



Advisory Committee of Political Parties

MEETING SUMMARY

General Meeting

December 4–5, 2014

Meeting Summary

This summary follows the same order as the annual general meeting agenda. The objective of this meeting was to follow-up on consultation items put forward to ACPP members at the ACPP annual general meeting, which took place on October 6–7, 2014. Specific objectives of the meeting of December 4–5, 2014, were to finalize the written opinions, guidelines and interpretation notes (OGI) process, steering committee mandate, and ACPP terms of reference; to provide information on the Electoral Reminder Program; and to provide updates on the party returns in election expenses and on the general election evaluation framework. Presentations were also made by the Commissioner of Canada Elections as well as representatives of the Canadian Radio-television and Telecommunications Commission.

The meeting agenda can be found in Appendix A.

Introductory Remarks and ACPP Terms of Reference

Belaineh Deguefé, Deputy Chief Electoral Officer (DCEO), Integrated Services, Policy and Public Affairs, welcomed members on behalf of the Chief Electoral Officer (CEO), Marc Mayrand, who was attending an event at the Organisation for Economic Cooperation and Development. Mr. Deguefé chaired the first day of the ACPP meeting; the CEO chaired the second day.

The DCEO noted that some leaders of political parties had not yet confirmed their official delegates and gave an overview of the ACPP to new members.

A revised version of the ACPP terms of reference was presented and political parties were thanked for their input. The feedback provided by parties mainly focused on the application of Chatham House Rule and the desire to seek a balance between the transparency of the proceedings and the need for an environment conducive to open and frank debate. ACPP meetings are open to designated representatives from political parties and Elections Canada (EC); deliberations will be under Chatham House Rule and summaries of proceedings will be provided to members and posted on EC's website.

Regarding the presence of observers from political parties at the meetings, it was noted that EC would facilitate this as much as possible on an ongoing basis, but this is not included in the terms of reference. EC will cover the costs of official members only. It was also mentioned that the ACPP is for registered political parties only and does not include independent candidates. There was unanimous support of the establishment of the OGI Steering Committee with one member from each political party.

Electoral Reminder Program

Susan Torosian, Senior Director, Policy and Public Affairs, led the session on the Electoral Reminder Program for the 42nd general election. It included an overview of the communications campaign, whose goal is to provide information to electors on where, when and ways to register and vote in the next general election. Ms. Torosian indicated that the campaign has been completely renewed to present a common look and feel and to use simplified language and digital media channels, something the agency had not been able to do for many years due to successive minority governments. She explained the campaign strategy, the communication channels, the various phases as well as the campaign highlights. The campaign is aimed at all Canadians and includes media spending targeted to those elector groups who generally know less about the electoral process. At the end of the presentation, Ms. Torosian showed a preview of the general election website, which has been reviewed and will be a central point of the campaign.

There was also an emphasis on EC's strategy for accessibility for electors. In advance of the meeting, ACPP members had the opportunity to review the Accessibility Policy and Service Offering, which outlines EC's services and initiatives to ensure accessibility for voters with disabilities.

Complaints management was also presented as part of the communications strategy with electors; a system will be put in place to better manage complaints, which will include better tracking and improved response times.

Discussion

This presentation generated extensive discussion. Many positive comments on the Electoral Reminder Program were expressed: for example, support was expressed for the mobile-friendly website, as this was deemed critical. Members asked about the tight timelines to implement the program, as an election could be called in spring 2015, but members were assured that EC would be ready for an early election. EC's readiness date is March 1.

Several questions were raised regarding registration and members wanted clarification on the process. When asked how EC would be able to evaluate the impact of information campaigns, it was noted that a strong advertising strategy alone will not alter voter behaviour in the short term.

Concerns were expressed that the voter information card and the reminder brochure might not reach all target groups, as some electors have literacy issues. EC's National Outreach Strategy will engage stakeholders and partner organizations to share the information with their groups.

There was concern that the campaign seemed to be focused on computer users and that not all electors have access to this channel of communications. It was noted that EC reaches out to

local community organizations through the Community Relations Officers, who have access to many tools to reach out to target groups. There will also be a lot of advertising in newspapers.

A member asked about information campaigns to remind electors about voting day. The idea of a sticker that says “I voted” had been considered, among other ideas. Social media will have a “ready to vote” logo that is shareable electronically. EC conducted focus group testing of all our communications approaches with different groups of electors.

When asked if voters can currently lodge a complaint through EC’s website and whether the complaints section will have prominence during the election, it was noted that EC will be launching the new online complaint form in spring 2015. It will be linked to a new case management system. A member asked about links between the complaint systems of EC, the Commissioner of Canada Elections (the Commissioner) and the Canadian Radio-television and Telecommunications Commission (CRTC). Overall, there has been only preliminary discussion of coordinating websites with the CRTC or the Commissioner in terms of complaints. Generally, it was felt that most Canadians wanting to make a complaint will make it through EC, regardless of the nature of the complaint. EC will then forward those complaints not applicable to its mandate to the appropriate authority.

As for advertising time and participation in broadcast debates, the Broadcasting Arbitrator decides on free and paid advertising by party. Some things are not within the scope of the Broadcasting Arbitrator, but it is a useful point of contact. Issues such as “all-candidates debates” are with private broadcasters, which is outside of EC’s jurisdiction.

Remarks by the Commissioner of Canada Elections

Yves Côté, Commissioner of Canada Elections (the Commissioner), introduced Eric Ferron, Senior Director of Investigations, and Marc Chénier, Senior Director of Legal Services, at the Commissioner’s Office. The aim of the presentation was to give an overview of the Commissioner’s Office and the impact of the new legislation. The Commissioner stated that he would not comment on investigations.

Discussion

This presentation generated a lot of discussion. A question was raised about the authority to compel the transmission of documents and information to the Commissioner, and the policy that is applied when parties or individuals refuse to give information or documents. The Commissioner was also asked if he would post information on non-cooperation with ongoing investigations, as this may impact public confidence in political entities. Mr. Côté answered that he is not required to make non-cooperation public. The power to apply to judges to obtain orders compelling individuals to give information was requested of Parliament, but was not granted in the legislation. Understanding that the Commissioner’s responsibilities are prescribed by the law, it was suggested that he should have the authority to make it public

when parties do not cooperate with investigations. To that, the Commissioner indicated that in cases where he believes that a public disclosure would be in the public interest, he would take that path.

Members inquired whether the Commissioner's Office had the resources required to protect voters and asked how many investigators are on staff. Mr. Côté replied that they currently have ten highly qualified investigators on staff, many of whom are former RCMP officers, and that this number will grow as the Office prepares for the next general election. The capacity to hire more investigators is quite significant. He assured members that whistleblowers will be treated with the highest level of protection. The Office has experienced lawyers, an excellent investigative team and although the Office does not have the power to compel testimony, it nonetheless maintains a strong mandate.

When asked if costs are an issue in investigations, Mr. Côté answered that costs have to be a factor. Laying charges is more costly than seeking compliance with administrative measures. Sometimes there are cases that call for strong intervention by the Commissioner; in such cases, he will commit all expenses required to the investigation and, if the evidence collected justifies it, he will recommend the laying of charges. However, charges are not typically the preferred enforcement tool for the more minor offences.

The Commissioner noted that the report on the robocalls investigation was one of the few instances where the Commissioner issued a public report on a specific case. The 2014 report was to educate Canadians about robocalls and about the results of the investigation.

Under the new legal structure, the position of the Commissioner is within the Office of the Director of Public Prosecutions (DPP). The legislation provides that the Commissioner's annual report will be a section of the DPP's annual report and will be written by the Commissioner alone. In addition, the Commissioner retains full discretion to issue special reports when he deems it to be in the public interest.

A member asked whether the fact that the DPP is appointed by the party in power may diminish the trust in that office. The Commissioner first noted that Parliament is involved in the appointment of the DPP. He added that he has full confidence that the DPP will not intervene in the Commissioner's investigations given, in particular, the clear language in the legislation that specifies that the Commissioner is to operate independently of the DPP. Finally, he mentioned that, by law, it is the DPP alone who is invested with the power to approve the laying of charges under the *Canada Elections Act*.

Members asked that more time be given on the agenda for this discussion at future ACPP meetings. Many Canadians would expect the Commissioner to have the authority required to act strongly in response to events that jeopardize Canadians' confidence in the electoral system.

Canadian Radio-television and Telecommunications Commission

Manon Bombardier, Chief Compliance and Enforcement Officer, Canadian Radio-television and Telecommunications Commission (CRTC), presented her colleagues Amy Hanley, Kelly-Anne Smith, Jeff Conrad and Pierre-Marc Perrault. The objective of the presentation was to inform on new requirements under Bill C-23: the Voter Contact Registry.

This was the first appearance of the CRTC at an ACPP meeting. Ms. Bombardier explained that members of her office were invited as an opportunity to build awareness and that they are exploring a broad range of outreach opportunities.

Discussion

Several questions were raised about registration notices. CRTC officials clarified that both the party and the service provider need to register within 48 hours of the first call.

A member asked if organizations calling their members to suggest the ways to vote would have to register if they use robocalls. The CRTC said that if it falls within the mandate of the voter call legislation, then they would have to register. The Voter Contact Registry will not necessarily curb all abuses, but the CRTC does use other tools to catch abusers. The CRTC does not pre-authorize scripts for the calls and does not see scripts from parties unless the CRTC asks for scripts as part of an investigation.

Concerns were expressed around the practices of leaders' debates (in particular, the lack of access to these by small parties). The CRTC noted that this is set out in the *Broadcasting Act*. Allotment of minutes is the decision of the Broadcasting Arbitrator. Participants can write to the Commission to ask it to change its policy or to ask it to review the policy if they think it is unfair. They can also write to their member of Parliament for changes to the *Broadcasting Act*.

OGI Steering Committee Meeting

For a report on the first meeting of the OGI Steering Committee, see separate document.

CEO Update and Round Table

On the second day of the meeting, the CEO, Marc Mayrand, welcomed participants and gave an overview of electoral readiness activities since the October meeting.

The CEO mentioned that since October, EC met with the Advisory Group for Disability Issues to inform and seek their views on EC's preparatory activities for the next general election. Also, an informal briefing was held with the members of the Standing Committee on Procedure and House Affairs, where the agendas of both ACPP meetings were shared.

Secure national voter database

EC has invested in a secure national voter database that can be updated in real time by returning officers and electors during an election. This database, which is expected to be fully operational by early March 2015, will improve the accuracy of the voters' lists and reduce registration on election day.

Assembly of First Nations

EC is also working with the Assembly of First Nations to seek its assistance in communicating with band administrators on reserve to promote registration and voter services in Canada's First Nations communities. Key objectives are to raise awareness of new voter identification requirements and of the process for issuing letters of confirmation attesting to the address of electors who reside on a reserve.

Role of scrutineers

As a follow-up to the discussion on voter identification at the last meeting, the CEO mentioned that participants would learn more later in the day about the process for the scrutineers' right to examine, but not handle, an elector's identification (ID). EC's objective is to ensure that candidates and electors are informed of the procedures that will be followed to apply this provision of the Act.

Electoral integrity

EC has undertaken a range of activities to help safeguard the integrity of the electoral process during the next general election and beyond. For example, the CEO has established an Electoral Integrity function within EC that will serve to:

- provide research information on the types of incidents that have surfaced in other similar jurisdictions – this is to be able to anticipate similar incidents in our own jurisdiction and be better prepared to respond to them
- increase business intelligence capacity to achieve a comprehensive view of questions and feedback from electors, political entities and field staff; this will help EC detect trends and anomalies and resolve incidents in a timely and coordinated fashion
- refer information about alleged offences under the *Canada Elections Act* to the Office of the Commissioner of Canada Elections
- manage the approach to seek and retain an audit firm whose task will be to conduct an independent audit of poll workers' performance on voting days, a new requirement of Bill C-23

Federal Elections Fees Tariff

In the coming months, Elections Canada will submit a proposal for changes to the *Federal Elections Fees Tariff*, a federal regulation that sets the remuneration of electoral workers.

EC is proposing an update to the *Federal Election Fees Tariff* for the following reasons:

- Rates for some clerical staff are below the minimum wage in Ontario and Nunavut.
- Recent changes to the *Canada Elections Act* entail new costs (i.e. the remuneration of field liaison officers, an additional advance voting day and extra duties of returning officers).
- Pay rates also have to be adjusted to reflect the increased responsibilities placed on some positions, especially the polling site officers.

Competitive rates of pay for election officers are critical to recruiting competent election officers. The federal voting operations are probably the most demanding on election officers, and the revised *Federal Election Fees Tariff* speaks to that.

EC's goal is to have the new tariff in place when the writ is dropped for the next general election.

Electoral lists

Ensuring the coverage and the accuracy of the list of electors is important to the integrity of the election and helps reduce procedural errors tied to election day registration. Over the last year, 707,000 new electors were added to the register, and 250,000 deceased electors were removed. Address changes were made for over 3 million electors to reflect their moves.

In November 2014, EC met its statutory requirement to provide electoral lists to members of Parliament and political parties. In January 2015, EC will issue the annual list of electors. Additional information was included that will allow political parties to update their existing databases and, if they wish, convert them to the new electoral districts.

On the political financing side, EC has been working with political parties to facilitate the (pre)registration of electoral district associations (EDAs) under the new electoral districts, or the continuation of existing associations, as the case may be. EC is also currently assisting parties in deregistering EDAs that will no longer be active in the transition to the new electoral map. EC met the statutory requirement to provide products and be ready to run a general election under the 2013 Representation Order (338 electoral districts) as of May 1, 2014.

The CEO indicated that EC delivered by-elections on November 17, 2014, in Whitby–Oshawa and Yellowhead, and that the ACPP would be advised when the by-election is called in the currently vacant riding of Peterborough.

Discussion

Several questions were raised about integrity and audit issues and the type of risks that EC was trying to manage. The CEO mentioned campaign activities that might compromise the election, risks related to compliance and enforcement, or any risks related to the exercise of the vote or the conduct of electoral officials.

The CEO was asked to summarize EC's work with the Assembly of First Nations (AFN) and to clarify the notion of acceptable address for electors. EC has worked with the AFN for the last three or four elections, particularly to communicate the new requirements on identification and to address issues related to ID that uniquely affect First Nations voters. Through the AFN, EC works with band administrators across the country on confirming or attesting to residence of First Nations electors on reserve and to share Electoral Reminder Program information.

Guidelines to Scrutineers

This session was led by Michel Roussel, Deputy Chief Electoral Officer, Electoral Events. The Guidelines were distributed to ACPP members in advance of the meeting. Mr. Roussel mentioned that the scrutineer is sometimes the only witness to interactions between electors and election officials; therefore, the scrutineer's role in attesting to the election is an important function in ensuring integrity.

Discussion

Considerable concerns were expressed by members about this aspect of Bill C-23. Some members alleged that since parties have access to extensive data, they can determine where the competition is tight and may target these areas with voter suppression tactics, such as using scrutineers' rights to inspect ID to slow down voting. Concerns were also raised about informing electors of their rights to refuse to show their ID to candidates' representatives if they do not want to. In response to a question, Mr. Roussel stated that the voting process between electors and EC is complex. Rules apply that are not displayed on our posters, as posters tend to speak to the basics. Electors have to show their ID; it is mandatory. They will be informed of this and their rights will be explained at the polling station. If electors strongly insist on their privacy and refuse to comply with the policy to have ID examined by a scrutineer, then the deputy returning officer (DRO) will inform the elector that he or she will still receive a ballot after showing their ID to poll officials, and that the incident will be logged.

Following a series of questions and concerns from members on what a central poll supervisor (CPS) would do if scrutineers systematically challenge ID, Mr. Roussel clarified that there is a process in place at the polling station where the DRO calls the CPS the minute he or she thinks there is a problem. The CPS must assess the motive for the ID questions being posed by scrutineers, and has the power to expel scrutineers who are disrupting electoral activities.

In response to a question, Mr. Roussel replied that scrutineers can ask the DRO to ask the elector to take an oath. There are cases where the scrutineer may require that an oath be taken, and it can be mandatory, when the address does not show that an elector resides in that particular polling division. Those instances will be recorded in the poll book. It was reiterated that EC expects scrutineers to play a constructive role in ensuring the trust of electors in the electoral system.

General Election Evaluation and Audit

This session was led by Belaineh Deguefé, Deputy Chief Electoral Officer, Integrated Services, Policy and Public Affairs. Mr. Deguefé mentioned that the CEO is required to present three reports: results, CEO report 90 days following the election, and the Final Report and Recommendations. Following the last two general elections, the CEO has submitted an evaluation report as well.

Amendments to the *Canada Elections Act* state that the conclusion of the audit of poll workers performance should be published at the same time as the official results. Mr. Deguefé clarified that the timing of the audit will not likely be within the 90-day time frame. This means that there will likely be a delay for the publication of official results.

The second part of this session was led by Stéphane Perrault, Deputy Chief Electoral Officer, Legal and Regulatory Affairs. It focused on the audit process.

Several questions were asked about the audit process. Mr. Perrault clarified that the purpose of the audit is not to validate the results, but to report on whether election officers have carried out their functions properly, particularly with registration and ID. The methodology will be set out by the audit firm, not by EC. The important thing is that the result of the audit should be generalized for all elections, so EC will need a methodology that will give that result. An arm's-length panel of experts will also be set up to identify categories of errors. The scope of powers of the auditors will be broad. The audit is specific to certain functions; it does not cover general relations between deputy returning officers and scrutineers. It does not include, for example, management of the flow of electors.

Several follow-up questions were asked regarding the cost of the audit, the selection of the panel, and the mandate. Mr. Perrault clarified that EC is working on a request for proposals (RFP), but that it will not have a contract issued if there is a spring election. The overall cost cannot yet be confirmed, but the RFP will be public and fully transparent. The panel will be chosen by the Departmental Audit Committee, three external members, one international expert and one provincial expert to review the procedures.

Mr. Perrault clarified that voter turnout will not be part of the audit process, nor will information from the public; the audit is specific to polling official behaviour. There will be items that EC will review as part of the evaluations. EC has not yet decided which evaluations it

will do in its evaluation framework: for example, looking internally at how online registration service will work, did it meet objectives, etc.

Party Returns in Election Expenses

Stéphane Perrault and Jeff Merrett, Acting Director, Regulatory Instruments and Systems, led this discussion. Participants were given an overview of the proposed Registered Party Return in Respect of Election Expenses. At the October ACPP meeting, participants were asked to provide EC with comments on the proposed form. Only a few comments were provided, but some were strongly expressed. Most parties voiced support for implementing more detailed reporting of party general election expenses.

In response to comments, the CEO's legal authority to prescribe the forms was clarified. The Act requires that parties submit returns in the form that is prescribed by the CEO. The forms have varied over the years. The Act provides that where a change is made to the form, a copy of the form must be laid before the House of Commons. The CEO had previously announced in EC's report on plans and priorities his intention to modify the form in order to provide greater details on party election expenses.

Members followed up with questions regarding reporting on party assets, including voter databases, in-kind contributions of goods or services, volunteer labour and the reporting of staff salaries. Members also raised concerns about the reporting of leaders' tour expenses by stop and the parties' provision of website services to candidates.

Political Financing Systems

Jeff Merrett presented on the implementation of Bill C-23 in political financing systems.

A timeline for the development of political financing systems was presented, with emphasis on the deployment dates for the Electronic Financial Return (EFR) application used by political entities to submit their financial returns. It was stated that a version of EFR for nomination contestants and party quarterly returns would be ready on December 19, 2014; a version for candidate returns would be ready on March 1, 2015; and a version for electoral district associations, leadership contestants and party annual returns would be ready by June 30, 2015.

Follow-up questions were asked about the use of electronic signatures and tax credits for political contributions. The EFR application does not accept electronic signatures at this time, but this will be reviewed in the future since Bill C-23 amended the Act to allow the CEO to accept different forms of signatures.

ACPP Forward Agenda and Open Forum

Belaineh Deguefé provided an overview of EC's plans for consultation with political parties through the ACPP and OGI committees. A forward agenda for engagement with the ACPP, and more specifically the OGI Steering Committee, was provided.

EC will prepare a list of primary representatives for OGIs and will circulate it to all official delegates for ACPP meetings. The next ACPP meeting will be in June 2015. Potential agenda items include providing updates on the OGI Steering Committee and a half-day meeting with the Broadcasting Arbitrator.

Summaries of both meetings, in October and December, will be shared and posted on the website with the ACPP terms of reference.

Open forum

A member commented that the Broadcasting Arbitrator meeting is not useful to small parties, and that time could be better spent discussing the challenges of operating within the new legislation, and what the ACPP could do.

Another member commented that a technical briefing on political financing is a good idea. It would help to have background on what was brought forward in the legislation — what was the logic of the returns, when they were introduced, what serves the electors — as a framework to have an informed discussion.

Members found the opportunity to have the CRTC and the Commissioner of Canada Elections present very useful, and there was a request to have the Privacy Commissioner present as well. Mr. Mayrand replied that this is something EC might consider, but that political parties are not subject to privacy laws.

Another proposed topic for further discussion is what tools can be considered that would benefit smaller parties.

Concern was expressed about the timelines for implementing the new electoral districts and polling divisions. Members were assured that EC's new polling divisions were 95 percent done, and that this work will be completed in winter 2015. EC does not have to provide lists of electors, but in spring 2015 it will provide the annual electoral list with the concordance table under the new electoral maps.

Mr. Mayrand thanked participants for coming prepared, participating actively and offering useful input. ACPP members were provided with a lot of material and will need time to get through it all. EC will prepare a summary of discussions and post it on the website, along with a

brief summary of ACPP activities. There is a high level of interest in the activities of the Committee, particularly now that it is recognized in the legislation.

Appendix A: Agenda



General Meeting of the Advisory Committee of Political Parties

December 4–5, 2014
Double Tree by Hilton (*Chaudière A & B*)
1170 Aylmer Road, Gatineau, Quebec

AGENDA

DAY 1 – Thursday, December 4

Time	Agenda Item
8:00–8:30	Breakfast and Registration
8:30–8:45	Welcome
8:45–9:15	Introductory Remarks and ACPP Terms of Reference
9:15–10:45	Electoral Reminder Program – EC Communications Campaign for Electors during 42nd General Election
10:45–11:00	Break
11:00–12:00	Welcome Remarks by the Commissioner of Canada Elections
12:00–1:00	Lunch (served on site)
1:00–2:30	Canadian Radio-Television and Telecommunications Commission (CRTC) Presentation
2:30–2:45	Break
2:45–4:00	OGI Steering Committee

DAY 2 – Friday, December 5

8:15–9:00	Breakfast
9:00–9:30	CEO Update and Roundtable
9:30–10:15	Guidelines to Scrutineers
10:15–10:30	Break
10:30–12:00	General Election Evaluation and Audit
12:00–1:00	Lunch (served on site)
1:00–1:45	Financial Returns Management System
1:45–2:45	Party Returns in Election Expenses
2:45–3:00	Break
3:00–4:00	ACPP Forward Agenda and Open Forum
4:00	Adjournment

Appendix B: Meeting Participants

Political Party	Representative(s)
Animal Alliance Environment Voters Party of Canada	Mr. Stephen Best Mr. Barry MacKay
Bloc Québécois	Mr. Maxime Paquin-Charbonneau
Canadian Action Party	Mr. Will Arlow Ms. Sally Patterson Braun
Christian Heritage Party of Canada	Mr. Louis Kwantes Mr. Rod Taylor
Communist Party of Canada	Ms. Liz Rowley Mr. Larry Wasslen
Conservative Party of Canada	Mr. Greg Labuschagne Mr. Dustin Van Vugt
Green Party of Canada	Ms. Cora Larussa Mr. Jon Halasz
Liberal Party of Canada	Mr. John Arnold Mr. Jeremy Broadhurst Ms. Leslie Hardy (Observer)
Libertarian Party of Canada	Mr. Jean-Serge Brisson Mr. Ryan Nixon
Marijuana Party	Mr. Talis-Ilmars Brauns Mr. John Akpata Mr. Stephane Salko (Observer, Day 1) Mr. David-Georges Oldham (Observer, Day 2)
Marxist-Leninist Party of Canada	Ms. Anna Di Carlo Mr. Louis Lang
New Democratic Party	Ms. Lucy Watson Mr. Dave Hare
Party for Accountability, Competency and Transparency (PACT)	Mr. Michael Nicula
Pirate Party of Canada	Mr. Roderick Lim Mr. James Phillips
Progressive Canadian Party	The Hon. Sinclair Stevens Mr. Al Gullon
Rhinoceros Party	Mr. Rishar Côté