



## **Elections Canada Advisory Board**

# **MEETING SUMMARY**

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**Inaugural Meeting**  
December 16–17, 2013

## Table of Contents

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About the Elections Canada Advisory Board .....	2
1. Setting the Scene: A Diagnostic of Electoral Democracy.....	3
2. Elections Canada's Governance and Relationships .....	4
3. The Regulatory Framework.....	5
4. Electoral Services and Operations .....	6
5. Campaign Compliance Strategy for 42nd General Election.....	7
6. Moving Forward.....	8
Appendix A: Agenda.....	9
Appendix B: Meeting Participants .....	12

## About the Elections Canada Advisory Board

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The mandate of the Elections Canada Advisory Board is to study and provide advice on matters related to Canada's electoral system, including the conduct of elections, electoral participation both by voters and political participants, regulatory compliance and electoral reform.

The Advisory Board held its inaugural meeting in Ottawa on December 16 and 17, 2013. Presentations introduced members of the board to Elections Canada's operations as well as key issues it faces. Topics included the potential erosion of Canadians' trust in the electoral system and a decrease in electoral participation; Elections Canada's relationships with Parliament, government and political parties; the regulatory framework; the delivery of an election; and an introduction to the campaign compliance strategy for the 42nd general election. Members were given an opportunity for discussion on each topic.

# 1. Setting the Scene: A Diagnostic of Electoral Democracy

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## Presentation

While Canada is a healthy electoral democracy, voter turnout, like in many other democracies around the world, is declining. In addition, declining trust in political parties seems to lead to a decline in membership and contributions, and to difficulties in recruiting party volunteers and potential candidates.

The process for delivering an election has become complex over the years, and is reliant on more than 180,000 election workers. They are hired once every few years, given a limited amount of training on very complex instructions and often work only one day, on election day.

The political financing regime has also become complex over the years, following successive amendments to the *Canada Elections Act*. This complexity has made it increasingly difficult for political parties and candidates to comply.

## Discussion

Members were concerned about the effect of lower turnout on the legitimacy of democracy. They advised the Chief Electoral Officer (CEO) to organize workshops to assist them in better understanding the reasons for low voter turnout, including those of Aboriginal electors and youth, as well as to identify possible ways to increase participation rates. Members indicated that large numbers of people are very active in their community, and that the challenge is to motivate them to vote. As the causes of declining turnout are varied, members mentioned that there is only so much Elections Canada can do to address the issue.

## 2. Elections Canada's Governance and Relationships

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### Presentation

The CEO is an agent of Parliament who reports directly to the Speaker of the House of Commons, and is independent from the government of the day. This independence flows from a range of provisions in the *Canada Elections Act*, notably those related to tenure of the position and a process for removal of the incumbent.

Elections Canada is funded by, and operates under, two separate budget authorities. The first is a statutory authority that draws directly from the Consolidated Revenue Fund. The second is a parliamentary appropriation that requires annual approval and that covers only the salaries for permanent positions.

The CEO appears regularly before the committees of the House and Senate responsible for electoral matters, and any other committee upon request. Elections Canada also fosters and maintains a working relationship with registered political parties through the Advisory Committee of Political Parties, which is chaired by the CEO. In recent years, interactions with the government on issues related to legislative reforms have been limited.

### Discussion

Board members emphasized the importance of a good working relationship with all of the political parties represented in the House of Commons and advised the CEO on developing an ongoing dialogue and building such relationships. Nevertheless, it was pointed out that some tensions were inherent to the role of Elections Canada in ensuring that parties and candidates comply with the requirements of the Act.

Members encouraged the CEO to keep Canadians informed in a non-partisan way of the challenges faced by the electoral process at the present time, while keeping in mind both the opportunities and limitations of his mandate.

### 3. The Regulatory Framework

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#### Presentation

The regulatory framework for elections, including political financing and enforcement, is established by the legislation itself, which provides no regulation-making power.

The conduct of an election is based on highly detailed rules that leave little room for flexibility. The prescriptive nature of the legislation limits the ability to review procedures and reallocate functions at polling stations to address challenges such as those highlighted by the case of Etobicoke Centre during the 2011 general election as well as the external review by Harry Neufeld.

The political financing regime is not only complex but also applies to political entities, such as candidates and official agents, who often have little experience or expertise and learn the rules as they go.

Non-compliance with the regulatory framework is almost exclusively addressed through criminal offences and sanctions. The criminal process is slow and ill-suited to deal with most cases of non-compliance with regulatory requirements, and where criminal sanctions are warranted the sanctions currently provided in the Act are extremely low.

#### Discussion

Board members were of the opinion that the offences and penal sanctions are not well tailored to address non-compliance with the *Canada Elections Act*. They felt that administrative sanctions would be more effective. They also suggested that the CEO look at better ways to communicate with and train official agents.

Members pointed out that the Act is too prescriptive and complex, and would benefit from greater flexibility to respond to circumstances arising in the course of an election to promote achievement of the objectives of the Act.

The board strongly recommended that the CEO engage with the leadership or executive directors of the political parties represented in the House of Commons to solicit their interest in establishing a code of conduct for political parties and to promote the desirability of communicating cases of infringement as a deterrent to electoral misbehaviour, thereby encouraging public confidence in fair elections.

## 4. Electoral Services and Operations

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### Presentation

Different voting and registration services are available for electors. However, the current voting model raises various challenges, in particular as they relate to the organization of polling sites and the recruitment of a competent workforce. The current voter registration regime serves the majority of electors well, but first-time voters, more often than not, are not on the voters list come election day.

Short-term plans include establishing online voter registration and bringing special ballot voting services to campuses. Longer-term plans include introducing a new service model at polling sites (with computerized administration of the voters lists) and, further ahead, developing online voting services.

### Discussion

While raising issues about security, members were supportive of online voting and expressed concern about the timeline to implement electronic voting. They wondered about Elections Canada's plans to have polling places on campus and suggested that the agency look at other jurisdictions that have successfully set up polling places in locations like shopping malls. Members urged the CEO to look at how to better reach young voters, particularly using social media to advertise and set up links to information about registering. They also recommended that Elections Canada incorporate more entertaining or lighthearted messages on its website in order to reach out to young voters.

## 5. Campaign Compliance Strategy for 42nd General Election

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### Presentation

Events during the 2011 general election, namely the “robocalls” and Etobicoke Centre cases, led to thousands of complaints, significant public and media attention, and some people left questioning the legitimacy of the election. These events have highlighted the need for a campaign compliance strategy for the 42nd general election.

The proposed strategy clarifies the responsibilities of campaigns, the channels to raise issues, and how Elections Canada will disseminate information. It targets political entities (including national and local campaigns), electors and Elections Canada’s field workers. The strategy will be based on risk assessment and intelligence gathering, and will rely on education and awareness activities.

### Discussion

Board members shared the CEO’s concern that Elections Canada needs to be proactive in handling complaints such as those related to the “robocalls” issue. The members suggested a hotline or other similar means for people to reach Elections Canada during a campaign to check whether something they experienced, such as a phone call or other contact, was legitimate or should be reported. Members also recommended that a “do’s and don’ts” card be sent to electors to help them verify the legitimacy of a contact during an election and explain what to do should they suspect the contact is not authentic.

Members urged the CEO to consider the establishment of a code of conduct for political parties. They recommended looking at such codes for parties that exist in other jurisdictions, and presenting similar ideas to Canadian political parties to gauge their interest. Members indicated that an open and transparent code of conduct would enhance public confidence in political parties and politicians, and demonstrate their resolve to combat any cynicism that may exist among some members of the public.



## 6. Moving Forward

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Members agreed on a number of items for the future, including:

- a meeting of the board once the government's electoral reform legislation is introduced
- the creation of a subcommittee to discuss the proposed campaign compliance strategy for the 42nd general election
- the creation of a steering committee to look at the longer-term agenda of the board and some of the issues the board and CEO wish to study

## Appendix A: Agenda

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### AGENDA

#### Day 1 – Monday, December 16, 2013

Time	Agenda Item
3:00–5:30 p.m.	<b>Welcome and Introduction</b>  Introductory session aimed at agreeing on Board operations
3:00–3:15 p.m.	1) Welcome from co-chairs and adoption of agenda
3:15–4:05 p.m.	2) Roundtable and introductions
4:05–4:35 p.m.	3) Review of Terms of Reference
4:35–5:30 p.m.	4) Setting the scene: Remarks by the Chief Electoral Officer  Subject: The potential erosion of Canadians' trust and the continued drop in electoral participation
5:30–5:45 p.m.	Group picture
5:30–7:00 p.m.	Mixer
7:00–8:30 p.m.	Dinner

## Day 2 – Tuesday, December 17, 2013

7:30–8:30 a.m.	Breakfast
9:00–12:00 a.m.	<b>Elections Canada: Overview and Challenges</b>  Governance: “The need to build relationships with political parties”
10:30–10:45 p.m.	Break  Presentation and roundtable: Relationships and communications with Parliament, with government and central agencies, and with political parties  The regulatory framework: “The need for legislative reform to maintain trust”  Presentation and roundtable: Political financing regime and enforcement, challenges to trust and integrity, and administrative compliance at the polls  Delivery of elections: “Electors want flexibility in how they register and vote”  Presentation and roundtable: The voting process, how it works, and expectations of Canadians
12:00–1:30 p.m.	<b>Lunch</b>  Informal discussion about the morning’s proceedings
1:30–3:00 p.m.	<b>Campaign Compliance Strategy for the 42nd General Election</b>  Subject: Present a strategy for campaign compliance during the 42nd general election  Presentation and roundtable: Recent events, including attempts at voter suppression, point to the need for Elections Canada to respond. Discussions will have three dimensions, i.e. before, during and after elections

3:00–3:30 p.m.	Break
3:30–5:00 p.m.	<p><b>The Way Forward: Roundtable Discussion</b></p> <p>Subject: Recap and summary of the meeting, and decisions on next steps</p> <p>Governance: The need to mandate committees to pursue key issues</p> <p>Logistics: Set dates for meetings of the Board ending 2016</p> <p>Sharing meeting outcomes: Key messages to be provided by co-chairs at evening session with invited guests</p> <p>Communications: Approval of Spokesperson Protocol</p>
6:30–8:30 pm.	<b>Dinner with Democratic Reform Critics</b>

## Appendix B: Meeting Participants

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Mr. Ian Binnie, Co-Chair  
Ms. Sheila Fraser, Co-Chair  
Mr. Marc Mayrand  
Ms. Lise Bissonnette  
Ms. Roberta Jamieson  
Mr. John Manley  
Mr. Preston Manning  
Mr. Bob Rae  
Mr. Roy Romanow  
Mr. Hugh Segal  
Ms. Michèle Thibodeau-DeGuire  
Mr. Paul Thomas  
Mr. Michael Wilson  
Ms. Cathy Wong