

Key Recommendations

Legislative Changes



Through his 2022 recommendations report, the Chief Electoral Officer (CEO) proposes amendments to the *Canada Elections Act* that are designed to improve the administration of federal elections. Here is an overview of some of the recommendations. Read the full report and see the full list of recommendations: *Meeting New Challenges: Recommendations from the Chief Electoral Officer of Canada following the 43rd and 44th General Elections*.

Increasing Transparency and Traceability in Communications

The ways in which political actors communicate with electors has changed drastically over the last two decades, and the Act should be adjusted to reflect the current reality. Some recommendations aim at increasing the transparency of electoral engagement by parties, candidates, and third parties via digital media.

Topic	Recommendations
▶ Advertising	<ul style="list-style-type: none">• Impose a new harmonized requirement for all electoral communications—not just for advertising—to disclose who is communicating and how to find out more information about them.• Repeal the ‘blackout period’ provision of the Act that prevents election advertising on election day.
▶ Online platforms	<ul style="list-style-type: none">• Require online platforms to publish policies on how they administer paid electoral communications during the pre-election and election periods.• Require online platforms to publish policies about how they address content (paid or unpaid) that misleads electors about where, when and the ways to vote, or that inaccurately describe election-related procedures during the election period.• Amend the definition of ‘online platform’ to extend beyond only those that sell advertising space.• Improve the digital advertising registry by requiring political entities to disclose comprehensive information about their paid digital electoral communications in a timely manner and by requiring that registries be searchable and allow data to be exported.

Topic	Recommendations
<p>➤ Text messages</p>	<ul style="list-style-type: none"> Require that text messages to electors be subjected to the same regime as phone calls under the Voter Contact Registry.
<p>➤ Inaccurate information</p>	<ul style="list-style-type: none"> Prohibit a person or entity—including foreign persons and entities—from knowingly making false statements about the voting process in order to disrupt the conduct of an election or to undermine the legitimacy or results of an election.
<p>➤ Privacy</p>	<ul style="list-style-type: none"> Apply broadly accepted privacy principles, as outlined in schedule 1 of the Personal Information Protection and Electronic Documents Act (PIPEDA) to registered and eligible parties. To ensure a minimum level of protection of electors' privacy, require that the privacy policies of political parties contain at least the following elements: <ul style="list-style-type: none"> - The ability for Canadians to opt out of receiving communications or certain types of communications from political parties. - The ability for Canadians to request access to and correct inaccurate personal information that is held by political parties. - An explanation of how the personal information of Canadians can be shared by political parties in addition to how it is collected, used or sold. Require the preliminary List of Electors be made available to political parties only in electoral districts where that party has past candidates or have candidates who have pre-registered to run.

Accessible Services

The accessibility of the voting process is central to its democratic character. These recommendations seek to improve voter services to remove barriers and increase opportunities for all electors to exercise their right to vote.

Topic	Recommendations
<p>➤ Special ballot voting</p>	<ul style="list-style-type: none"> Allow electors to register and apply to vote by special ballot 45 days before election day in the context of a fixed-date election, even if this precedes the issuance of the writs of election. Amend the Act to set a minimum election period of 44 days for an election that does not have a fixed date.

Topic	Recommendations
	<ul style="list-style-type: none"> • Amend the Act to set the deadline for the close of candidate nominations on day 24 before election day. • Authorize local electors to return their ballots, before the close of the polls, to any place in the electoral district that the CEO designates. • Authorize electors to cast a ballot at ordinary polls, with appropriate integrity measures in place, despite having previously applied to vote by special ballot. • Allow special ballots that are marked with the name of a political party to be counted. • Establish new offences prohibiting altering, defacing or destroying a special ballot, tampering with an elector’s mark on a ballot or special ballot and prohibiting tampering with an inner or outer envelope that appears to contain a marked ballot or special ballot.
<p>➤ Days of religious and cultural significance</p>	<ul style="list-style-type: none"> • To allow for flexibility when choosing a date for election day that does not coincide with days of religious or cultural significance, provide for “a designated period” during which a fixed-date election would be held. • Require Elections Canada to consult with religious and cultural communities a year before the designated polling period to find an appropriate date for election day. • Require the CEO to make a public recommendation to the Governor in Council when choosing a date for election day, after consulting with the Governor in Council. • The CEO recommendation should be made no later than 12 months before the beginning of the designated period. • Require the Governor in Council, within one month of receiving the recommendation, to either adopt the date recommended by the CEO or to choose another date within the designated period and issue an Order in Council to that effect.
<p>➤ Improving services to long-term care facilities</p>	<ul style="list-style-type: none"> • Authorize additional flexibility to be exercised when choosing the days and times that voting will take place in such facilities. • Allow electors who reside in long-term care facilities to vote without having to show proof of residence when voting in the facility.
<p>➤ Assistance for electors with disabilities</p>	<ul style="list-style-type: none"> • To remove barriers, allow an elector to request assistance to mark their ballot from any individual of the elector’s choosing, providing the individual makes the solemn declaration required.

Political entities

A critical element of Elections Canada’s mandate is to serve political entities. A key aspect of this service is to enhance communication and build trust between political participants and electors.

Topic	Recommendations
➤ Cryptocurrencies and other means of contributions	<ul style="list-style-type: none">• Amend the Act to specifically require that all contributions made in cryptocurrency to federal political entities be reported.• Contributions such as those made by prepaid credit cards, money orders and gift cards, should be prohibited. Small cash contributions of under \$20 should continue to be permitted.
➤ Third parties	<ul style="list-style-type: none">• The Act should regulate paid issue-based electoral communications that can reasonably be seen as having the purpose of promoting or opposing a party or candidate during the election and pre-election periods.• A list of factors should be provided in the Act—similar to Ontario’s Election Finances Act—to help determine which communications would be considered for the purpose of promoting or opposing a candidate or party.• The third-party registration threshold should be increased from \$500 to \$1,000.• Increase transparency by requiring that any registered third party, whose revenues in the past year consist of at least 10% contributions from donors, be required to only use funds set aside in a separate bank account to support or oppose parties or candidates during the election period.• Those third parties should also be required to identify the contributors whose funds have been used to promote or oppose parties or candidates, and such contributors should only be made up of individual Canadian citizens and permanent residents.
➤ Candidates	<ul style="list-style-type: none">• Allow potential candidates to pre-register with Elections Canada before the election period and allow them to issue tax receipts and ensure that they are subject to the same regulatory requirements as official candidates.
➤ Hate groups	<ul style="list-style-type: none">• Give electors the option to apply to a court to determine if an organization has, as one of its primary purposes, the promotion of hatred against an identifiable group. If the court determines that the organization has such a primary purpose, it would not be eligible to register as a political party, or it would be deregistered.

Topic	Recommendations
▶ Party expense returns	<ul style="list-style-type: none">• Authorize the CEO to request that parties provide any documents or information that may, in the CEO's opinion, be necessary to verify that the party and its chief agent have complied with statutory requirements with respect to their election expenses returns.
▶ Collecting data about electoral participants	<ul style="list-style-type: none">• Allow Elections Canada to collect and make publicly available demographic information about electoral participants, including such factors as ethnic origin, race, age, Indigenous status and disability so that data is available to Parliament and researchers, and can be used to remove unintended barriers to the electoral process.