA video be developed for official agents. This is part of Elections Canada's plans; however, Web accessibility requirements stemming from a federal court ruling (the Jodhan decision) have delayed this. Elections Canada must first ensure current videos are accessible.

Several comments and questions were raised regarding auditing and filing requirements for nil or minimal dollar value campaigns, EDA expenditures and nomination contestants, noting the time and cost for parties and the difficulty in attracting qualified auditors. Elections Canada explained that the CEA requires the filings for all contests, even if uncontested, and similarly requires returns and audits from EDAs regardless of expenditures – this is not at Elections Canada's discretion. However, the CEO has recommended to Parliament that a minimum threshold be established prior to an audit being required.

In response to several questions, Elections Canada outlined its staffing process and levels for its internal auditors, noting that it maintains a core group of experienced auditors while temporary staff are hired as needed for audits following elections. Should any parties have concerns regarding the quality of advice during their Elections Canada audits, they are encouraged to contact Elections Canada so that corrective action can be taken as required.

A question was raised as to the value and effort required of horizontal audits that explore expenditures dating back several years. Elections Canada explained its obligation to recover all funds regardless of the amount or timing – this is not at its discretion.

Regarding the retention of records, while there is no requirement for parties to retain records for more than two years, there is a requirement to provide information that may be required for an investigation/audit. Elections Canada recommends, therefore, that records be retained for a longer period of time, such as 10 years.

## **8) Rationalization of Political Financing Information and Tools**

François Bernier (Deputy Chief Electoral Officer, Political Financing) outlined the rationalization project, which will present consistent and accessible information to political entities in a single location. The handbooks that will be developed will clearly articulate Elections Canada's position on several political financing issues. A copy of the presentation was provided to participants.

## ***Discussion***

### ***Advertising Directed to Political Entities***

Elections Canada's position that parties, associations and their members do not represent a commercial market, and that the sale of sponsorships and advertising directed at party members will be treated as a contribution to the party, was the subject of extensive discussion and debate. Several parties expressed disagreement with Elections Canada's position.

Arguments against Elections Canada's position challenged the view that advertising by a company at a political event is akin to expressing support for the party or is an attempt to curry favour (which is one of the bases of Elections Canada's position, as well as one of the reasons corporate contributions were banned). Several members contended that such advertising is simply part of a company's routine advertising business and that as long as fair-market value is paid, advertising should be treated as a commercial transaction.

Elections Canada indicated that the above situation is distinct from other transactions/situations not considered contributions/sponsorships, such as:

- A political party renting public space or advertising alongside a private company, where it is paying fair-market value;
- A hospitality suite being offered to a party, as contribution rules deal exclusively with monetary transactions (assuming party expenses are not being surreptitiously offloaded); and
- Activities that may benefit a party but have not been accepted by the chief agent, such as a partisan advertising or promotional feature.

The CEO reiterated that Elections Canada's position is clear on this matter and is consistent with its interpretation of the CEA. As a regulatory body, Elections Canada believes it is important that an unambiguous position be taken and that it is not possible to determine the intent of individual companies' advertising activities. Should parties wish to seek Elections Canada's advice, including fair market value assessments, prior to engaging in one or more other scenarios, they are invited to do so.

Other matters and questions raised by members included:

- The nature of exclusionary candidate debates as potential contributions to specific parties.
- A view that the banning of corporate contributions and elimination of party subsidies will result in a funding gap.



- The online national and international sale of party paraphernalia (mugs, t-shirts, etc.) and how such activity is in any way impacted by the provisions presented and discussed during the session.
- The level of corporate donations and political spending in Canada: the CEO explained that Canada has among the lowest contribution and spending limits in the world and has been progressively restricting public and private funding to political entities.

Mr. Bernier noted that although consultations with official agents will have already taken place, once the first handbooks are published online, additional feedback will be sought from parties and EDAs and, if necessary, further consultation (such as a working group) could take place.

## 9) ACPP Forward Agenda, Engagement Calendar and Open Forum

In light of the number of new meeting participants, the ACPP Terms of Reference were distributed and Belaineh Deguefé (Deputy Chief Electoral Officer, Policy, Planning and Public Affairs), explained how Elections Canada communicates with ACPP:

- E-mail advisories for ongoing developments of interest;
- Teleconferences when a general election or by-election is called (If there is not much to report for a by-election, an e-mail may be sent instead. Members should, however, expect a brief teleconference for upcoming by-elections); and
- Meetings and workshops to discuss issues or seek advice.

Mr. Deguefé also referred to the engagement calendar distributed to members, which summarizes the draft timelines for ACPP engagement and consultation. Attention was drawn to the tight time frames of some of the activities, in part driven by parliamentary commitments. Initiatives where ACPP engagement is planned include the Compliance Review Technical Expert Group, the *Issues Arising from Improper Telecommunications with Electors* discussion paper and the Candidates' Handbook. Engagement around initiatives for 2015 may also take place; however, the timing and nature are to be determined, as many initiatives are still in the exploratory stages. The list of follow-up items from the meeting was reviewed with participants.

### **Open Forum**

Several members commented and enquired about a case involving allegations of improper contributions. As this is the subject of an ongoing investigation, Elections Canada could not comment.

The removal of the quarterly subsidies to parties was seen by one member as a mistake, as voters should be able to directly influence the disbursement of public funds as a form of public participation, to show their support. It was felt that more funding should be provided in this manner.

ACPP members were invited to provide input on the ACPP's forward agenda. The following topics were suggested:

- Opportunity to include candidates' pictures on ballots as a means to assist electors.
- The foundation for the bingo card system and allowing parties to know who has voted; this is seen by some members as a violation of privacy.

## **10) Concluding Remarks from the Chief Electoral Officer**

The CEO thanked ACPP members for their participation and emphasized the value and importance of their contributions for Elections Canada. As an operational agency without an ombudsman and advocacy role, Elections Canada must work within the existing legislation and is often limited in its ability to address matters raised by members. However, ACPP views are often reflected in reports made to Parliament, including recommendation reports.

Elections Canada strives to work within the legislation and to facilitate the voting process, and will continue to seek the input of members as plans are developed. It will also continue work to clearly articulate its positions and develop tools to assist parties in complying with legislation.

The CEO reiterated the upcoming engagement requests that will be made of ACPP and the importance of the feedback members will be asked to provide, in particular with respect to the Compliance Review and the Roadmap to 2015 initiatives. Follow-up items required by Elections Canada were also highlighted, and the CEO indicated that he will respond to privacy concerns raised about the alignment of census boundaries at the next ACPP meeting.

The next annual general meeting of the ACPP is anticipated to take place in June 2013.