



www.elections.ca

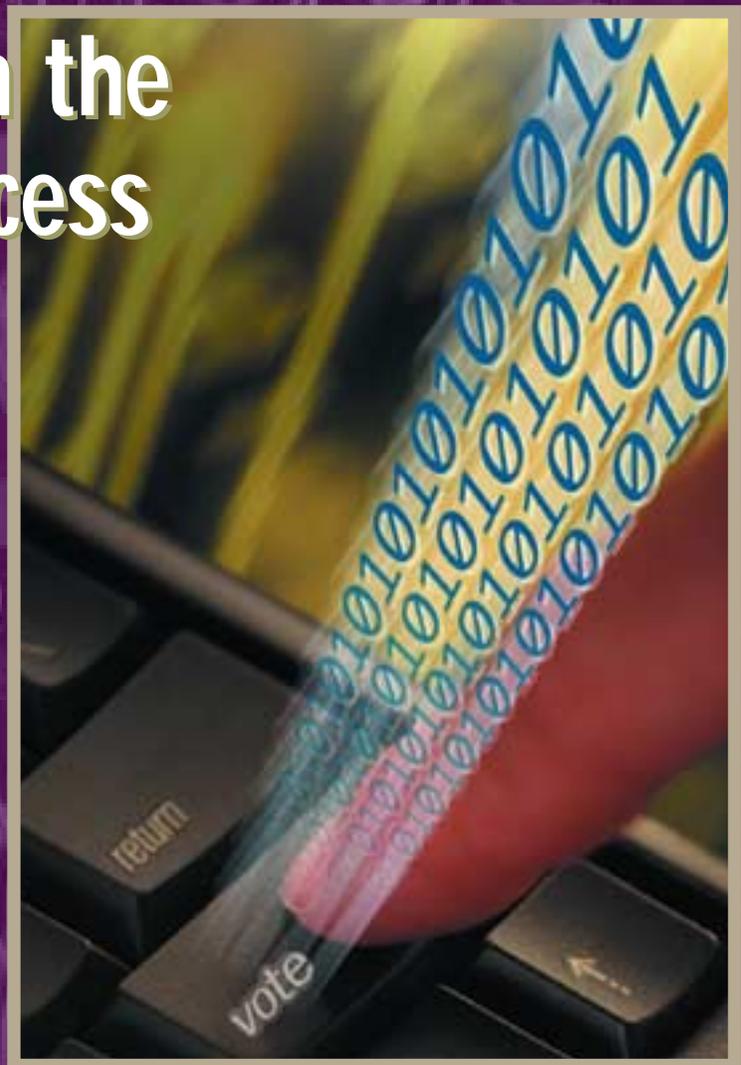
ELECTORAL Insight

A MAGAZINE PRODUCED BY ELECTIONS CANADA TO PROMOTE EXCELLENCE AND LEADERSHIP IN ELECTORAL MATTERS

Technology in the Electoral Process

The Impact of
the Internet on
Elections

Leonard Marchand:
The First Status Indian
Elected to Canada's
Parliament



Contents

VOL. 2 • NO. 1 • JUNE 2000

- 1 The Chief Electoral Officer's Message**
- 2 Technology in the Electoral Process**
 - 2 The Feasibility of Electronic Voting in Canada**

The potential for voting by telephone, electronic kiosk and the Internet, condensed from a report by KPMG/Sussex Circle
 - 6 Voting by Internet in the United States**

Marc Chénier and Wayne Brown

The first steps in American on-line voting include a historic vote in Arizona
 - 9 The Impact of the Internet on Canadian Elections**

Tom McMahon

An analysis of how political Web sites and election advertising on the Internet may affect voters at the next general election
 - 16 Campaigning on the Internet: To Regulate or Not?**

Kenneth P. Doyle

In this presidential election year, the U.S. Federal Election Commission faces the question of whether its campaign financing law can be applied to the Internet
 - 21 Permanent List of Electors: The Quebec Experience**

Monique Michaud

How the province saves time and money producing a more reliable list
- 25 Leonard Marchand: The First Status Indian Elected to Canada's Parliament**

Wayne Brown

His first election in 1968 would lead to twenty-five years in the House of Commons and Senate of Canada
- 29 Electoral News in Brief**
- 32 Electoral Facts**

Wayne Brown

A guide to the growing number of Web sites with electoral and related information

THE COVER

Eleanor Milne, Chris Fairbrother and Marcel Joannis

The Vote (1979-1980)

Indiana limestone, 121.9 x 182.8 cm, House of Commons, Ottawa

The base stone of *The Vote*, a sculpture on the east wall of the House of Commons chamber, shows four heads with flowing hair whose mouths shape, in song, the first syllables of Canada's national anthem, "O-Ca-na-da".

Electoral Insight is prepared by Elections Canada and is published biannually. *Electoral Insight* is intended for those interested in electoral and related matters, including parliamentarians, officials of international and domestic electoral management bodies, election officers and academics. The opinions expressed are those of the authors; they do not necessarily reflect those of the Chief Electoral Officer of Canada.

Submissions of articles and photos that might be of interest to *Electoral Insight* readers are welcome, although publication cannot be guaranteed. If used, submissions will be edited for length and clarity as necessary.

Please address all contributions and letters to the Editor, *Electoral Insight*, Elections Canada, 257 Slater St., Ottawa, Canada K1A 0M6.

EDITORS

WAYNE BROWN
ALAIN PELLETIER

PUBLICATIONS MANAGER

FRANCINE DALPHOND

EDITORIAL COMMITTEE

WAYNE BROWN
RÉMI CHAPADEAU
FRANCINE DALPHOND
CHRISTINE JACKSON
ALAIN PELLETIER
CAROL SÉGUIN
NANCY SMITH
MICHEL THIBAUDEAU

GRAPHIC DESIGN

ACCURATE

PRODUCTION STAFF

INDRA ANCANS
PIERRE CREMER
TERESINHA DA SILVA
JEAN DESLAURIERS
GINETTE GRONDIN
MARIE-JOSÉE GUERTIN
CÉCILE LAMIRANDE
MARIE-JOSÉE LEURY
JOHANNE MARCEAU
PAMELA MARJERRISON

FOR MORE INFORMATION,
CONTACT ELECTIONS CANADA:

TELEPHONE:
1 800 INFO-VOTE (1 800 463-6868)

WEB SITE:
<http://www.elections.ca>

© ELECTIONS CANADA 2000

CATALOGUE NO.: SE2-1/2000-1

ISSN 1488-3538

EC 91822

ALL RIGHTS RESERVED

PRINTED IN CANADA



Technology in the Electoral Process

New technology has already made possible significant advances in electoral systems around the world, and many more improvements are on the horizon. The attraction here is not technology for technology's sake. The real aim is to reduce the cost of elections to taxpayers, increase access to and participation in the electoral process, and make election financing more transparent.



Jean-Pierre Kingsley
Chief Electoral Officer of Canada

In my view, we should also develop greater expertise with technology if we want the electoral process to remain relevant to young Canadians for whom technology is an accustomed and natural tool. Today's young people, aged 18 to 24, are the age group that participates least in voting at the federal level. This group should, in fact, have a higher participation rate, since government decisions will have as great an impact on them and their future as on other electors.

Elections Canada has now computerized virtually all of its functions, except the act of voting and the counting of the votes. One major technological advance is the National Register of Electors, a database of Canadians qualified to vote, which is used to produce the preliminary lists of electors for federal electoral events and to assist the production of lists for provincial, territorial, municipal and school board elections, when requested. Elections Canada is also a leader in the use of geographic information systems technology and the production of digitized electoral maps. Developments in georeferencing and geo-coding will enable us to identify each elector's address on a national digital road network, placing it in the correct electoral district and polling division.

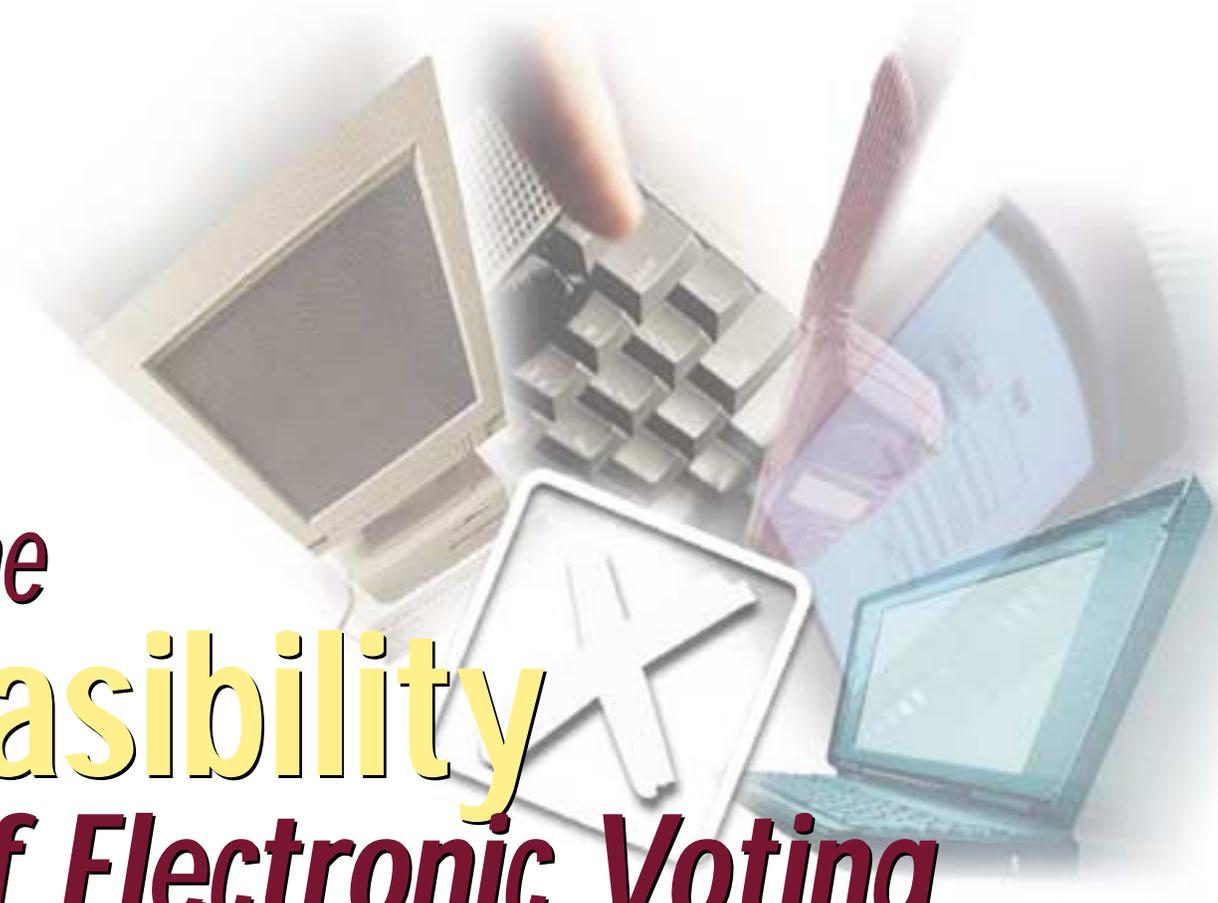
Technology serves us in other ways too, the most visible being electoral Web sites with extensive information about access to the electoral system, electoral legislation, and the financial reports of political parties and candidates. Canadian media benefit greatly from the accrued availability of the data. Moreover, the proportion of Canadians with access to the Internet has grown dramatically and will likely continue to do so.

This third edition of *Electoral Insight* explores various aspects of the present use and future potential of technology in elections. It includes information about the feasibility of electronic voting in Canada, the potential impacts of electoral advertising on the Internet and political party Web sites, and a guide to the location and contents of the many electoral agency Web sites. We have also looked to other jurisdictions for insight, as in the article about the questions facing the U.S. Federal Electoral Commission as it reviews the rules for campaigning on the Internet and another regarding Quebec's experience with a permanent list of electors.

As always, I trust the articles in this edition will encourage discussion. I welcome your comments and suggestions for new topics to explore. ✉

A handwritten signature in black ink that reads "Jean-Pierre Kingsley". The signature is written in a cursive, flowing style.

Jean-Pierre Kingsley



The Feasibility *of Electronic Voting* *in* Canada

A SUMMARY OF A 1998 KPMG/SUSSEX CIRCLE REPORT

Parliament recently passed Bill C-2 that would allow the Chief Electoral Officer to study alternative means of voting and to devise and test an electronic voting process for future use. The actual use of such a new process in an official election would require the prior approval of the committee of the House of Commons that normally considers electoral matters.

In 1998, Elections Canada commissioned KPMG/Sussex Circle to examine the implications of information technology for the voting process in Canada. The following is condensed from their report.

Technology in the voting process is a subject that legislators and citizens are beginning to explore seriously both in Canada and abroad. The electoral process at the federal level in Canada is one of the most efficient and respected in the world, and Canada is among the most technologically advanced countries. It is appropriate, therefore, that Canadian parliamentarians be in a good position to consider the issues raised by the new voting technologies and to assess their potential for improving the accessibility and efficiency of the voting process.

The election environment

KPMG/Sussex Circle's first task was to identify the forces and factors that have changed, or may imminently change, the environment in which elections are conducted in Canada. These forces include changes in the attitudes, perceptions, expectations and voting habits of Canadians, and the effects of information and communications technology on our electoral environment.

It was noted that Canadians are increasingly using new information technologies in many dimensions of their lives, from banking to shopping to gathering information and expressing their views. Moreover, one-third to one-half of Canadians surveyed at the time of the last federal election in June 1997 indicated they would be prepared to use one or more new voting technologies. This finding was borne out in focus group discussions conducted in conjunction with the study. KPMG/Sussex Circle also found that Canadians see the new technologies as potentially increasing their choices in the

timing and method of voting. That is, they regard electronic voting as a means of increasing the ease and accessibility of voting, rather than as a wholesale substitute for the traditional method of balloting.

Voting technologies

KPMG/Sussex Circle also examined the opportunities offered by new voting technologies to enhance the accessibility of the voting process to Canadians. In the course of assessing those technologies, it reviewed Canadian and international experiences and found that the rhetoric of innovation in this area has so far greatly exceeded the results. Despite the talk, few jurisdictions have actually gone very far in implementing new voting technologies, though a number have launched pilot projects or at least made it legally possible to begin such experiments. The key point here is that none of the new technologies has yet been adequately tested in a way that would satisfy the requirements of electoral democracy in Canada.

In its review, KPMG/Sussex Circle examined a range of current voting technologies, including telephone, Internet, cable, kiosk and ATM (automatic teller machine) devices, portable data capture devices (both digital and cellular), smart cards and other personal identifier devices. It concluded that three technologies offer the greatest potential utility to Canadians because of their wide accessibility and public acceptance. These are the electronic kiosk, the telephone and the Internet. It modelled those three technologies against a detailed model of the current manual voting process.

Voting by telephone

Many technologically assisted voting options require the elector to have some unique identifier recognizable by the voting system. A personal identification number

(PIN) similar to that issued by financial institutions for the use of debit or credit cards has been used in some past political party leadership contests. PINs can be assigned to registered electors on a random basis and sent in secure mail envelopes. There are well-established PIN print and mail routines generally accepted and used by all major financial institutions and others.

Use of the telephone to increase access to the voting process is an attractive option for a number of reasons, including the near universal presence of telephones in Canadian households, public familiarity with the device, and the fact that an elector would not need to go to a polling station to vote. For these reasons, telephone voting is the most viable of the three voting options assessed.

The main challenges to telephone voting include system limitations, providing access for electors with disabilities, electors whose language is not English or French, electors with rotary dial telephones who could not take advantage of this option, and the issuance of PINs to electors.

Canadian telephone companies are updating analog telephone switches across the country to digital switches, which have much greater capacity to handle the large volume of election day calls.

A number of ballot options are available. For example, electors could listen to a list of candidates and their respective selection codes, or electors could be prompted to enter the selection code of their chosen candidate from a paper ballot or other information provided to them before election day.

Voting by kiosk

The experts interviewed by KPMG/Sussex Circle regarded this option as technologically viable, given the maturity of the technology and the availability of public networks (such

as the Interac network of banking machines), which could be used for voting purposes. While the use of publicly available networks is attractive from a cost-effectiveness perspective, it opens up a host of issues associated with security and secrecy. As a result, KPMG/Sussex Circle focused its efforts on assessing terminals that could be placed in polling stations, and portable terminals that could be used in acute care and mobile settings. Its study concluded that the cost of deploying this technology will result in only selective and limited use in Canada.

As with the telephone, there are a number of ballot options available for voting by kiosk or Internet. For example, electors could be prompted to enter the selection code of their chosen candidate from a paper ballot provided to them before election day, view a list of candidates and their respective selection codes, or view a combination of written text and pictures for each candidate.

Voting by Internet

According to KPMG/Sussex Circle, Internet-based voting is the least viable of the three technologies reviewed, because of shortcomings in both accessibility and security. Despite the dramatic increase in the number of Canadians who are “on the Net”, this voting option would not be available to all electors, unless computers were provided in polling stations or public buildings, such as libraries. After prompting the elector to input his or her chosen language, the system would prompt the elector to input his or her PIN.

Security concerns associated with Internet-based voting relate to the link between the elector’s computer and the Internet service provider. Once the two computers are linked, there is an increased possibility that computer “hackers” could reach and manipulate election results. The experts questioned were confident that security challenges would be surmountable, but not immediately.

Study findings

The most important general finding from this study is that the new technologies – and especially the selected three of electronic kiosk, telephone and Internet – offer the prospect of significantly improving both the accessibility and the efficiency of the electoral process in Canada. As well, the study concluded that all three new voting technologies are sufficiently evolved to support testing in a fully functional pilot. However, none of the technologies examined or options available in the near future presents a universal solution.

It was noted that a number of potential pitfalls and obstacles, including issues of security, cost, privacy and public acceptance obstruct the route toward adoption of any of these new technologies. Nevertheless, there is also good reason to believe that the technological challenges posed by electronic balloting can be overcome, and there is no reason in principle why Canada’s stringent criteria for effective electoral administration cannot be met by at least some of the new voting technologies.

The integrity of the voting process

Central to the whole issue of technology and the voting process is whether Canadians can – and would – have confidence that use of the new technologies would preserve the integrity of the voting process in Canada, in all its dimensions. Electronic voting options must be considered against many criteria, including:

- Democracy: one elector can cast one vote
- Accuracy: the final vote count reflects the intent of electors
- Security: measures are in place to protect the integrity of the process
- Secrecy: no vote can be traced to the elector

- Verifiability/auditability: voting results can be verified after the initial count
- Privacy/confidentiality: elector information is used for election purposes only, and within the purpose for which it was collected
- Transparency: the process is open to outside scrutiny
- Accessibility: the reasonable, specific needs of electors are taken into account so that none are disenfranchised
- Neutrality: electoral procedures or materials do not favour one candidate or party over another
- Simplicity: voting procedures do not make voting unduly complicated

It would be difficult to imagine a jurisdiction adopting a new technology for voting if it were not satisfied that the proposed innovation met every one of these criteria at least as well as the present system.

It is also important to bear in mind that no voting process – whether the present one or a new, electronic form of balloting – can be perfectly secure. After all, the *current* electoral process in Canada is a complex system of law, procedures, practices and dedicated administration that involves not just the Chief Electoral Officer and his staff, but also the many thousands of Canadians who are involved in the conduct of every election.

The integrity of the present system is something to which Canadians attach a high value. But our electoral system also reflects what Canadians are prepared to accept as a reasonable standard of security and integrity. Canadians trust our present systems and procedures – what could be called our present “technologies” – because they are used to them, because they see that they work and because people accept that they will produce an honest result. Canadians also have taken for granted that our present system, as updated with such measures as voting by special ballot, is

reasonably accessible to electors. Whether this degree of accessibility will continue to be satisfactory to Canadians in the future, however, is an open question.

Similarly, the attitude of Canadians to the new technologies is changing, as those technologies become ever more present in our lives, whether in the form of banking machines, or scanning devices at the check-out counter, or Internet commerce. People see that these electronic systems work, and they develop a reasonable degree of trust in them, despite the fact that any of these systems is open, both in principle and in fact, to some form of compromise.

Public acceptance of new voting technologies, therefore, will depend ultimately on the kinds of technologies the members of the public use in their daily lives. It will also depend on people having seen the new voting methods tried and tested. It will depend on predictable reductions in cost, and the acceptability of various means of assuring security and integrity in electoral identification, a key issue for any proposal that involves “voting at a distance.” It should also reflect the recognition that different technologies are best applied to different subsets of the population, whether the group in question comprises rural Canadians, or persons with disabilities, or those, such as young people, for whom flexibility and accessibility is a high priority.

Possible next steps

Elections Canada already has done much to apply information technology to the

“background” processes that support electoral events. Parliamentarians may now wish to explore ways of using the new technologies to make the act of voting itself more accessible to Canadians. This exploration can be undertaken in several ways.

The study stated that Parliament could make the necessary legislative changes to allow Elections Canada to test some of the promising technologies in controlled, pilot

situations, where electoral administrators can learn from experience, where Canadians can observe the new methods in action, and from which parliamentarians themselves can draw conclusions about the directions in which they wish to proceed and at what pace. One simple way to do this would be for Elections Canada to commission a “pilot” system, using a particular technology, so that parliamentarians, and Canadians generally, could observe how it worked in a controlled environment, such as a student election at a secondary school.

Second, it was noted that Elections Canada should continue a dialogue on these issues with interested Canadians, including those with a professional interest in elections, those who supply technology, and those who speak for sectors of our society for whom technology offers particular benefits in terms of access to voting.

Third, there is probably work to be done in educating the public at large on the benefits of the new technologies and their application to the electoral process. Only if the public is fully informed, will it be prepared to support changes to something as

important as the process of voting in a federal election.

Fourth, there would be merit in Elections Canada continuing to monitor technological developments in this area, and perhaps to fund appropriate research in electoral technologies and their application to voting processes in Canada and abroad. Elections Canada is Canada’s “centre of excellence” in these matters; it should continue to invest in its knowledge base and expertise in technology and the voting process so that parliamentarians, and Canadians generally, have the benefit of up-to-date information and advice.

In addition, the study suggests that the new technologies are unlikely to replace our current methods of voting in the near future. Canadians appear to want choice, not a dramatic change, in how elections are conducted or votes are cast. But as the information revolution permeates more and more aspects of our daily lives, and as Elections Canada strives to ensure the electoral process remains relevant and accessible to all Canadians, it is reasonable to assume that some steps in the direction of electronic voting are inevitable.

The challenge and the opportunity is to ensure that the potential benefits of the new voting technologies are secured for Canadians, without in any way compromising the integrity of the voting process or the confidence of Canadians in their electoral system. The findings in the study suggest clearly that this objective can be achieved, provided it is pursued with care and prudence, on a controlled basis, under the direction of Parliament. ✕



The telephone, Internet and electronic kiosk were three of the voting technologies examined in the KPMG/Sussex Circle study.



Voting by Internet in the United States

MARC CHÉNIER
SENIOR POLICY AND RESEARCH OFFICER,
ELECTIONS CANADA

AND

WAYNE BROWN
CO-EDITOR, ELECTORAL INSIGHT,
ELECTIONS CANADA



Arizona's on-line voting started on March 7, 2000.

Arizona Democrats have become the first Americans to use the Internet to cast legally binding ballots. The traditional polling sites were open on March 11 for the state's

Democratic primary, but registered party members also had the option of voting on-line from their homes, offices, schools or libraries between March 7 and 10. The major goal of using the Internet was to try to increase the traditionally low voter turnout for the primary and the participation of young Arizonans.

The Arizona Democratic Party worked with a New York-based company, Votation.com (now called Election.com), to carry out the historic election. In February, all of the state's registered Democrats (more than 800 000) were mailed a PIN number, similar to the

numerical codes used for bank ATM machines. Those who wanted to vote electronically could then log on to the party's Web page or the Votation.com site and enter the PIN. They were also asked to verify their identities by entering a social security number or date of birth.

There is some opposition to this use of the Internet. The Voting Integrity Project (VIP), a civic group based in Virginia (<http://www.voting-integrity.org>), applied for an injunction to prevent on-line voting in the Arizona primary. The group argued that the initiative would discriminate against and dilute the voting strength of minority groups, who are less likely to have access to the Internet.

VIP also claimed that the Democratic Party had failed to obtain clearance from the federal Department of Justice before instituting new voting procedures, contrary to the *Voting Rights Act*. The injunction request was denied. The Court found that the evidence about the existence of a “digital divide” was not specific enough to determine the extent of such a divide in Arizona or its possible impact on the March primary. Although the VIP did not appeal the injunction ruling and the vote went ahead, the case is continuing. In its ruling, the Court stated the election could be set aside later if found to be contrary to the *Voting Rights Act*.

In 1996, only 12 800 Arizonans participated in the Democratic Party’s presidential preference primary. In the 2000 primary, 40 000 electronic ballots were cast, more than half of the total number of votes received. However, the total number of ballots (Internet and paper) still represented only about 10 percent of registered Democrats in the state and less than one percent of the electronic ballots were cast by voters in the 25-and-under age group. While the number of votes cast this year rose dramatically, the proportion of the increase that can be credited to the new option of Internet voting cannot be fully assessed. Other factors included additional days of voting this year and increased public interest in the campaigns of the presidential candidates.

The Arizona Democrats’ new electronic voting process encountered a number of



Internet voting by the Navajo Nation at Window Rock.

problems. There were reports that some Democrats claimed they did not receive a PIN, software conflicts that caused some ballots to come up blank, and erroneous messages that informed voters they had already voted.

The newsletter *Election Administration Reports* described the Arizona experiment as a “rocky start”. Not many Macintosh users were able to vote early, because the browser in most of those computers was blocked by Votation.com’s election security system. When Democrats who lost or misplaced the PIN numbers they received in the mail called to obtain the number (without which they could not vote by Internet), many were unable to get through because the Macintosh users were also calling. The newsletter also says the party did not initially know how many polls it would have or where some of them would be located. The number of polling places in the state had to be increased significantly in the month before the election, to try to satisfy the complaints about Internet voting diluting minority votes. In turn, those additions and changes in the locations of polling



Internet voting at the University of Arizona.

stations may have led to errors in the list of polling places mailed to voters. Further, it took two-and-a-half hours after the polls closed to report voting results and, even a week later, there was no information about how many Internet votes had been cast.

On the other hand, State Democratic Chairman Mark Fleisher was quoted as saying the voter turnout was by far the largest ever for the party’s presidential primary and that the Internet option “really created excitement about being part of history, and it made voting easier and more accessible than ever.” In the primary vote,

Vice-President Al Gore easily defeated Senator Bill Bradley, who, in fact, dropped out of the race midway through the four-day period of Internet voting.

While Arizona made history with its binding vote that selected thirty-one delegates to the national Democratic convention, other states have also taken the first steps toward Internet voting.

In January, Republicans in Alaska used the Internet for a non-binding vote. Registered voters received an information package that included log-in codes, with which they could get into a Web site to register for the election. At the registration Web site, the voter entered his or her full name, address and voter registration number. The information provided by the voter was then verified and the company conducting the vote (VoteHere.net) gave the voter three 8-digit codes. On voting day, electors logged on with their three codes and cast their votes



... other states
have also taken
the first steps
toward Internet
voting.

on-line. Thirty-five voters used the on-line option.

Also in January, the California Internet Voting Task Force, commissioned by the State to undertake a ten-month study of Internet voting, released its report (<http://www.ss.ca.gov/executive/ivote/>). The task force was comprised of 34 technology experts, political scientists and civic leaders. It concluded that the implementation of Internet voting would increase access for millions of potential voters in the state who have not regularly participated in elections. However, it also found that there are technological threats to the security, integrity and secrecy of Internet ballots. The task force stated that the possibility of virus and Trojan Horse software attacks on

home and office computers used for voting is very real and could result in problems ranging from a denial of service to the submission of electronically altered ballots. To minimize those threats, it recommended that election officials should provide unique operating system and Web browser software to voters.

The task force also found that the use of digital signature and encryption technology could protect the integrity and secrecy of ballots transmitted over the Internet. All identifying information used to electronically verify the identity of a voter would be stripped from the ballot before tabulating the votes. The task force also warned that the ballots of voters who use the Internet through a local area network could have their privacy breached by a network administrator who might gain access to the voter's computer before the ballot is encrypted.

According to the task force's report, one of the most difficult tasks for an Internet voting system is the authentication of voters. To ensure that every voter has the opportunity to cast a ballot and none are able to vote more than once, the task force recommended that election officials should initially test Internet voting technology through the use of voting machines that are under the direct control of election personnel in traditional polling places.

The task force stated that it is technologically possible to utilize the Internet as an additional method of voting. But it added that currently it is not legally, practically or fiscally feasible to develop a comprehensive remote Internet voting system that would completely replace the paper process now used for voter

registration and voting. The task force stated that the election process would be best served "by a strategy of evolutionary rather than revolutionary change."

Meanwhile, in New York, another task force is reviewing the possibility of Internet voting in elections at all levels and how to block potential computer hackers. Governor George Pataki has also requested an assessment of whether Internet voting would create an unfair disadvantage for people in low-income or minority neighborhoods.

The U.S. military is working with the states of Florida, South Carolina, Texas and Utah in a pilot program to allow some 300 absentee military voters to cast on-line ballots in the presidential election this fall. In the wake of California's report, the Defense Department has decided that votes will be cast only from "virus-free" machines at military bases. This may be the first use of Internet voting in a binding public election.

U.S. President Bill Clinton has asked the National Science Foundation (<http://www.nsf.gov>) to conduct a one-year study of the feasibility of on-line voting in future elections. The Foundation will assemble legal scholars, technical specialists and experts on the democratic process to review whether cybervoting can increase voter turnout, while at the same time ensuring there is no fraud or loss of privacy. Clinton has also urged the technology industry to help reduce the potential "digital divide" problem.

The Americans are leading the world in the number of e-voting companies, pilot projects and technical studies related to Internet voting. These efforts merit close scrutiny by electoral agencies in Canada and other countries. ❧

Sources: *The Arizona Republic*, *Election Administration Reports*, Election.com, Voting Integrity Project

The Impact of the Internet on *Canadian Elections*

TOM McMAHON, ACTING DIRECTOR, LEGAL SERVICES, ELECTIONS CANADA

It is impossible today to read a newspaper or listen to the news – or even a Throne Speech – without hearing about the importance of the Internet. We hear about it in all fields of endeavour, so it is only natural that we would ask: What will be the impact of the Internet on elections?



The respondents

To help us answer this question, in early 2000, Elections Canada sent letters to all the registered federal political parties, all chief electoral officers across Canada and a variety of “third parties” (groups likely to be interested in advertising during elections, but who will not be fielding candidates) and academics. While the response to our query was not overwhelming in numbers, it was in quality, and it presents an informative view of the issues we are likely to face concerning the Internet and elections. We sent out four questions and advised all potential respondents that we would not attribute specific comments to them, but would identify in a list those who had answered our questions. We also asked for comments about Bill C-2, the proposed new *Canada Elections Act*, as it may relate to the Internet.

We received responses from British Columbia Chief Electoral Officer Robert Patterson; Newfoundland and Labrador Chief Electoral Officer Robert Jenkins; representatives of the Directeur général des élections du Québec; Green Party representative Julian West; Canadian Labour Congress Secretary-Treasurer Nancy Riche; Environment Voters Director Stephen Best; Democracy Watch Board Member Aaron Freeman; President of Electronic Frontier Canada, Professor David Jones of McMaster University; and technology law columnist with *The Globe and Mail*, University of Ottawa Professor Michael Geist. It must be emphasized that the comments we received were not intended to represent official positions of any of the above organizations.

QUESTION 1: ADVERTISING ON THE INTERNET

1 *To what extent, if any, do you believe that electoral advertising on the Internet might have a significant impact on electors in the next general election (e.g. voter information, influencing voter intentions, campaign fundraising)?*

This question concerned “advertising” on the Internet, such as the purchase of “banner ads” that appear on commercial sites that are *not* controlled by the person or organization that placed the ad. (Question 2 is aimed at the Web sites of different interested parties.)

The respondents stressed that the Internet is very different in nature from radio and television. The Internet is essentially a “pull” technology – the user must go to the site, and to the ads on the site and “pull” the information to themselves. Radio and television are “push” technologies: listeners and viewers have advertisements

pushed at them without having to do anything more than select the channel. They cannot choose whether to activate the commercial, as they can at a Web site; they can only choose to change the channel. As one respondent stated: “the Web does not have commercial breaks.” Another wrote: “Internet sites might be seen as electronic versions of lawn signs – you have to go there just to know they exist, and then take the time to read what they say.”

In addition, significant numbers of Canadians do not have access to the Internet; those who do have access use the Internet fairly infrequently. For them, the Net has generally not replaced the traditional media. Finally, the Internet has an almost infinite number of Web sites, the vast majority of which are non-Canadian. This means that it is extraordinarily difficult for Canadian election advertising on the Internet to reach significant numbers of Canadians – never mind getting Canadians to click on those ads! Thus, there was general consensus among respondents that Canadian election advertising on the Internet would not have a significant impact on electors in the near future. However, one respondent noted that young people are more familiar with the Internet and it can be expected that election information on the Net will have a greater impact on them than on other groups in society.

QUESTION 2: PARTY WEB SITES

2 *To what extent, if any, do you believe that the Web sites of various parties (e.g. registered political parties, candidates, “third” parties – that is, those who engage in electoral advertising during an election but who do not field candidates) might have a significant impact on electors in the next general election?*

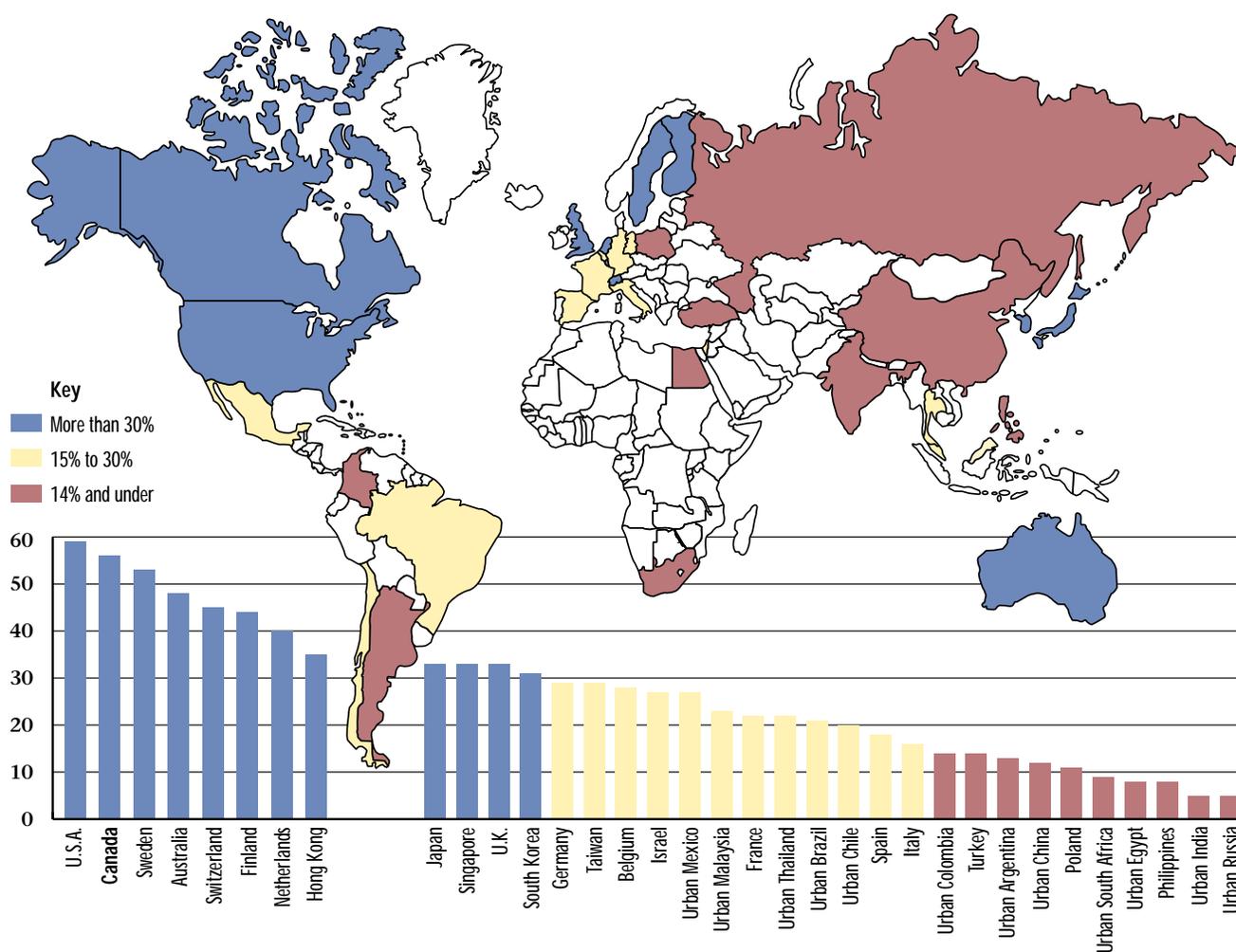
Here, the respondents generally felt that such Web sites will be most effective in encouraging persons already committed to their owners’ messages. Thus, the interested party’s Web site (and e-mail lists) can be an excellent way to encourage persons already sympathetic to the message to contribute money and to volunteer time, and to send out information to assist those persons in explaining and defending the party’s position. It was also noted that the quality of Web sites can vary considerably.

One respondent summed up the situation this way: “The vast majority of voters and, in particular, the all-important undecided voters have little interest in seeking out campaign material or information. For the most part, people are uninterested in politics and elections.”

One respondent wrote: "In the most recent federal election, the party Web sites were generally considered mediocre, and didn't necessarily contain information that wasn't already available elsewhere. ...Web sites have tremendous potential; however, I predict that the major parties will choose *not* to direct substantial time, funding, or staff to the development of truly effective Web sites. I would be delighted to be proven wrong."

Another respondent commented on candidates who have Web sites separate from their party Web sites. "I think it sends a mixed message – why isn't this person simply on the party Web site? Now that everyone is expected to have a professional Web presence, I think there'll now be consolidation onto fancy party sites, rather than having individual candidates make their own."

THE PERCENTAGE OF ADULTS USING THE INTERNET DURING A 30-DAY PERIOD



Source: Angus Reid Group, Inc.

Canadians are second only to the Americans as the most active users of the Internet in the world, according to a survey done by the Toronto-based Angus Reid Group. It found that during a one-month period, 56 percent of Canadian adults or 12.5 million persons surfed the Web. This compared to 59 percent of American adults. The study also found that global Internet usage could reach 1 billion users by 2005, with more than 300 million people already logged on. There were an estimated 40 million Internet users worldwide in 1996.

QUESTION 3: WHAT DOES THE INTERNET DO THAT TRADITIONAL MEDIA DO NOT?

3 *What, if anything, can the Internet do for an electoral campaign that cannot be done equally effectively by other forms of media?*

While the Internet may not be especially effective as a replacement for advertising in traditional media or for reaching undecided voters, there are some things that the Internet can do that traditional media cannot. As one respondent wrote: "The Internet will also play a key role in mobilizing campaign workers. The ability to generate buzz about a particular issue and quickly spread the word will be important for the coming election. All one needs to look to is the power of the Net in last fall's WTO [World Trade Organization] meetings in Seattle to see first-hand the mobilizing power among various groups of the electronic environment. ...[The Internet can] mobilize people quickly on a national basis much faster – media is still predominantly local, while the Web is national in scope."

Of course, as the above quote points out, the Internet is an information medium. The Internet *by itself* is not what is important – it is the ability to give information to people who can then take concrete action in the non-virtual world that makes the Internet important.

Other qualities that differentiate the Internet from traditional media are its unlimited capacity for providing information, and the ability to provide that information without filtering by journalists or commentators. If a voter wants to know what a political party's platform is, he or she can quickly find it, as the political party wrote it, on the Internet. Further, the Internet combines Web pages, Web site forms and e-mail (including automated e-mail distribution lists sending out information to large numbers of people with one click of a button) at extremely low cost compared to other forms of advertising. In combination with the above, the Internet offers far greater speed than other forms of media. Thus, if a political party or a third party wants to rebut something said by another political party or third party, it can send out messages to large numbers of people, including journalists, almost immediately. The work of political party "rapid response" teams, which ensure that no attack goes unanswered, is much easier when they use Internet technology.



The ability to generate buzz about a particular issue and quickly spread the word will be important for the coming election.

One issue not raised by the respondents is that of targeting voters. This issue was explained by Stephen Best of Environment Voters when he appeared before the House of Commons Committee that studied Bill C-2 on November 23, 1999. The text can be found at <http://www.parl.gc.ca/InfoComDoc/36/2/HAFF/Meetings/Evidence/haffev15-e.htm>. Stephen Best explained the way Environment Voters participates in campaigns.

From experience, we know we can, on average, shift 4 percent of the vote. With this in mind, Environment Voters selects electoral districts for campaigning that, based on the voting history, will likely be decided by this amount or less. Environment Voters only campaigns in electoral districts that are held by members of the governing party. They are the only politicians voters can hold accountable for the government's environmental record. Whether campaigning in favour of the governing party's candidate or in opposition, the process is generally the same and the latest political campaign techniques are used.

To find out where to campaign in an electoral district, we do a three-election poll-by-poll voting history analysis. Core votes and swing areas are identified. To find out who we'll be talking to and what to say, we acquire demographic information and conduct detailed opinion surveys in the swing areas. We prepare extensive dossiers and profiles on the incumbent, which include press clippings, still images, and video from the House of Commons. We also gather similar information about the challengers, as they become known.

From the research we develop our political messages. Videos are used to carry the message. They are distributed door to door, and other direct media, such as the telephone and the mails, may also be used.

... Elections are a zero sum game. One candidate's damage is another's good fortune. A poll-by-poll analysis done after the Ontario election showed an average of a 5.46 percent decline in the PC vote, the targeted candidates' vote, in the polls

where Environment Voters campaigned compared to a 0.95 percent decline where we didn't campaign.

As for the Liberals at the provincial level, who are the major beneficiaries of the Environment Voters campaign, in the Environment Voters polls the Liberals increased by an average of 14.31 percent, compared to 8.81 percent in polls where Environment Voters did not campaign.

Environment Voters campaigns, which are highly targeted and research based, using modern communication techniques, tend to work. Untargeted generic political advertising about issues have little, if any, effect.

While Stephen Best did not mention the Internet, it is clear that finding poll-by-poll election results in previous elections, acquiring demographic information about those polls, developing materials about a candidate's record, sending out messages – including producing and distributing videos – even public opinion polling, is now or soon will be, far more effective using Internet technology than without it. Thus, it might be expected that the Internet, in combination with other advanced technology, will make it easier than in the past to influence voters, ridings and election results.

At a recent conference on campaigns and elections in the United States, a number of speakers noted that e-mail is even more important than a Web site and that the key to successful Internet campaigning is getting visitors to a Web site to volunteer their e-mail addresses to receive future announcements.

QUESTION 4: CAN THE INTERNET AFFECT THE INTEGRITY OF CANADIAN ELECTIONS?

4 *What, if anything, do you think needs to be done to ensure that the Internet does not bring the integrity of Canada's electoral system into question?*

The respondents mentioned a variety of potential issues, although the general view was that the Internet is not likely to interfere with

the integrity of the Canadian electoral process. For example: "It's difficult to imagine any manifestation of the Internet being able to bring the integrity of Canada's electoral system into question. The intrusive media, television and radio, where the voter has no choice but to watch and listen is where the greatest threat to the integrity of

Canada's electoral system lies. There is an incredible hype about the Internet, which is raising amazing fears, but none of the fear has substance."

One respondent wrote: "If the voting public perceive that it is up to election administrators, e.g. Elections Canada, to 'ensure that the Internet does not bring the integrity of Canada's electoral system into question,' I think it is an impossible task. The ease with which anyone can establish a Web site makes it impossible to monitor the Internet. The only thing that can be realistically done is to respond to issues brought to the administrator's attention by concerned parties. Even then, any remedies would be applied well after an electoral event.

"The long-term impact of the Internet on the electoral system is impossible to predict. However, it may ultimately result in improvements to the electoral system – such as universal access to a ballot, removing barriers to voting by the disabled, timely access to campaign financial disclosure information, etc. ...

"Concerns about the integrity of the electoral system and of individuals and parties may arise as a result of threats, lies, deliberate misinformation or hacking to corrupt another's site. These are not areas normally overseen by election administrators."

Another respondent stated: "We believe that Elections Canada should look into the mischievous use of Internet. For example, the running of a site that used a candidate's or party's name in a way that would lead people to assume they were at the site of that party. We have already seen people buying up domain names in order to hold a party or candidate to ransom. The more insidious danger is that such a site would be used to spread lies. The site may well be registered and stored outside of Canada by a person or group. How you regulate for this is a problem. One area that might be discussed is the role of Elections Canada's own Web site in directing people to correct sites if rogue sites become a problem."

Continuing on this theme, a different respondent wrote: "Laws need to be applied in equivalent fashion on-line and off-line. This means that campaign finance issues are dealt with in the same manner and that actions that would merit sanction off-line face the



... the general view was that the Internet is not likely to interfere with the integrity of the Canadian electoral process.

same for on-line conduct. I'm thinking particularly of defamatory e-mails posted out on the Web or 'third party' sites that are really a cover for an official party."

Conversely, another respondent stated: "Portions of [Bill] C-2 attempt to control spending on the Internet as C-2 does with traditional media. While this may be desirable, it is not possible or practical. Canada does not have the power to enforce its laws extra-territorially on non-Canadians. ...The C-2 provisions regarding the Internet are legally and technologically moot."

One respondent said: "Canada must choose *not* to be a pioneer in the area of Internet voting. There are many serious technical as well as legal matters that must be carefully considered before even thinking about experimenting with Internet voting schemes."

Another respondent mentioned how difficult it will be to ensure that voters in the West do not obtain information about how voters in the East voted until the Western polls are closed. Voters could always phone a friend in the East in the past, but e-mail and Web sites now make it more likely that more Western voters will have access to Eastern results than before. A solution that the respondent suggested would be to ensure that all polls close at the same real time: for example 7:00 p.m. in British Columbia and 11:00 p.m. in Nova Scotia. Alternatively, the polling hours could remain as they are, but the counting of the votes would not begin until the same time across the country. If the desire is to ensure that Atlantic Canadians do not have to stay up late for the results, the counting of the votes could be postponed to the next day.

One respondent wrote about the fact that traditional media ignore smaller political parties. While television, radio and, to a lesser extent, the print media, can claim lack of time or space as a reason to focus only on the major parties, there are no such limits on the Web sites of the news media. "To leave a party out is essentially to lie, and I believe this compromises the integrity of the election system and should be regulated by Elections Canada."

Bill C-2 and the Internet

In addition, if you have any comments about Bill C-2, the proposed new Canada Elections Act, where it may relate to the Internet, your comments would be welcome.

Bill C-2 has a number of provisions that are relevant to the Internet. Part 17 of the Bill (sections 349 to 362) regulates election advertising by third parties – parties that engage in political advertising but who do not field candidates. Part 16 of the Bill deals with communications, and section 319 defines "election advertising" as

"an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated." The definition continues with an important provision specifically dealing with the Internet [paragraph (d)]:

For greater certainty, it [election advertising] does not include

- (a) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news;*
- (b) the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election;*
- (c) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be; or*
- (d) the transmission by an individual, on a non-commercial basis on what is commonly known as the Internet, of his or her personal political views.***

Thus, Bill C-2 is clear that there are at least some kinds of election information placed on the Internet that will not be considered election advertising and therefore will not be subject to the regulation of election advertising by third parties under Part 17 of the Bill. However, note that candidates and political parties have their election *expenses* regulated, and thus expenses related to their Web sites would be included in the calculation of election expenses, even if they are not "advertising". (Bill C-2 defines election expenses in section 407. In addition, election expenses are limited by the Act.)

Among the comments from our respondents about Bill C-2 and the Internet, one stated: "Third parties should be prevented from doing advertising on their own. In our view Web sites of third parties would not fall under such a ban. Though the information could be exactly the same, we believe there is a distinction between Web sites that give information to people who seek it from that site and means such as mailings, billboards, TV, etc., which seek to reach people who otherwise were not looking for the information."

Another respondent wrote: "As far as I can tell, the 'blackout period' for polling information has been significantly reduced [it is now 24 hours, polling day], and there are exemptions [from] heavy-

handed regulations for individuals posting political information on the Web [see paragraph 319(d) above].”

The respondent went on to stress the importance of anonymous political advertising. “Forcing people to identify themselves publicly whenever they express a political opinion interferes with this right by eliminating the secrecy of their voting intentions, causing people to self-censor rather than reveal their political viewpoint (which may have negative consequences for employment and so on), and this suppression of political discourse infringes on the rights of every Canadian to have access to the diversity of political opinions that exist in our society.”

In contrast, another respondent wrote that Bill C-2 should provide for more timely disclosure of donations received by parties. “Filings should be made at least on a quarterly basis, with a date attached to each donation. The ability to file and post on the Internet means that all donations up to the ... end of each quarter could easily be available within days of that date. In the case of election period filings, the report should be filed one week before the election date, and no donations should be accepted in that last week of the campaign. This would ensure that voters will know who is donating to each candidate and party before they make their decision.” Under the current system, donations made in January of one year do not become known until the July of the following year, 18 months later. This same respondent also recommended that Elections Canada improve the ability to search financial information on Elections Canada’s Web site by allowing for an on-line keyword searchable database so that users can go to the Web site, type a donor’s name, and see all donations made by that donor to any party or candidate, without having to download large and numerous files.

One of the blackout provisions in Bill C-2 relates to election advertising on polling day (section 323). Section 324 provides that the blackout does not apply to “the transmission, before the blackout period described in that subsection, of a message that was previously transmitted to the public on what is commonly known as the Internet and that was not changed during that period.” Thus, where there is election advertising on an Internet site before election day and that advertising is not changed on polling day, then the advertising does not infringe section 323.

Section 326 of Bill C-2 stipulates that six specific pieces of information about public opinion polls *must* be published (e.g. margin of error, who sponsored the poll, among other items). Subsection (2) adds two other pieces of information in the case of transmission to the public by means *other than broadcasting* (e.g. newspapers and the Internet). These two extra pieces are: (a) the wording of the survey questions and (b) the means by which a report on the survey results can be obtained.

Section 330 prohibits the use of broadcasting stations outside of Canada to attempt to influence voters in Canada. This prohibition does not apply to the Internet. However, section 331 states: “No person who does not reside in Canada shall, during an election period, in any way induce electors to vote or refrain from voting or vote or refrain from voting for a particular candidate unless the person is (a) a Canadian citizen; or (b) a permanent resident as defined in subsection 2(1) of the *Immigration Act*.”

None of the broadcasting provisions in Bill C-2 apply to the Internet. (See the definition of broadcasting in section 2, which is defined as broadcasting that is regulated and supervised by the Canadian Radio-television and Telecommunications Commission. To date, the CRTC is not regulating any broadcasting that may appear on the Internet, and has concluded that the majority of the material on the Internet is not “broadcasting” in nature.)

Conclusion

While recent surveys report that one-quarter or so of Canadians have Internet access at home, it is clear that the proportion of such Canadians will increase

dramatically in the coming years. Nonetheless, given the nature of the Internet and how people use it, it does not appear that the Internet will pose serious threats to the integrity of the Canadian electoral system, although some enforcement problems are likely. On the whole, it would seem that the Internet has a strong potential for allowing Canadians to express their political views and to link up with like-minded individuals more easily and less expensively than ever before. ✖



Election advertising does not include “the transmission by an individual, on a non-commercial basis on what is commonly known as the Internet, of his or her personal political views.”



Campaigning on the Internet: To Regulate or Not?

The U.S. Federal Election Commission Faces the Question



KENNETH P. DOYLE
SENIOR EDITOR,
MONEY & POLITICS REPORT,
BUREAU OF NATIONAL AFFAIRS INC.,
WASHINGTON, D.C.

In January, the U.S. Federal Election Commission (FEC) received an avalanche of more than 1 200 responses to its request for comments on whether and how it should regulate political campaigning on the Internet. Most of them were from Internet users, telling the agency to keep its hands off the Web. Why did the agency ask for public input and what prompted the large response, while other FEC requests might generate only a dozen or so comments? During the last few years, the Internet has become the hottest of hot topics, not only in the high-tech world, but also in business, the media, and politics. Like regulators everywhere, the FEC is trying to catch up.

The *Federal Election Campaign Act*, the basic U.S. campaign finance law, was adopted in the 1970s largely as a reaction to the Watergate scandal. Not surprisingly, the model the law took for regulations was the predominant political activity of 25 years ago – the amassing and spending of large sums of money to talk to voters through broadcast and print advertising, direct mail, phone banks and other, generally expensive, means of mass communication. The law – known as FECA – strictly limits contributions to candidates and requires those participating in a campaign to register and report campaign finances to the government.

FECA is now a quarter-century old, but the activity it regulates still dominates the American political scene in a major election year. Presidential and congressional candidates are raising ever-larger amounts of money in contests that are expected to cost, at the federal level alone, a total of \$3 billion during this election cycle. Most of the money will be spent on costly mass communications, such as television, radio, and mailings. A single, 30-second television campaign spot in a large media market can cost tens of thousands of dollars. But now there is also a new communications technology never contemplated when FECA was adopted – the Internet. The FEC, the agency that administers the U.S. campaign finance law, is struggling to determine if and how FECA can be applied to the Internet, or whether a whole new set of rules is needed.

The issue, according to Trevor Potter, a Washington election lawyer and former FEC chairman, is that campaign finance law presumes that efforts to influence an election must cost a lot of money. With the Internet, however, this may not necessarily be true. Someone with a home computer, a modem, and a cable or telephone line can, in theory at least, communicate with the whole on-line world at the cost of a few keystrokes. “Congress

assumed in 1975 (when the current version of the FECA went into effect), that, without spending, political speech would consist merely of standing on a street corner and shouting, one of the few forms of public communication not regulated or reportable under the federal election laws,” Potter wrote in a recent article published on the Web site of the Brookings Institution at http://www.brook.edu/gs/cf/cf_hp.htm. “The rise of the Internet as a medium of mass communications changes these fundamentals of communicating political speech.” Creating a Web site or sending “blast e-mails” to support or oppose a federal candidate can be done by a single person at next to no cost. Whether such activities are fundamentally different from standing on a corner and shouting (also a no-cost activity) is the question now faced by the FEC.

Last November, the Commission asked for public comments about whether and how it should apply its current rules to the Internet. Although no final action is expected on the matter for some time, the eventual result of this process could be either to waive all the FEC’s current campaign finance rules with regard to the Internet or to write entirely new ones. “One threshold question upon which the Commission invites comments is whether campaign activity conducted on the Internet should be subject to the ... Commission’s regulations at all,” the FEC said. “Are Internet campaign activities analogous to campaign activities conducted in other contexts, or do they differ to such a degree as to require different rules?”

Nearly all the replies the FEC received advocated either a hands-off or a go-slow approach. The vast majority were brief e-mail messages from ordinary Internet users. For the first time, the Commission made all the comments it received available on the FEC Web site at <http://www.fec.gov>. “It is my considered opinion that the Federal Election Commission should make absolutely no effort to control, restrict, monitor, tax or regulate use of the Internet in any way, shape or form,” said a comment

from Martin Meyer of Hamilton, Ohio. But other comments recognized that current FEC rules might be interpreted as affecting Internet activity and that new rules providing specific waivers for Internet activity probably will not be put in place quickly.

A group of correspondents, led by the non-profit Center for Democracy and Technology, called on the FEC to delay new rulings until after the current election year. At the same time, the Center said the FEC should create a “safe harbour” for Internet activities under

its current rules, by making a clear statement about how it will value Internet political speech during the current political campaign. The Center, which specializes in Internet issues, said it had helped generate more than 800 comments from 200 individuals on the FEC proposal. Its comments were joined by those of a diverse group of liberal and conservative organizations, including People for the American Way, the Free Congress Foundation, and the American Civil Liberties Union.



... there is also
a new
communications
technology
never
contemplated
when FECA was
adopted – the
Internet.

Among the specific issues about which the FEC asked for comments were:

- How should a candidate's Web site be valued and reported?
- Do Web sites created by supporters or opponents of a candidate constitute financial contributions subject to the restrictions and reporting requirements of campaign finance law?
- Should candidate appearances or messages on a Web site or links to a candidate's own campaign site count as campaign contributions or spending?
- Should the Web sites of political parties be regulated?
- Should the exemptions in current law for reporting and commentary by news organizations be applied more broadly in the on-line context?

Put another way, that last question is: Does the Web make everyone a potential on-line publisher and therefore subject to the same constitutional protections now enjoyed by the traditional media?

A common thread in all these questions, according to Darryl Wold, the current chairman of the FEC, is how to value activity on the Internet. Wold is one of three Republicans on the six-member FEC, which also has three Democrats. In an interview, he stated that the issues are so complex that he is "not optimistic" that the Commission can write a major new Internet rule this year. This does not mean, however, that the FEC will not have to address issues raised by the new technology, which is becoming more and more widely used as a device for political fundraising and getting political messages out to voters, Wold said. The FEC

is likely to continue to face a series of Internet issues either through enforcement complaints or requests for advisory opinions, he acknowledged.



One index of Internet use by the political community is fundraising.

In recent months, the FEC has already issued advisories to facilitate the use of the Internet to raise money for presidential primary campaigns by providing federal matching funds for on-line contributions. It has also issued opinions to non-profit and for-profit entities, allowing them to set up voter education Web sites that contain campaign-related messages. But these sites are non-

partisan and do not advocate particular candidates or points of view. Much tougher problems could be posed by Web sites set up by companies, unions, or advocacy organizations that may be designed to promote these groups' viewpoints and favoured candidates, Wold acknowledged. For example, the national labour federation, the AFL-CIO, has used its Web site at www.aflcio.org to promote Vice-President Al Gore's presidential campaign.

It is still too early to fully know how important the Internet will become to the American political process. Right now, its relative importance may be low, but that will change, many experts say. One index of Internet use by the political community is fundraising. A recent PoliticsOnline survey found that the U.S. presidential contenders raised nearly \$7.5 million in campaign contributions over the Internet in 1999 – led by Republican Arizona Senator John McCain, who raised more than \$5 million on-line. Total Internet contributions were only five percent of the more than \$140 million in contributions raised by the presidential candidates. But the future of politics on the Internet was hinted at when McCain began

raising on-line contributions at the rate of nearly \$1 million per week following his victory in the New Hampshire primary.

Many of the comments received by the FEC regarding its possible new ruling emphasized the potential of the Internet to inform voters and foster their participation in the political process. Respondents argued that these benefits should not be unnecessarily hampered by FEC rules. Comments submitted by America Online Inc., the world's largest provider of Internet services with over 20 million customers, discussed an ambitious program to offer its subscribers political information during the election campaign and urged the FEC "to create an understandable and unambiguous legal framework that unleashes the promise of the Internet."

Most representatives of other corporations, labour unions, and the major political parties indicated that they recognized the FEC will move slowly to write any special, new Internet rules. "Any regulations implemented by the Commission while the Internet is in its early stages of development may prematurely stunt the growth of this new medium," said comments from Thomas Josefiak and Alexander Vogel of the Republican National Committee. "The Commission should conclude ... that the best strategy to assist the growth of the Internet is to allow it to proceed with minimal government interference." Such comments were echoed by Robert Bauer, a top Democratic election law attorney with the law firm Perkins Coie. "With no specific regulations in place, the Commission should state clearly that it presumes that the use of the Internet is not regulated by the (Federal Election Campaign) Act." But Bauer also said later, "the Commission may conclude that the uncompensated provision of Web banner advertising, normally sold under commercial terms, may create a risk of corruption that warrants regulation. It might reach the same conclusion with

respect to cross-linking in a commercial context. However, these circumstances may be distinguished from the mere posting of a Web page by a corporation or union.” Attorney James Bopp of the Madison Center for Free Speech said flatly, “as Internet activity increases participation by individuals, and Americans desperately need more information to be self-governing, Internet activity should be left alone by the Commission.” But campaign finance reform organizations Common Cause and Democracy 21 said that, while Americans should be free to use the Internet for political activity as individuals, stricter rules should apply to companies, unions, foreign nationals, and government contractors. “Actions by corporations and labour unions (whether on the Internet or in any other context) should continue to be more strictly regulated,” said the campaign reform groups.

As mentioned earlier, the FEC’s gathering of opinions was not the first action taken by the Commission with regard to the Internet. In 1999, the Commission approved an advisory opinion requested by the presidential campaign of Texas Governor George W. Bush, allowing the campaign wide latitude to benefit from on-line political efforts of volunteers without having to report such efforts as campaign contributions. The Commission approved the widely anticipated advisory (AO 1999-17) by a unanimous vote, relieving the Bush campaign and other campaigns of responsibility for the Internet politicking of individuals outside the campaign. The campaign also does not have to

“police” the Web, to see if Bush supporters are breaking campaign finance rules, the FEC said. The FEC indicated, though, that it had not yet determined whether some Internet activities independent of the campaign might violate campaign finance rules. The Commission said it simply determined that such potential violations are not the responsibility of the campaign itself.

The FEC has also approved advisory opinions requested by Democracy Network, or Dnet, (AO 1999-25) and Election Zone LLC (AO 1999-24), allowing both non-profit and for-profit companies to operate Web sites providing non-partisan information about federal candidates. The actions signalled that the FEC appears ready to give wide latitude to on-line politicking by individual volunteers using home computers to support specific candidates, and by non-profit organizations seeking to provide a non-partisan on-line forum for election-related discussions. The FEC’s most recent actions also appeared to at least partly contradict an action the Commission took in 1998, holding in an advisory opinion that a Web site created by a Connecticut man, Leo Smith, criticizing

Representative Nancy Johnson (R-Conn.) could constitute a regulated, independent expenditure on behalf of Johnson’s opponents. Commissioners said, however, that the Leo Smith case was complicated by the fact that Smith used a business computer, not a home computer, to create the Web site.

Even if the FEC takes a hands-off approach to the Internet, there is no guarantee that Congress will do the same,



Even if the FEC takes a hands-off approach to the Internet, there is no guarantee that Congress will do the same ...



especially if there are signs that the new technology could threaten incumbent members. One possible harbinger of things to come on Capitol Hill was a provision of a new law (*Public Law 106-113*) passed last year, calling for protection of the Web sites of political candidates and others from “cyberpirates” – people who register or traffic in Web site names that are similar to a famous name or trademark.

The cyberpiracy bill addresses a budding controversy regarding the potential misuse of candidates’ names on mischievous or malicious Web sites. The legislation to prevent cyberpiracy, also known as “cybersquatting”, omitted a provision in an earlier House-passed version to create a special category of Internet domain names for the president, members of Congress, and political candidates. Instead, House-Senate conferees added language more generally prohibiting the unauthorized registration of personal names as Web site names – known as Internet “domain names” – with the intent to profit. The new law calls for a study to be conducted by the Secretary of Commerce in consultation with the Patent and Trademark Office and the FEC. It is to provide recommendations and procedural guidelines for resolving disputes over the registration of Web site names. The study will address prevention of trafficking in

Internet names and specifically must include recommendations on “protecting the public from registration of domain names that include the personal names of government officials, official candidates, and potential official candidates for federal, state, and local political office in the United States, and the use of such domain names in a manner that disrupts the electoral process and/or the public’s ability to access accurate and reliable information regarding such individuals.”

The move to protect candidates comes after numerous recent instances of critics and satirists buying the rights to domain names linked to various candidates in order to establish Web sites. One of the highest-profile instances occurred earlier this year with the creation of a Web site parodying Mr. Bush. Last year, the Bush campaign filed a complaint with the FEC asking for enforcement action against Zack Exley, creator of the Web site www.gwbush.com, a parody site that focused on unsubstantiated rumours that Bush used illegal drugs as a young man. The site was supported by RTMARK, which describes itself as “a group that specializes in calling attention to corporate subversion of the U.S. political and electoral process.” Bush campaign attorney Benjamin Ginsberg described Exley as “a guy holding us up” for money. The campaign said Exley offered to sell the gwbush.com site to the Bush campaign for \$350 000.

The potential new FEC ruling and most current commentary focus on the use of and



The move to protect candidates comes after numerous recent instances of critics and satirists buying the rights to domain names ...

committees that must file their disclosure reports electronically.

possible restrictions on the Internet as a tool for political advocacy. There is another use for the new technology, however, that eventually may prove even more important for informing voters: on-line disclosure of the campaign finances of candidates, parties, and other political entities. Congress passed a new law last year (P.L. 106-58) with a provision requiring that major political committees file their financial disclosure reports electronically, so that they could be made available almost instantly and in easily-read form to the public on the Internet. The measure leaves it up to the FEC to write a new rule setting a financial threshold for

While the FEC may not write a rule in 2000 establishing the bounds of political advocacy on the Internet, it definitely will write a rule by the end of the year to implement the new electronic filing law, according to FEC Chairman Wold. With that rule, the Commission is expected to require on-line disclosure by most of the major U.S. political players: the two major parties, top congressional and presidential candidates, and big political action committees. Only Senate candidates are exempted from on-line disclosure by a special provision of the new law. Congress has required the FEC to have the mandatory on-line disclosure system in place by 2001. When it is in place, it will be easier and quicker than ever for American voters to track the money behind the message of each candidate and party, whether that message is conveyed through the Internet or more traditional means. ✖

Money & Politics Report is a daily electronic news report on campaign finance, lobbying, and government ethics published by the Bureau of National Affairs Inc., Washington, D.C., which has a Web site at www.bna.com/moneyandpolitics.



Permanent List of Electors: *The Quebec Experience*



MONIQUE MICHAUD

RESEARCH OFFICER,

DIRECTEUR GÉNÉRAL DES ÉLECTIONS DU QUÉBEC

In November 1997, Quebec wrote a new page in its political history. When it used its brand new, permanent list of electors (PLE) for the first time, in a municipal election, the province swept away an entire range of old electoral habits, customs and folklore.

Things would never be the same again. Gone were the days when an election call turned enumeration into a race against the clock; gone, the problems of recruiting enumerators, the door-to-door visits and lengthy re-transcriptions on a typewriter. There would be no more interminable electoral campaigns. The PLE would revolutionize the preparation of electoral lists.

Before the PLE

The concept of a permanent list of electors was not new in Quebec. In recent decades, politicians and administrative personnel had toyed with this idea on several occasions because of the many problems associated with preparing the lists of electors. At the beginning of the 1980s, the Directeur général des élections du Québec (DGEQ) even

tabled a report on this issue. His conclusion was that such a list could not be prepared until it was possible to specify how the privacy of electors would be respected and to demonstrate the cost-effectiveness of a permanent list of electors managed with computer-based tools.

And so, election after election, the province, municipalities and school boards continued to prepare their own lists, in their own ways, by their own rules. The three levels of jurisdiction did not use the same methods and, even within a specific jurisdiction, there were variations among municipalities and from one school board to another. The qualifications of an elector were not consistent among the levels of government, nor were the electoral districts.

Between two elections, demographic shifts could modify the composition of the electorate within a district to such an extent that everything had to be started over again at the following electoral event.

The many enumerations posed significant management and operational problems. At the provincial level, it became increasingly difficult to recruit enumerators, who had to be continually available for four consecutive days. Returning officers appointed enumerators from lists provided by the political parties. As an example, during the 1992 provincial referendum, 25 percent of the people

recommended as enumerators withdrew. In the Montréal region, the withdrawal rate was 32 percent. Two electoral districts had withdrawal rates of 80 percent and 90 percent.

The difficulty of the task discouraged many. In rural areas, enumerators sometimes had to travel long distances. In towns, they complained of safety concerns, language difficulties and problems of access to certain apartment buildings. Some people flatly refused to open their doors to enumerators. Then, they had to type up the lists... It was not uncommon for an inexperienced enumerator to have to start this process over more than once.

Since the cost of preparing the lists was prohibitive, it became necessary to make the process more efficient. At every electoral event, many thousands, indeed millions, of dollars were swallowed up in an operation dedicated to endless repetition, an activity whose results quickly became outdated. But there was still another issue. The methods used to prepare the lists were not consistent with sociological and technological realities at the turn of this century.

Given the lightning speed of progress in the computer field, serious and realistic consideration was given to preparing a computerized list. Representatives of the provincial, municipal and school board levels agreed on the need to find a lasting solution to the problem of preparing the lists of electors.

In June 1992, the National Assembly gave DGEQ the mandate to study the feasibility of a permanent list of electors.

The preparatory stages

In discharging this mandate from the legislature, DGEQ first consulted with representatives of the municipal and school board authorities and with political representatives. Because of the confidential nature of elector data, he also consulted the Chair of the Commission d'accès à l'information. A questionnaire was sent to all municipalities and school boards. Next, members of the DGEQ staff met with employees of various public organizations, in particular, employees of the Régie de l'assurance-maladie du Québec (RAMQ), the Société de l'assurance-automobile du Québec (SAAQ) and the Régie des rentes du Québec, which have expertise in methods for updating databanks and on maintaining the confidentiality of files containing identifying information.

The Directeur général des élections du Québec submitted his report to the National Assembly in March 1993. He recommended

that a computerized list of electors be established for use by provincial, municipal and school board authorities. The report favoured the preparation of a list based on an enumeration followed by an update using RAMQ data.

In June 1995, the Quebec National Assembly adopted Bill 40, *An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions*. The DGEQ got the green light: he

was to establish a permanent list that would provide more accurate and complete lists at the three levels of government, while reducing implementation costs. In addition, registration mechanisms were to be simplified, to facilitate the exercise of the right to vote.

One list, two files

The first challenge was to establish the architecture for a computerized system and develop the processing units required for managing the data and producing the provincial, municipal and school board lists. Two databases were established, i.e. the electors database and the geographic database. The combination of the two databases would make it possible to produce the list of electors required to hold any vote.

The electors database includes information on the identity of individuals who wish to be registered on the list: family name, first name, date of birth, sex, address and date of establishment of residence in a municipality. This database was constructed using the list of electors registered for the 1995 referendum, the list of electors outside Quebec and the amendments made to the list at by-elections and provincial, municipal and school board elections.

Any person who, within the meaning of the *Election Act*, is qualified as an elector may be registered on the permanent list of electors. Elector qualifications vary at the provincial, municipal and school board levels.

The geographic database includes the geographic information required to manage and produce the various electoral lists, particularly the addresses and the descriptions of electoral districts.

For provincial electoral events, the geographic database supplies the descriptions of the polling divisions for each of the 125 electoral districts. It also supplies the descriptions of the electoral districts or neighbourhoods for municipal elections, and data on the 69 linguistic school boards for school board elections.

The geographic file also contains information on judicial districts. Under the *Election Act*, the DGEQ prepares the lists for jury selection.



Since the cost of preparing the lists was prohibitive, it became necessary to make the process more efficient.

Permanent and up-to-date ...

The second, and probably the major challenge for the creators of the permanent list of electors, was to ensure it remained up-to-date. It would, in fact, be impossible to design such a tool without reliable and effective update mechanisms to deal with relocations, deaths, and persons reaching the age of majority or obtaining Canadian citizenship.

Because the geographic data also evolve over time, the system must be able to quickly integrate into the geographic database any changes to municipal boundaries, street name changes and new housing developments.

The list is continually updated from several data sources. Because the data from RAMQ is coupled with the electors database, a cross-reference code is allocated to each elector. This code allows the Régie to transmit any change in an elector's identity or address to the DGEQ.

The major source of information for updating the electors database is the RAMQ. The majority of amendments to RAMQ files come from its own recipients. It also receives close to 40 percent of address changes from the SAAQ and a smaller number from other organizations, like the Régie des rentes du Québec.

The second most important mechanism for amending the electors database is the revision process. Revision of the lists of electors is carried out following the issue of writs of election or referendum, or when the lists are amended for a municipal election or referendum. The other sources for updating the database are the federal Department of Citizenship and Immigration, the Public Curator and the individual elector. Finally, the DGEQ can recommend an enumeration or a revision to verify the list in full or in part.

The geographic database is updated with data provided by the RAMQ, municipalities, returning officers, school boards, the Commission de toponymie and the Gazette officielle du Québec.

Electors have access to information about themselves in the permanent list of electors. It is the elector's responsibility to communicate to the DGEQ any change in this information, as well as to indicate if he or she wishes to be removed from the list.

To ensure that the largest possible number of electors can exercise their right to vote, the legislature established a revision mechanism to handle specific cases: the Commission permanente de révision. Based on the results of only a few months of operation, the work of the Commission is encouraging. This mechanism, in conjunction with those already existing, contributes to the completeness and quality of the PLE.

Behind the list, there are, first and foremost, people ...

If the permanent list of electors displays exemplary completeness and quality, it is thanks to the people who produce it. A team of highly qualified personnel is dedicated to managing the PLE, and analysts and programmers, data administrators and technicians guide the maintenance, operations and development of the computer system.

To support their work, effective communications vehicles are absolutely vital, but first there have to be qualified and competent personnel.

The staff of the DGEQ Centre de renseignements is a major partner in the constant updating of the permanent list of electors. The Centre staff interfaces between the public and the list. In this period of new communications technologies, other staff members feed and develop the DGEQ Web site. The Web site, a section of which deals with the PLE, is an effective communications tool, particularly during an electoral event.

... and cyber tools!

The creators of the permanent list of electors wanted their computer system to be as simple as possible. Although computers are the foundation for the PLE, it does not require very complex systems to be effective. All that is needed is technology that is reliable and responsive.

The basic computer equipment consists of three minicomputers, each dedicated to a specific use: a production server, a development server and a computer used for technological testing. Each of these servers contains a database specific to its own environment.

The software programs used include a database manager (Oracle), a suite of Oracle development tools (Developer 2000, C, Pro C, SQL, PI/SQL, TCP/IP), an operating system (Digital UNIX) and utilities. For those well-versed in computers, we would add that the memory required for the data-

base (more than 5 000 000 electors) is more than 18 GB. The applications were developed to be compatible with the existing computer environment in the DGEQ offices.

Quality, speed, completeness, reliability

Expectations were high and the project was ambitious, but the permanent list of electors seems to have met the challenge. Its most visible and measurable benefits are a reduction in the cost of



Electors
have access
to information
about
themselves in
the permanent
list of electors.

preparing lists of electors (more than \$17 million saved over 5 years, despite the costs associated with the implementation and management of the PLE); use by the different levels of government; and an appreciable reduction in the electoral period (from 47 to 33 days). We have also found a constant improvement in the quality of the lists of electors and gained better control over the preparation and updating of the lists.

The rate of amendments when revising the lists of electors during an electoral event is an eloquent indicator of quality: the amendment rate of 8.5 percent during the 1995 referendum compares well with the 5.7 percent rate during the November 1998 provincial election.

The number of electors registered represents another favourable indicator for the PLE. In total, 4 639 860 persons were registered during the 1994 enumeration, compared to 5 254 482 for the 1998 election. On November 30, 1999, the names of 5 311 347 electors appeared on the PLE.

A recently implemented mechanism facilitates the registration of electors attaining the age of 18 years, persons who obtain Canadian citizenship, and persons already possessing Canadian citizenship who come to live in Quebec. This mechanism makes it possible, further to the *Election Act*, to directly register these persons on the list of electors after obtaining the information from the RAMQ. The DGEQ communicates with them later to advise them that, unless there is notice to the contrary from them, they are registered on the list.

This new mechanism has helped to resolve certain difficulties associated with the registration of young people who turn 18. A significant proportion of these young people delay returning the registration form.

The rate of registration requests during an election has noticeably decreased, declining from 6.5 percent in 1994 to 4.6 percent in 1998. During the initial overlap that made way for the first version of the PLE three years ago, 7 percent of potential electors did not “overlap” with the RAMQ file. In June 1999, this rate was 1.2 percent and in February 2000, 0.87 percent. Another benefit, and not the least, is that the list of electors for a specific election can be prepared at 12 hours notice.

A memorandum of understanding concluded between DGEQ and Elections Canada allows the forwarding of new registrations, deaths and other changes in Quebec elector information to the staff in charge of the National Register of Electors. The updating of data on Quebec electors in the National Register is done in part based on the PLE information.

For administrators of elections in Quebec, the real test of the PLE, however, occurred during the provincial election of November 1998. The experience proved conclusive. The permanent list of electors prepared for the general election was of undeniably better quality than the lists resulting from a door-to-door enumeration.

The recognition of this success came in November 1999, when the DGEQ was awarded the Prix d'excellence de l'administration publique québécoise for the permanent list of electors. The Prix d'excellence is intended to highlight noteworthy achievements in the public sector and pay tribute to their prime architects. The criteria for awarding this prize include the impact of the achievement on clients, its innovative character, its potential for application in other organizations and the quality of management during implementation.

Prospects for the future ...

Despite the difficulties that still exist and for which we continue to seek solutions, the results are convincing. The permanent list of electors is fulfilling its promise.

Given the list's success, it might be tempting to try to expand its uses. However, the legislature did not intend the PLE for broad use. The permanent list of electors was designed to meet very specific needs and it does that very well. What is more, pursuant to *An Act respecting access to documents held by public bodies and the protection of personal information*, information on electors is not of a public character and is strictly reserved for electoral purposes.

If there should be new uses, these will be in relation to the geographic file, which does not contain identifying information. We might, for example, consider potential partnerships with certain government organizations that already manage geographic databanks.

Because of the completeness and accuracy of the information in our geographic database, on, among other things, the spelling of place names, this database could certainly augment the information in other geographic databanks. In fact, a citizen may have many addresses, but only the principal residence of the elector is registered in the PLE. This is the principal residence that qualifies the person as an elector.

The concept of developing a unified management system for identity and addresses has been the subject of discussions for some time in government circles. Could we think about using the geographic database as part of such a project? This remains to be assessed and analyzed from all angles. The development of geomatics also leads us to anticipate other interesting partnerships.

In the immediate future, however, efforts will continue to be invested in improving the list. Certain functions already anticipated in the *Election Act* could be improved, particularly in regard to adapting the PLE to the rules of the school board environment. There is still room for improvement of the updating mechanisms. The foregoing exceptions should not, however, lead us to lose sight of the overall picture. Taken as a whole, the permanent list serves the Quebec democratic system very well, by encouraging the exercise of the right to vote by the largest possible number of electors. ❖

Leonard Marchand

The First Status Indian Elected to Canada's Parliament

WAYNE BROWN
CO-EDITOR, ELECTORAL INSIGHT,
ELECTIONS CANADA

In 1968, Leonard Marchand became the first Status Indian to be elected to Canada's House of Commons, as Liberal member for the British Columbia riding of Kamloops–Cariboo.

At that time, Canadians were not used to seeing Aboriginal politicians on the campaign trail or serving at any level of government. Until 1960, Status Indians could not even vote in a federal election unless they first gave up their right to be registered under the *Indian Act*, their treaty rights and their statutory right to property tax exemption. The 34-year-old Marchand defeated a prominent Conservative who had held the seat in Parliament for 23 years. Marchand would later become the first Aboriginal Canadian to serve in the federal cabinet, and subsequently, in 1984, he was appointed to Canada's Senate.



Leonard Marchand is pictured with his wife Donna, son Leonard Stephen Jr. and daughter Lori Anne when he was first sworn in as a member of Parliament in July 1968.

Marchand's early years

Leonard Marchand was born in Vernon, British Columbia, in 1933. A member of the Okanagan Indian Band, his first education was at the Okanagan Indian Day School at Six-Mile Creek, a one-room schoolhouse with only 25 students, where he completed grades one through eight. Subsequently, he became the first Status Indian to attend and graduate from the public high school in Vernon. "The Indian Agent of the day enrolled me in a dead-end vocational agricultural program," says Marchand, "but along the way they found I may have a few brains." When local education officials urged him to go further, he took an extra year and completed his academic subjects. When Marchand later attended the University of British Columbia, only two or three other Aboriginal students were enrolled there. Marchand graduated in 1959 with a Bachelor of Science degree in Agriculture. He married Donna Isabelle Parr of North Bay, Ontario, in 1960 and they have two children, Lori Anne and Leonard Stephen Jr. Marchand would finish one more degree in 1964: a Masters in Forestry, at the University of Idaho. His specialty was range management and, during the first half of the 1960s, he was employed as an agricultural research scientist at the Kamloops Research Station.

His first Ottawa experience

Leonard Marchand was active in the National Indian Brotherhood. Some of its members encouraged him to go to Ottawa, to promote their views to the politicians. This goal is largely what led Marchand to travel to Ottawa, where he became the first political assistant of Aboriginal heritage to work in the office of a federal cabinet minister. During the late 1960s, one of the two ministers from British Columbia he would

TREATY RIGHTS PREFERRED OVER RIGHT TO VOTE

The franchise barrier for Status Indians was removed very late in Canada's history. It was not until 1960 that Parliament passed a new *Canada Elections Act*, which confirmed the right to vote, without conditions, of all adult Aboriginal Canadians. Women, the other large group of previously disenfranchised Canadians, had received the right to vote forty years earlier.

Status Indians in most parts of Canada had the right to vote from Confederation on – but only if they gave up their treaty rights and Indian status through a process defined in the *Indian Act* and known as "enfranchisement". Understandably, very few were willing to do this. Métis people were not excluded from voting; few were covered by treaties, so there were no special rights or other basis on which to justify disqualifying them. Inuit were not excluded either, except from 1934 to 1950. Most were geographically isolated well into the twentieth century, so in the absence of special efforts to enable them to vote, they had no means to exercise the franchise.

Aboriginal peoples had well-established social groupings and elaborate systems of government long before their first contacts with Europeans. Many, therefore, looked unfavourably on nineteenth-century proposals for enfranchisement for at least two reasons: first, it would mean an end to their recognition as distinct nations or peoples – as signified by their treaties with France, Great Britain and later Canada – and the beginning of assimilation into non-Aboriginal society.

Second, voting in Canadian elections would mean participating in a system of government that was quite alien to the traditions, conventions and practices of governance of many Aboriginal peoples. Further, electoral participation would have been essentially redundant – Aboriginal Canadians already had their own systems for choosing leaders and governing themselves.

In short, Aboriginal people were unenthusiastic about having the right to vote, if it meant giving up their individual and group identity. Thus, until the government of Canada extended the vote to Status Indians unconditionally, there is little evidence that Aboriginal people wanted it or sought it.

WAR RECORD BROUGHT RECOGNITION

A great many Aboriginal people served with distinction in the Canadian forces during the Second World War, and this was among the factors leading many Canadians to realize that full rights of citizenship for all Aboriginal people were overdue. A parliamentary committee recommended in 1948 that Aboriginal Canadians be given the right to vote.

Finally, on March 10, 1960, after a debate marked by virtually unanimous support, the House of Commons gave Status Indians the vote without requiring them to give up any rights in exchange. Two years earlier, Prime Minister John Diefenbaker had appointed James Gladstone to the Senate, where he was the first member of Aboriginal origin.



Leonard Marchand and Pierre Trudeau addressed the huge crowd at a Liberal rally on June 3, 1968, when the Prime Minister visited Kamloops, British Columbia, to assist Marchand's first election campaign.

work for was Arthur Laing, Minister of Indian Affairs and Northern Development.

When Pierre Trudeau announced to the House of Commons that he was launching the 1968 election, Marchand was watching from the gallery of the Chamber. He thought that this election would bring an end to his working days in the capital; he planned to go home and perhaps pursue a career in scientific research. But, he says, Liberal friends began to phone him and send telegrams. They wanted somebody new and young to contest the Kamloops-Cariboo riding. They wanted Leonard Marchand.

The 1968 election

"Who, me? I can't beat Davie Fulton," was Marchand's first thought. Fulton, who had held the riding for over two decades, was a former Minister of Justice in the Diefenbaker cabinet and had sought the leadership of the Conservative Party himself. But Marchand

went to Kamloops and, at a coffee party, he was amazed to find almost 300 people looking for a new candidate. "It was incredible, the number of people in that group who wanted me to run."

Marchand decided to seek the Liberal nomination. There were two other prominent candidates, but they both backed out and Marchand won by acclamation. And then on June 3, 1968, "Trudeaumania" hit town. Nine thousand people, almost one-third of Kamloops' residents, turned out to see and hear Pierre Trudeau. Marchand won the riding by more than 3 000 votes. He thinks he might have been elected to Parliament on his own, but Trudeau's visit certainly helped. Marchand remembers John Diefenbaker expressing surprise that he was elected so soon after Status Indians obtained the right to vote.

In Parliament

"I was treated well as a parliamentarian, but I took a few cheap shots from my own people, which really hurt," recalls Marchand. For his historic, maiden speech in the Commons, he was given the honour of seconding the address in reply to the Speech from the Throne. He became Parliamentary Secretary to the then Minister of Indian Affairs and Northern Development, Jean Chrétien. Marchand remembers them being invited for lunch with Trudeau at 24 Sussex Drive, where he helped convince Prime Minister

Trudeau to commence First Nations land claims negotiations. "If I weren't in Parliament, I could not have done that," says Marchand. One of his chief satisfactions was helping to devise federal policies that recognized the rights of Status Indians to negotiate compensation for loss of Aboriginal rights.

Marchand was twice re-elected, in 1972 and 1974. Of the British Columbia Liberals first elected in 1968, he was the only one to retain his seat at the 1974 election. In 1976,

Trudeau appointed Marchand to his cabinet as Minister of State (Small Business). As the first Aboriginal Canadian to attain that level, Marchand scoffed at the suggestion it was his heritage that got him the post. "If Mr. Trudeau had wanted to make me a token, he would have done it a long time ago," the newly named Minister told an interviewer.

When Joe Clark and his Progressive Conservatives came to power in 1979,



They wanted somebody new and young to contest the Kamloops-Cariboo riding.

Marchand was defeated. He blames an anti-Trudeau trend, his own personal stand on gun control and the fact that he had voted in favour of abolishing capital punishment. Marchand decided not to run again in the 1980 election. He says his wife didn't want him to contest the seat again, and he had the responsibility of teenage children. For five years, Marchand then became the administrator for the Nicola Valley Indian bands.

Senator Marchand

Another appointment came from Prime Minister Trudeau in June of 1984: this time, to the Senate of Canada. Marchand became the fifth Aboriginal person in Canada's history to sit in the red chamber. Pierre Trudeau had invited him to take the position just the day before announcing his appointment, and in the conversation said, "Sorry for taking so long." Marchand was instrumental in the establishment of the Senate Committee on Aboriginal Peoples and served as its Chairman. He says his most important Senate work for Aboriginal Canadians was in producing a report on Aboriginal veterans which recommended an Aboriginal Veterans Scholarship Trust for students. Several hundred students have benefited from it so far. Many of his years in the Senate were on the opposition side, and Marchand says that left him very frustrated with what he could accomplish.

Aboriginal electoral reform

While he was a Senator, the Royal Commission on Electoral Reform and Party

Financing asked Marchand to lead a series of preliminary consultations with Aboriginal peoples on the concept of Aboriginal electoral districts. He consulted with national and regional leaders and found they enthusiastically favoured the idea. Senator Marchand then chaired the Committee for Aboriginal Electoral Reform, composed of three sitting members of Parliament and one former member. The committee's consultations were based on the proposal that Aboriginal constituencies would be contained within provincial boundaries, but they would geographically overlay other electoral districts within a province or even cover an entire



Two years ago, at the age of 64, Marchand resigned from the Senate.

province. Aboriginal constituencies would thus form part of a province's total number of seats, rather than forming a separate group. Aboriginal electors would have the choice of registering as Aboriginal voters or on the regular list of electors. Among Aboriginal leaders, the committee found general support for its proposal, including a majority view that this would not detract from, but rather complement, the objective of self-government and other Aboriginal political objectives.

The Royal Commission recommended that the *Canada Elections Act* provide for the creation of Aboriginal constituencies and that the name of each one be in an Aboriginal language. As well, to make the concept a reality, it stated that Aboriginal electors should have the right to register on an Aboriginal voters list in their province. Parliament did not enact those 1991 recommendations and Marchand remains "terribly disappointed."

Retirement

Two years ago, at the age of 64, Marchand resigned from the Senate. By law, he could have served for another decade but, after 28 years of flying between British Columbia and Ottawa, he was tired of the long journeys. He also didn't want to stay on in the Senate if he could not attend regularly.

When Senator Marchand retired, his colleagues in the upper chamber had warm words of praise for him and his work. Senator Alasdair Graham, Leader of the Government in the Senate, stated, "Through his presence over three decades on the national stage, he has done what he set out to do. He has brought the voice of Canada's First Nations to centre stage." Fellow British Columbia Senator, Gerry St. Germain, added, "Senator Marchand had a dual responsibility, not only to represent the people of Kamloops and that area but also Aboriginal Canadians from across Canada. Honourable senators, Senator Marchand did so with great dignity, pride and humour."

Marchand remains an Honorary Chief of the Okanagans and in recent years has raised funds toward the building of a war memorial for the thousands of Aboriginal Canadians who served and died for their country. He believes that their voluntary participation rate in World Wars I and II was greater than that of any other group in Canada. Marchand hopes that some day a memorial to them will stand in a park located near Canada's national cenotaph in Ottawa.

Last year, Leonard Marchand was awarded the Order of Canada, and also received an honorary doctorate from the University College of the Cariboo. His autobiography (written with Matt Hughes) will soon be published by Caitlin Press in Prince George, British Columbia. ✕

Electoral News in Brief

AUTOMATION IN THE OFFICES OF RETURNING OFFICERS

Elections Canada is developing and testing a number of projects to automate the main computer functions in the offices of Canada's 301 returning officers for the next general election.



Photo: Wayne Brown

Technical analyst Serge Marchand tests new software in the Elections Canada Returning Office Technology Centre.

ELECTOR REGISTRATION

REVISE is an important new system for updating lists of electors on-line during the electoral period. Data will be stored centrally at Elections Canada in Ottawa, instead of being distributed as 301 separate databases. REVISE adds the capacity to move elector information from one address to another, and to identify electors who have been listed more than once in an electoral district. It will also store additional types of physical addresses (e.g. township/range/meridian/section or lot/concession).

REVISE will replace an older system known as ECAPLE. The Elections Canada Automated Production of Lists of Electors was the original computer program that produced Canadian lists of electors, both on paper and in a digital format that could be imported into most word processing, spreadsheet and database software. Before 1992, federal returning officers provided candidates only with paper copies of the lists of electors for their electoral districts. Office automation improved, and at the October 1992 referendum, for the first time, Elections Canada provided computerized lists to returning officers. Once officially nominated, every candidate is now eligible to receive the lists for his or her electoral district in both paper and digital formats. Once the final lists of electors have been compiled, they are available on CD-ROM to the registered political parties, for those ridings where they fielded candidates.

Electoral data is released only to those entitled by the *Canada Elections Act* to receive it. The elector's right to privacy is respected and the confidentiality of personal information protected.

VOTING RESULTS

Several other systems are being developed or improved. The Election Results System (ERS), which produces the timely, unofficial voting results seen on the Elections Canada Web site on election night, was first developed for the 1993 election. Its primary purpose is to transmit voting results electronically from each of the 301 electoral districts to the media and Elections Canada's Web site. Following election day, returning officers use the system to record the results of their official additions.

ERS is also used by Elections Canada to gather, merge and verify unofficial voting results from Canadian Forces electors, incarcerated electors, and other Canadians who vote by special ballot. Once the polls are closed, the special ballot results, which were previously faxed, will now be transmitted electronically by Elections Canada from Ottawa to each returning officer and combined with the local results. The version of ERS used in Ottawa after the election is also being redesigned for faster certification and publication of the official results in print and electronic formats.

FIELD PAYMENT SYSTEM

Another project team is developing a new system to process payments to election workers. The Returning Office Payment System (ROPS) will streamline and simplify this activity. At the last general election in 1997, election workers were paid through four different manual and automated systems. The new consolidated ROPS, which will be implemented in phases, will provide a single window for data entry by the returning officer's payroll staff.

EVENT MANAGEMENT

The Event Management System (EMS) will continue to be used to gather the internal and electoral district information required daily at Elections Canada to manage the delivery of an electoral event. This comprises monitoring activities against expected deadlines and statutory obligations, and measuring the effectiveness of delivery systems and processes. EMS has been in place since the 1993 general election. Since its inception, EMS has expanded. It now includes computerized aides-mémoire for returning officers and Elections Canada staff, generates reports using automated linkages to event delivery systems, and incorporates state-of-the-art presentation tools. At the next electoral event, its reporting capability will include feedback to returning officers.

TESTING CENTRE

Recently, Elections Canada set up a Returning Office Technology Centre (ROTC) in Ottawa. This is a laboratory that tests all the computer applications for returning officers. Because of their increasing use of advanced technology, returning officers will each have an automation co-ordinator (AC) and assistant automation co-ordinator (AAC) on staff. These staff members will supervise the people producing the lists of electors. A support network at Elections Canada in Ottawa will furnish technical assistance.

CANDIDATES' ELECTRONIC RETURNS

Just as taxpayers can complete their income tax returns electronically, the official agents of candidates in a federal election can now prepare their election expenses returns electronically. Elections Canada has developed some software to guide them through the process.

The *Canada Elections Act* requires all official agents, on behalf of their candidates, to submit a return that discloses all campaign contributions and expenses. In 1997, Elections Canada's Election Financing Directorate developed a program for electronic preparation of the returns and it was used by many official agents for the 1997 general election. The program saves time, helps ensure all the needed information is included, and reduces errors. A return prepared electronically also reduces the processing time at Elections Canada.

Elections Canada is now looking at the possibility of improving the software. New features may include the ability to produce and print receipts for tax purposes, and to import and export data from popular accounting software.

TEN YEARS AS CHIEF ELECTORAL OFFICER

Jean-Pierre Kingsley recently celebrated ten years as Canada's Chief Electoral Officer. To mark the anniversary, the staff at Elections Canada gathered on February 17, 2000, for a presentation by Assistant Chief Electoral Officer Patricia Hassard, which showed Mr. Kingsley's career achievements in the years before and during his tenure as Chief Electoral Officer.



Photo: Wayne Brown

The employees of Elections Canada presented Chief Electoral Officer Jean-Pierre Kingsley with an anniversary celebration banner bearing their signatures.

Since his appointment in February 1990, Mr. Kingsley has been responsible for the management of all federal electoral events, including the 1992 federal referendum, the 1993 and 1997 general elections, and more than twenty by-elections. He has introduced significant organizational changes at Elections Canada, as well as implementing major electoral reforms. During his tenure, Elections Canada has also become a world leader in the electoral use of technology. Developments in the past ten years include the creation of the National Register of Electors (Canada's permanent list of electors) and the introduction of computer use in all areas of electoral administration, from digitized geocartography to field office communications and management.

Over the last decade, Elections Canada has developed an international reputation as an electoral pacesetter. It has hosted more than 125 foreign delegations and participated in more than 300 missions abroad.

Canadians have cast 38 million ballots during Mr. Kingsley's decade as Chief Electoral Officer.

PERSONNALITÉ JEUNESSE 2000

Elections Canada recently celebrated its 10th year of participation in Montréal's Salon Pepsi Jeunesse, a huge annual youth fair, during which students have the opportunity to conduct an election campaign. The anniversary projects *Personnalité Jeunesse de l'Est du Canada 2000* (Youth Personality of the Year 2000 for Eastern Canada) and *Personnalité Jeunesse du Grand Montréal* culminated in mid-April at the Palais des congrès in Montréal. This program for francophone students in their fourth and/or fifth year of high school (or the equivalent) familiarizes them with the electoral process and encourages their future participation as voting citizens.

In advance of the April event, election simulations were held at the local and regional levels to elect students who have distinguished themselves through academic achievement, extracurricular activities and community involvement. At the final level, each regional winner formed a campaign team with other students from his or

her school to run for election as the *Personnalité Jeunesse* of the year. At the Salon, students voted for their chosen candidates at the Elections Canada kiosk. The winners received a \$1 000 bursary to attend a session of the Forum for Young Canadians in Ottawa.



ADVISORY COMMITTEE OF REGISTERED POLITICAL PARTIES

The Advisory Committee of Registered Political Parties, which is chaired by the Chief Electoral Officer, was initially convened on the advice of the Standing Committee on Procedure and House Affairs in 1998. The ten registered political parties represented on the Advisory Committee are the Bloc Québécois, the Canadian Action Party, the Canadian Reform Conservative Alliance, the Christian Heritage Party of Canada, The Green Party of Canada, the Liberal Party of Canada, the Marxist-Leninist Party of Canada, the Natural Law Party of Canada, the New Democratic Party, and the Progressive Conservative Party of Canada. The Advisory Committee first met on June 12, 1998, and has met for a total of 10 sessions to date.

The Advisory Committee has worked well as a forum to discuss administrative issues, and as an outreach mechanism to political parties.

The achievements realized through this unique process of consultation are many. As soon as the Advisory Committee was struck, its members began to review 23 administrative issues referred to it by the Standing Committee on Procedure and House Affairs. The Chief Electoral Officer has reported the results of the Advisory Committee deliberations to the Standing Committee.

Since then, the Advisory Committee has continued to meet an average of four times each year. These sessions have led to improvements in some policies, such as the voter identification policy. The political parties bring forward concerns from a stakeholders' perspective, and their experience helps in addressing problems with policy application in the field, making procedures more responsive to conditions in the ridings during an electoral event.

Further, these meetings have enabled the Chief Electoral Officer to keep representatives of the registered political parties abreast of developments in the evolution of our electoral process. For example, a special meeting of the Advisory Committee was convened when the electoral reform Bill was passed by Parliament in May 2000, to brief representatives on the provisions of the new *Canada Elections Act*. The Advisory Committee has also served as an effective forum through which to inform political parties about Elections Canada's position on various issues.

At a recent meeting, the Committee discussed the organization of the offices of returning officers, event readiness planning, and electoral maps.

The involvement of the Advisory Committee in our planning process ensures that the lines of communication between Elections Canada and the registered political parties remain open, and that active consultation continues to be a fundamental aspect of the formulation of policy.

ADVISORY COMMITTEE TO THE NATIONAL REGISTER OF ELECTORS

The second meeting of the Advisory Committee to the National Register of Electors was held on April 19, 2000, at Elections Canada in Ottawa.

The discussions included:

- IRE (Inter-provincial Records Exchange) Program update
- EC presentation on address management (standards, 911 conversions, geo-referencing)
- Presentations by all members on activities of note in each of their jurisdictions
- Update on the status of the National Register of Electors
- A presentation of Elections Canada's study of data transfer security
- A presentation by the Vital Statistics Council of Canada on linking birth and death information

The Advisory Committee serves as a forum for discussion of and input to initiatives being undertaken by Elections Canada regarding issues critical to the Register. It also permits information sharing about permanent voters lists maintained by other jurisdictions, and the databases maintained by registrars of motor vehicles and vital statistics. Idea sharing could also lead to co-operative ventures between data suppliers and users of data and improved procedures.

At the time of the April 19 meeting, in addition to the Chief Electoral Officer of Canada, the membership of the Advisory Committee included:

Francine Barry, Directrice générale des élections du Québec and Présidente de la Commission de la représentation électorale (Acting)

Robert J. Jenkins, Chief Electoral Officer, Newfoundland and Labrador, and Commissioner of Members' Interests

Robert A. Patterson, Chief Electoral Officer, British Columbia, and Co-chairman of the Advisory Committee to the National Register of Electors

Richard MacDonald, Director of Motor Vehicle Division, Northwest Territories, representing the Canadian Council of Motor Transport Administrators (CCMTA)

Caroline Kaus, Chief Operating Officer for the Vital Statistics Agency, Manitoba, representing the Vital Statistics Council for Canada (VSCC)

Dorothy Browton, City Clerk for the City of Winnipeg, representing the Federation of Canadian Municipalities (FCM)

INTERNATIONAL SUMMIT ON DEMOCRACY

In October 2000, an international symposium in Bamako, Mali, will take stock of democratic practices, rights and freedoms in La Francophonie. Its aim is to increase co-ordination and co-operation in fostering the constitutional state and democratic culture. The decision to hold this symposium was made at the last summit that assembled heads of state and heads of government of countries using French as a common language, which was held in Moncton, New Brunswick, in September 1999.

The Bamako symposium will be preceded by four thematic seminars. They will cover, respectively, the institutions of democracy and the constitutional state (Chad, March 2000), electoral issues (Paris, April 2000), political life (Paris, May 2000) and democratic culture (Bulgaria, June 2000). Each of these seminars will analyze the state of democracy and identify or suggest positive operating procedures, resulting in a discussion paper for the Bamako symposium.

Jean-Pierre Kingsley, Chief Electoral Officer of Canada, has been invited by the Agence de la francophonie to present an introductory report for the seminar on electoral issues.

COMPENDIUM OF ELECTION ADMINISTRATION

Elections Canada recently released on its Web site the 1999 Compendium of Election Administration in Canada. The Compendium is prepared annually for the Conference of Canadian Election Officials and was last updated for the Conference that took place in June 1999. The Compendium is a comparative analysis of electoral legislation, at the federal level and in each province and territory in Canada. It deals with many aspects of election administration, such as the redistribution process, the registration of electors, the voting process, the nomination and registration of candidates, political parties, local associations and third parties, and election financing. It also includes election-related statistics. The Compendium is not available in paper format. It can either be viewed on-line or downloaded in PDF format and printed (http://www.elections.ca/news/research/compendium/compendium_e.html). 

Electoral Facts

WAYNE BROWN, ELECTIONS CANADA

The growing number of extensive Web sites hosted by Canadian and international electoral organizations is evidence of the popularity of the Internet as a ready source of information about electoral and related matters. Here's where to find some of these excellent sites.

<http://www.elections.ca> is the Web site of Elections Canada, which administers federal elections and referendums in Canada. Here you can find Canadian electoral legislation, information about voter registration, press releases and the Chief Electoral Officer's speeches and reports to Parliament. The site also presents the 1997 general election results, and searchable databases of Canadian electoral districts and information about candidates and the financial reports



of the political parties and candidates. There are also links to the sites of the federal registered political parties.

<http://www.fec.gov> is the Web site of the Federal Election Commission (FEC), the independent regulatory agency in the United States that administers and enforces the *Federal Elections Campaign Act* (FECA). The site presents financial reports for Presidential, House and Senate campaigns, information about electronic filing, recent election results, and voter registration and turnout data.

<http://www.aec.gov.au> is the Web site of the Australian Electoral Commission, which conducts referendums and elections in that Commonwealth. It has details about enrolment (compulsory for Australian citizens 18 years of age and over) and extensive historical electoral information, as well as a virtual tour of the national tally room in Canberra for the 1998 Australian election and a link to another virtual tour of Parliament House.

<http://www.idea.int> is the Web site of the International Institute for Democracy and Electoral Assistance (International IDEA), whose objectives are to advance sustainable democracy and improve electoral processes worldwide. This site boasts "the most comprehensive global collection of political participation statistics available," including voter turnout numbers at parliamentary and presidential elections since 1945 for more than 170 countries.



<http://www.ifes.org> is the Web site of the International Foundation for Election Systems (IFES), a private non-profit organization, which provides non-partisan technical assistance in promoting democracy worldwide. The site presents a calendar of election dates and results for elections held in countries around the world since 1998. It also provides a Buyer's Guide for election services, supplies and equipment, including a list of companies that supply everything from ballot boxes to electronic voting machines.



<http://www.aceproject.org> is the Web site of the Administration and Cost of Elections (ACE) Project, a joint endeavour of IDEA, IFES and the United Nations. It is the first on-line global information resource created to impart alternatives in election administration. About 5 000 pages of information include sample forms and manuals from many nations, as well as country case studies on innovations and cost effectiveness. The ACE Project information is provided in English, French and Spanish.

<http://www.cogel.org> is the Web site of the Council on Governmental Ethics Laws (COGEL). The council provides its members with avenues for the exchange of information regarding ethics, elections, campaign finance, lobbying and freedom of information. Members can participate in various on-line discussion groups on those subjects.

<http://www.comparlhq.org.uk> is the Web site of the Commonwealth Parliamentary Association, based in the United Kingdom, which unites more than 142 parliaments and legislatures in the pursuit of parliamentary democracy and the evolution of representative government. The site has information about the Parliamentary Information and Reference Centre and about *A Guide for Election Observers*, a handbook for parliamentarians and others assigned to monitor election practices.

<http://www.parl.gc.ca> is the Parliamentary Internet site of Canada's Senate, House of Commons and Library of Parliament. It provides information about the ongoing and daily proceedings of the House of Commons and Senate and their individual committees studying legislation. The site also lists Cabinet members and senators and members of Parliament, by province and territory and by political affiliation.

<http://www.personnalite-jeunesse.qc.ca> is a French-language Web site, which promotes Elections Canada's largest simulation for teaching high school students about the electoral process. Elections Canada recently celebrated its 10th year of participation in the Salon Pepsi Jeunesse, an annual youth exhibit where a new Personnalité Jeunesse is elected each year.

PROVINCES AND TERRITORIES

Most of the electoral agencies of Canada's thirteen provinces and territories also have their own Web sites. Many have information about voter registration, election results and voter turnout statistics. One of the most interesting sites is that of Elections PEI, which also provides a colourful interactive map of electoral districts and the provincial election results dating back to 1873, a few years after Prince Edward Island joined Confederation. The provincial and territorial site URLs are listed below.

<http://elections.bc.ca> – Elections BC

<http://www.electionsnwt.com> – Elections NWT

<http://www.assembly.ab.ca/ELECTORA/Chief/main.htm> –
Office of the Chief Electoral Officer of Alberta

<http://www.elections.mb.ca> – Elections Manitoba

<http://www.electionsontario.on.ca> – Elections Ontario

<http://www.dgeq.qc.ca> – Directeur général des élections du Québec

<http://www.gov.nb.ca/elections/> – Office of the Chief Electoral Officer of New Brunswick

<http://www.gov.ns.ca/govt/foi/Chief.htm> – Office of the Chief Electoral Officer of Nova Scotia

<http://www.gov.pe.ca/election/> – Elections PEI

<http://www.gov.nf.ca/electoratoffice/oceo.htm> – Office of the Chief Electoral Officer of Newfoundland

E-mail addresses for the other provincial and territorial electoral offices are available on the Elections Canada Web site (<http://www.elections.ca>). ✉

The locations and contents of Web sites change periodically and some may differ slightly from the summaries provided above.

Find it on

www.elections.ca

Internet technology is an important tool in our ongoing effort to make Canada's electoral process more accessible, efficient and transparent. Visit our Web site.

The site is constantly updated and offers extensive information about federal elections and referendums in Canada. You can learn about the Canadian electoral system, research information on a general election or by-election in progress, and check the results of previous elections.

You can consult the full text of the *Canada Elections Act*. You can easily find data on the election expenses of political parties, as well as on the contributions they received and the sources of those contributions. You can view information about the National Register of Electors, maps of the 301 electoral districts, candidates, and press releases and statements by the Chief Electoral Officer.

On election night, the voting results appear in real time, as the votes are counted in each electoral district.

Please visit the site soon, and bookmark it for future reference.

