Elections Canada

Advisory Committee of Political Parties

MEETING SUMMARY

Annual General Meeting
October 6–7, 2014

Meeting Summary

The objective of the Annual General Meeting (AGM) of October 6–7, 2014, was to provide updates and information on key Elections Canada (EC) activities and initiatives, with emphasis on recent changes to the *Canada Elections Act* and preparations for the federal general election in 2015. This summary follows the order of the AGM Agenda included as Appendix A.

Specific objectives of the meeting were to:

- Discuss the new written opinions, guidelines and interpretation notes process
- Provide information on electoral services in 2015
- Propose renewed ACPP terms of reference and operating procedures

Day 1 – Introductory Remarks and Report by the Chief Electoral Officer

The Chief Electoral Officer (CEO), Marc Mayrand, welcomed members to the 2014 AGM, recognized new participants, and provided an update on EC initiatives, with particular emphasis on readiness activities leading up to the next general election.

ACPP consultations since the 2013 AGM

Most ACPP members participated in the consultative workshop on EC initiatives in November 2013. The purpose of the workshop was to discuss a proposed new voting services model and the opening of EC offices in new locations during the next general election. As a result of the introduction of Bill C-23, EC has delayed the pilot project on the new voting model. Instead, EC will implement a partially streamlined approach to manage and carry out voting operations at the polls.

In December 2013, EC invited all political parties to participate in bilateral technical briefings on how to update party voter databases using the lists EC provides. Bilateral sessions were held in January 2014 with parties that accepted the invitation. The feedback received on these items was integrated into election readiness planning.

Election readiness

Significant progress has been made over the last several months to get ready for the next federal general election. Bill C-23 received Royal Assent on June 19. Many of the resulting changes and new provisions in the *Canada Elections Act* that emerged from Bill C-23 are to be implemented for the next general election.

By-elections

The CEO noted that by-elections were held on November 25, 2013, in Bourassa, Brandon–Souris, Provencher and Toronto Centre, and on June 30, 2014, in Fort McMurray–Athabasca, Macleod, Scarborough–Agincourt and Trinity–Spadina. He added that ACPP members would be advised when by-elections are called in Whitby–Oshawa and Yellowhead.

Accessibility

EC established the Advisory Group for Disability Issues (AGDI) to seek advice on accessibility initiatives and to address access barriers at the polls. AGDI will hold its third meeting in November 2014, at which time members will be consulted on a proposed Accessible Service Policy, to be shared with the ACPP at its next meeting, in December 2014.

Implementing new electoral boundaries

In 2013–2014, EC saw the electoral boundaries readjustment process through to its conclusion. The representation order describing and naming Canada's new electoral districts was proclaimed in October 2013. EC completed the process under budget and was ready to implement the new 338 electoral district boundaries on May 1, 2014, within seven months of the proclamation, as prescribed in the legislation. ACPP members have been updated regularly on the various phases of implementing the new boundaries.

Civic education

EC has continued to use the Canada's Democracy Week initiative to advance its civic education mandate, as well as to engage young electors to get ready to vote in the lead-up to the 2015 federal general election. This year's Canada's Democracy Week activities focused mainly on engaging high school students, teachers and student teachers through the National Democracy Challenge, events and the promotion of civic education resources. EC also held a series of knowledge development and transfer workshops under the "Inspire Democracy" theme, which engaged youth service organizations to discuss EC research on electoral participation and share practical steps on the registration and voting processes.

Round table discussion

There were questions regarding new roles and responsibilities at EC, as well as the working relationships with the Commissioner of Canada Elections and with the Canadian Radio-television and Telecommunications Commission (CRTC). The CEO stated that EC has established a Regulatory Affairs Sector whose responsibilities include political financing, legal services and the Electoral Integrity Office. The CEO also agreed to the suggestion to invite the Commissioner, as well as the CRTC, to an upcoming ACPP meeting, to discuss new roles as well as new rules in communicating with electors.

The CEO was asked what was planned in the way of communications to alert electors if there are inappropriate communications, such as a robocall incident. EC will inform electors of complaints mechanisms, will be more active on social media and will use public announcements and other communication channels.

Members inquired about provisions for electors to use electronic signatures for registration and provisions for parties to file signatures electronically. It was clarified that, in the future, there may be an option for parties to file returns electronically.

Technical Briefing on Bill C-23

Stéphane Perrault, Deputy Chief Electoral Officer, Regulatory Affairs, provided a technical briefing on changes to the *Canada Elections Act* that emerged out of Bill C-23, with a particular focus on a number of key changes since the ACPP last met.

The update concluded with information of the coming into force of the new legislation. The Commissioner of Canada Elections' move took place on October 1, 2014, and the rest of the Act will come into force on December 19, 2014. It was mentioned that the upcoming by-elections anticipated for the fall of 2014 will be administered under the old *Canada Elections Act*.

Discussion

Members asked about how the new provisions related to bequests will be implemented. The total limit to bequests is $1,500 as of January 1, 2015. After that date, only $1,500 in bequests would be accepted. This is a rigid cap and cannot be carried forward or split between two years.

There were questions about limits to campaign spending and whether the percentage of the tax credit for political contributions will be altered. While this is within the purview of the Canada Revenue Agency, the tax credit for political contributions has not changed. On leadership contestants' and candidates' ability to provide increased contributions to their own campaigns, the law now allows for a total of $5,000 in contributions, loans and loan guarantees to a candidate's own electoral campaign and a total of $25,000 in contributions, loans and loan guarantees to a leadership contestant's own leadership campaign.

Implementation of New Electoral Maps and Voter Registration Services

Michel Roussel, Deputy Chief Electoral Officer, Electoral Events, led the discussion and provided a presentation on new voter services. He also introduced responsible Senior Directors, Duncan Toswell and Dani Srour.

Mr. Roussel mentioned that EC had met all obligations with regard to the *Electoral Boundaries Readjustment Act*, including appointing all returning officers (ROs) to the new ridings.

As a follow-up to the topic of voters list data management, Mr. Roussel mentioned that the law does not provide for EC to issue voters lists under the 2013 Representation Order until the call of a general election. However, by the end of winter 2015, ROs will have completed the validation of the boundaries of their polling divisions. EC will then be in a position to provide to parties voters lists data under the 2003 Representation Order, with a concordance table showing for each elector record the new electoral districts and polling divisions.

Schedule 3 of the Act

In the fall of 2013, EC erroneously indicated to the ACPP that Schedule 3 (large ridings where candidates are exempt from certain obligations) had to be published within seven months of the Representation Order being proclaimed, which would have been May 2014. It will actually come into force at the drop of the writ of the 42nd general election. However, EC will make it available to ACPP members in early summer 2015, since this list has practical implications for candidates preparing their nomination paper for the 2015 election.

Voter registration services

The presentation on voter registration provided background as well as data on the Register of Electors and described EC's move to a web-based registration system in 2015. A motivation behind changes to the registration system is to improve accuracy of the voters lists on election day. A discussion followed on the importance of ensuring that the voters list is current on election day to ensure a faster voting process for electors and to reduce opportunities for procedural errors.

Online registration will be available for the next election to any elector already known to EC, making it more convenient, particularly for young electors, to either update their address or add their name to the Register of Electors. Electors can already check the online system to confirm that their information is correct. A major outreach program will be implemented to increase registration, including door-to-door canvassing during the election.

Discussion

Members asked about student registration in other jurisdictions, particularly in Quebec, where registration rates are higher. Concerns were raised about low youth registration and voting; members asked whether EC could make the registration process easier, particularly through means such as automatic transfer of records through the health system. Voter information is provided by most provincial electoral management bodies and derived from different sources, each of which is collected with different consent rules.

Members voiced a concern that requiring a driver's licence to register online may prevent people from using the e-registration system, and asked if other pieces of identification (ID)

could be used (e.g. provincial ID cards). Other than date of birth, the driver's licence is the only "shared secret" that EC has with electors, owing to agreements with provincial motor vehicles agencies (except for Quebec). Licence information can be used even if the licence is suspended or expired. EC may enter into conversations with the provinces on data sharing in the long term, but federal or provincial legislation may need to be changed to use data from more sources.

Members also commented on the potential for improvements in registration that may have resulted from civic education programs. The CEO responded that EC needs to educate primary and secondary students so they know about their responsibility, and then engage students when they turn 18. Some provinces are looking at registration for those under 18 that would be activated when they come of age to vote, so there are various alternatives. A key problem is that once an elector turns 18, they are outside of the school system, so it makes it difficult to track and find them at that point. EC is developing specific initiatives through the Electoral Reminder Program to address that young demographic.

It was also asked why EC does not have the full list from the Canada Revenue Agency (CRA). The CEO's responded that the CRA system is based on consent by the tax filer. To change this system to an automatic registration to ensure coverage would require legislative change. The CEO noted that 85 percent of tax filers do consent; outreach may close this gap, since tax preparation firms are not always aware of this option.

Voting Services

The presentation, led by Michel Roussel, discussed the functioning of polling stations at the next general election, and a particular emphasis on what will change from the last election. The key driver behind most changes is to respond to evolving voter expectations and to implement provisions in Bill C-23 and recommendations found in Neufeld's Compliance Review report. EC wants to see a reduction in observed procedural errors, as will be verified by the independent audit now mandated by the *Canada Elections Act*.

An important dimension discussed was the desire to have central poll supervisors (CPSs) report and resolve incidents as they occur, and to involve returning officers (ROs) as required.

New technology will not be introduced at polling sites for the next general election, and members should not expect any wholesale re-engineering of voting, but more modest improvements aimed at service convenience and enhanced quality assurance.

Vouching and the voter information card

For the next general election, there will be changes to the voter identification process. The voter information card (VIC) will not be allowed as identification in the next election. VICs will be mailed to electors to remind them to vote and to provide key information about how to

vote. If an elector has no proof of address but has two pieces of ID, another elector can attest to their residence. Vouching will be replaced by an oath of residence. Electors with no proof of identity will not be able to vote.

Making voting more convenient

An additional day of advance poll voting will be implemented and more EC offices will be opened to make voting easier – on some campuses, at YMCAs and at Aboriginal Friendship Centres.

On polling sites, EC will triage electors. Those who are ready to vote (i.e. they are correctly registered on the list and have acceptable ID) will go straight to the polling station. This will streamline the process, thereby removing some of the pressures on deputy returning officers (DROs) to handle exceptional situations. All electors not ready to vote will go to registration officers for registration and ID issues. This triage function will be done by the information officer, who will no longer just be greeting voters.

The registration officer remains responsible for filling out registration certificates and is tasked with assisting electors with their attestation of residence, as needed. The DRO has authority over all transactions between the elector and the polling station. The DRO will have to review the completed forms and sign off; an added benefit is that the DRO will check the registration certificates, which embeds a form of compliance into the process.

The CPS is in charge of the polling site. For the next general election, the CPS is still in charge of site accessibility, but the role includes process quality assurance. This will be much clearer in the next election, as the duty of ensuring the quality of the documentation completed by poll clerks and others will be clearly spelled out.

Candidates and their representatives

The CPS will now be the main point of contact for candidate representatives at polling sites. Candidates' representatives used to register with the DRO, but now they will go through their authorization form with the CPS. This is something that parties have advocated for in the past.

On the role of scrutineers, it was explained that candidates and their representatives can examine ID, but they cannot handle ID. The law is clear on the rights of the scrutineers to see ID, but does not speak of consequences of an elector's refusal to show ID. If an elector refuses to show their information to a scrutineer on privacy grounds, the elector will still receive a ballot, but their refusal will be included in the poll book. This approach strikes a fair balance between the scrutineers' rights and electors' rights.

Communications devices will be permitted on site, but no photo, audio or video recording will be allowed.

Bill C-23 brought an important amendment pertaining to voting by special ballot. Now candidates can have scrutineers present at Special Voting Rules Expanded offices being established on campuses, community and friendship centers. At the last meeting when this was discussed, EC did not expect scrutineers to witness proceedings at these offices, but this guideline has changed.

Candidates and scrutineers will have more information from EC and ROs. Addresses of sites will be provided to candidates on Day 24, with regular updates as changes occur in a database, either by e-mail or other electronic formats. ROs will manage the transfer of this information to candidates. EC headquarters will also supply the parties' head offices with this information. It will be comprehensive and easy to use for parties and candidates.

"Bingo cards" used to be supplied every half hour, but for the next general election they will be provided every hour to candidate representatives, as this information is useful to campaigns. A copy of all bingo cards completed at the polls will be made available after election day to all candidates.

Discussion

Members had a lively discussion about balancing the rights of candidate representatives with the rights of voters who invoke privacy interests in not sharing ID with scrutineers. The risk of scrutineers slowing down lines at polling stations by checking all ID was raised by several members, and EC was asked how we may prevent this. The CEO responded that scrutineers have a right to request to see ID. If this has an impact on the flow at the polls, this will be addressed. If there is a systematic use of this right to slow down polls, it will be escalated to the CPS, and there will be an opportunity to engage with parties from EC's headquarters, if there is a perceived abuse. EC will take a range of measures to reconcile the two rights.

Identification of Electors

Belaineh Deguefé, Deputy Chief Electoral Officer, Integrated Services, Policy and Public Affairs, provided some context on this issue for new members. He indicated that the Act provides for three options for identification of electors:

- Option 1: One piece of ID from federal, provincial or local government that contains a photo, name and address. (Unfortunately, there is no piece of ID at the federal level that meets all of these requirements.) This could include a driver's licence or provincial ID card; sometimes the health card provides both photo and address.

- Option 2: Two pieces of ID that establish name and address. The CEO determines which ID is acceptable. That list will be shared with the Committee.

- Option 3: Two pieces of ID showing identity, and an oath with an elector who can attest to the person's residence. An elector cannot confirm more than one other elector.

The Policy on Voter Identification was required to ensure coherence and consistency, to maximize accessibility and to make voting as seamless as possible. For example, electors can now display documents on a mobile device to show proof of address.

Members were shown an updated version of the new voter ID poster that will be used at the polls. It includes the list of 45 distinct pieces of ID. The principal changes to note are the addition of targeted revision forms, prescription containers and hospital identity bracelets in order to make the ID process clearer and simpler and to create greater accessibility for voters.

Discussion

There were several questions on the ID policy (proof of citizenship, temporary workers, etc.). It was clarified that there are few pieces of ID that show citizenship, and this is why you need to attest to your citizenship. A passport is one such document that can be used as identification, but is not a required document to vote.

It was confirmed that in general, a person in a work camp needs to vote in their home riding. Voters simply need ID to establish their residence. The definition is "place that you intend to return to" for residence. If a voter does not have another "ordinary residence," they may be able to vote in the riding where they work.

The CEO wrapped up the voter ID discussion by highlighting two main points. The first point was about the production of electronic documents on mobile devices: he mentioned that this applies only to documents produced electronically (i.e. no scans of other documents). The second point was about long-term care facilities. From time to time, administrators of long-term care facilities fail to issue letters, so the revision form will be accepted as proof of residence for those living in long-term care facilities. Prescription containers were also added to the list of acceptable ID, to assist seniors who are dependent on third parties. This approach is already being used in some provinces.

Day 2 – Written Opinions, Guidelines and Interpretation Notes Process

Stéphane Perrault led the discussion on written opinions, guidelines and interpretation notes (OGIs) and the proposed process to be followed for issuing them. This process will affect how parties interact with EC on some issues. Currently, various tools exist for political entities, such as handbooks, online training material, documentation and software, as well as phone support services (green line for political entities, lawyer-to-lawyer hotline). Under section 16.1, Bill C-23 adds three new regulatory instruments: written opinions, guidelines and interpretation notes issued by the CEO.

A description of the proposed OGI process is found in Appendix C.

Discussion

There was general support for the creation of an OGI Steering Committee that would be tasked with creating a forward agenda prioritizing guidelines and interpretation notes. It was also expressed that each registered party should have a representative on the Steering Committee.

There were questions posed about whether one party could request a written opinion regarding the activities of another party, how issues raised by the Steering Committee would be prioritized, and whether the process could be used to allow a party to conduct activities before the completion of a requested OGI. Members raised concerns about the time frame as well as the need for transparency in the event that a request for an OGI is rejected.

Members were pleased with the quality of the materials presented as well as the briefings. Although members recognized that handbooks take time to develop, they indicated that the sooner parties get new versions, the better. New rules come into force in December 2014, but new handbooks will not start to be available until the first part of 2015. It was noted, however, that the legal requirement to consult parties prior to issuing updated versions will result in a longer updating process for handbooks.

The discussion concluded by noting that EC will consider all suggestions from members over the coming month (due date: November 7, 2014) in relation to the OGI process map and the terms of reference of the proposed OGI Steering Committee. By the next meeting in December 2014, closure will be brought to process discussion in order to be ready to implement the OGI process and launch the first wave of EC-initiated OGIs.

The first meeting of the OGI Steering Committee is to take place in December, in conjunction with the next general meeting of the ACPP. Steering Committee members will then get more detailed information on the launch of the OGI process and will be invited to make suggestions on forward agenda items to be treated after May 2015.

ACPP Governance

ACPP governance was presented by Belaineh Deguefé. As some members were new, he provided a description and historical context for the Committee. Revised terms of reference were sent to Committee members before the meeting.

The ACPP is 16 years old. While there have been some difficulties getting consistency of membership, recent formalization/recognition in legislation clearly demonstrates that the Committee is fulfilling a useful purpose. The CEO identified the Committee as an important vehicle to engage and consult on specific initiatives. This process of consulting parties through the ACPP has worked well in terms of information management and, in particular, participation in technical consultations has been very strong. The discussion on the terms of reference focused on three main questions:

- How will members' responsibility as representatives to the ACPP change?

- What is new or different that one should expect from EC?

- How will we ensure that the Committee is effective?

Members were directed to review a table with the updated terms of reference for the Committee. The table identifies changes that emerged from the recognition of the Committee in Bill C-23. Nominations are now prescribed, giving more formality to the process of engaging members. Party leaders are asked to appoint two official representatives and one of these should be part of the OGI Steering Committee. EC will also now reimburse participation costs for two members per party. Comments on the new terms of reference were requested by November 7, with the intention to finalize these changes at the meeting in December 2014.

There was a discussion about the approach to reporting on ACPP meetings, noting that Chatham House Rule has always applied and that this will continue. This means that there is no attribution of comments and questions in the reports. The goal is to promote open advice to the CEO, and as such, the summaries are focused on a high-level overview of proceedings. During formal consultations with parties on OGI processes, comments will be attributed.

The terms of reference for the OGI Steering Committee were developed to support the implementation of the OGI process and required consultations. The process for establishing admissibility and priority of requests is spelled out in the document, along with opportunities for process improvements over time.

It is proposed that an OGI secretariat at EC be used as the single point of contact, with its own e-mail address, to coordinate communication on OGI processes and consultations. During meetings, Steering Committee comments will not be attributed – only formal input in consultations will be.

Discussion

Members raised concerns about the transparency of using Chatham House Rule. It was noted that members' participation is funded by taxpayers, who may expect to have full access to the proceedings of these meetings. It was noted that the issue of Chatham House Rule deserved greater study, looking at the difference between in camera rather than Chatham House Rule. Many agreed that informing others on what EC is doing at these meetings is an important part of the mandate.

It was suggested that the summary of meetings and their posting on the website is not an issue. There is a real advantage of a closed meeting with respect to providing as frank advice as possible to the CEO. Aside from the creation of the OGI Steering Committee, it is still an advisory body to the CEO and he will benefit from a frank exchange.

Members voiced the perspective that it is important for the Steering Committee to have representatives from each party, rather than rotating seats on the Steering Committee. If a party does not engage for a long time, they may be asked to step down. With the goodwill of

the ACPP, the Steering Committee should be run as inclusively as possible. Small parties may not be interested in all issues and may not have the capacity to do it all.

The CEO reflected what he heard as support for a 17-member Steering Committee, but cautioned that bringing together such a large group on a conference call may be difficult. The Steering Committee would share results with all members of the ACPP. The Steering Committee would not discuss the content. EC is committed to maintaining the benefit of the process by ensuring that it is not overly cumbersome. While there is no perfect solution, EC will begin with full membership and get a consensus on the changes to be made to membership as items come before the Steering Committee for consideration.

Registered Party Return in Respect of General Election Expenses

Stéphane Perrault gave a presentation on political finance and shared new forms for reporting on electoral expenses for comment by ACPP members. He stated that there have been issues with current party general election expenses reporting; in the past, the forms provided only general categories of expenses, with little transparency. This was not in line with the importance of reimbursements and the significance of monitoring party expenses to electoral integrity. The system for party expenses contrasts with candidate expenses, where every invoice is reported separately.

Members were given an overview of the proposed advertising expenses template, which provides greater clarity around categories of expenses and reports separately on production and distribution costs. This approach provides better oversight to control compliance. The example of office expenses was given: the new form will ask for expenses for each location, with a breakdown of type of expenses to ensure that all such costs are admissible.

Another significant change is for a party leader's tour expenses, with expenses recorded for each stop on a tour and the costs associated with that. This level of detail allows EC to track party expenses to the leader versus the party to avoid offloading of expenses. Where there is a category for "Other election expenses," EC will now ask for a description. It was mentioned that the system at EC will not be ready for electronic submission if there is a spring election.

Discussion

Members raised concerns about the reporting of costs related to the leader's tour, noting that it can be hard to identify what is part of a national tour versus a local tour. Events in big centres requiring the rental of buses by local campaigns should be considered part of the national campaign. It was suggested that there may need to be some kind of hybrid expense; otherwise, any event that involves the party leader becomes a national expense.

There were other questions about accounting for the cost of voter contact calling services, push polling expenses when used as a campaign device, how to account for expenses incurred

through contracts with an integrated agency that manages logistics, and other questions. It was suggested that as there are only 10 categories, there may be a range of small expenses that might require a full description. As in financial auditing, it was suggested that there be a threshold limit on the size of expense on which EC needs a full description.

One member commented that the new approach is too detailed, and that parties are already subject to independent external audits that have access to all invoices. In general, many members voiced strong support for the additional transparency in the reporting process, noting that in the last election, there were concerns about campaign overspending. Members pointed out that EC needs to focus on tracking expenditures beyond tracking contributions.

ACPP Forward Agenda and Round Table

Belaineh Deguefé provided an overview of EC's upcoming plans for engaging and consulting with political parties. A forward calendar for engagement with the ACPP was provided.

Round table discussion

Members requested that in the upcoming ACPP calendar, a meeting with the Privacy Commissioner be considered. The question of undue scrutiny of supporter lists was raised, along with the need to look at the privacy implications of sharing these lists and the abuse of this practice.

Members discussed how EC must establish a balance between how to address elections issues through legislative and administrative mechanisms. Members inquired about what EC considers within the scope of what is seen to be "administrative" and suggested that political parties could contribute to a debate on what should be a legislative versus an administrative change.

Several members expressed their thanks and appreciation for the collegial tone of the ACPP meeting and debates and remarked on how productive the meeting was.

Members noted that low voter turnout continues to be a crisis and needs to be addressed. Some expressed support for ensuring that voters have access to the views of candidates of all parties, as noted that many electors do not know about small parties and their platforms. All-candidate debates are limited to three or four parties. Mr. Mayrand responded that while this has been raised on a number of occasions, candidates' debates are not part of EC's mandate.

The point was raised that now that APCC is a formal legislated body, a report and synthesis of ideas that the public can see would be a good idea. It would be good for students to see and would give them a better sense of how important politics is. It was suggested that for forward planning, EC should find more ways to talk to students, primarily through social media.

Members used the opportunity to raise concerns throughout this session regarding robocalls.

It was also mentioned that as an extension of EC's role to inform Canadians about how to become a candidate, EC could have a mandate or initiative to encourage organizations to form political parties. Forming a political party is a natural step in the political engagement for charitable or issue-focused organizations. It enhances the ability to engage in political debate – the public gets to hear what is being said. One member felt there is a role for EC in informing organizations about how to become a political party.

Closing Remarks by Marc Mayrand

The CEO thanked ACPP members for their participation and specified that suggestions made by members during the annual general meeting will be useful to EC.

Mr. Mayrand mentioned that there was a telling message in Bill C-23: that EC should stick to the basics, and that the matter of enforcement now belongs exclusively to the Commissioner of Canada Elections and the Director of Public Prosecutions, and EC cannot comment. The issue of contributions and transparency has many facets. At some point we may need to review the rules that are in place to determine whether the right balance has been struck.

Members have raised other issues that are fundamental to our system, such as voter turnout. The changes to the *Canada Elections Act* made it clear that it is up to political parties and civil society to engage Canadians. We can learn from initiatives like Student Vote, but when it comes to any expansion of EC activities, we are limited by our statutory mandate. That being said, there is nothing to stop any other groups from launching similar initiatives.

One important point of note from this meeting is the role of scrutineers at the polls. EC has a process and will do its best to enhance it based on ACPP feedback. After the 2015 election, there will be a period to look at the issues and to put forward recommendations.

The CEO indicated that he did not know how it would work with the Commissioner, given that we can have only one-way communication between the two organizations.

Members asked for thoughts on the date of the next election. The CEO noted that EC is expecting it to be in October 2015, but will be ready for early spring. The timelines for readiness are very tight and the CEO hoped that members were given a good sense of where we are.

Lastly, he specified that the impetus for the new ACPP terms of reference was from the legislation, and does not mean the ACPP was problematic in any way. Indeed, the confirmation of the role of the Committee should be taken as a vote of confidence.

The next meeting of the ACPP is scheduled to take place in December 2014.

Appendix A: Agenda

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

October 6–7, 2014
Crown Plaza (*Salon des Nations*)
2 Montcalm Street, Gatineau, QC

AGENDA

DAY 1 – Monday, October 6

Time	Agenda Item
8:00–8:45	Breakfast and Registration
8:45–9:00	Welcome
9:00–10:00	Introductory Remarks and Report by the Chief Electoral Officer
10:00–10:30	Update on Bill C-23
10:30–10:45	Break
	Electoral Operations and the 42nd General Election
10:45–12:00	Implementation of the New Electoral Maps
	Voter Registration Services
12:00–13:00	Lunch (served on site)
13:00–14:15	Voting Services
14:15–15:15	Identification of Electors
15:15–15:30	Break
15:30–15:45	Day 1 Wrap-up

DAY 2 – Tuesday, October 7

8:15–9:00   Breakfast

9:00–9:15   Welcome

9:15–10:30   Opinions, Guidelines and Interpretation Notes Process

10:30–10:45   Break

10:45–11:30   Opinions, Guidelines and Interpretation Notes Process (continued)

11:30–12:15   ACPP Governance

12:15–13:15   Lunch (served on site)

13:15–13:45   ACPP Governance (continued)

13:45–14:45   Political Finance

14:45–15:00   Break

15:00–16:15   ACPP Forward Agenda and Open Forum

16:15   Adjournment

Appendix B: Meeting Participants

Political Party	Representative(s)
Animal Alliance Environment Voters Party of Canada	Ms. Liz White Mr. Stephen Best
Bloc Québécois	Mr. Maxime Paquin-Charbonneau
Canadian Action Party	Mr. Will Arlow
Christian Heritage Party of Canada	Mr. Louis Kwantes
Communist Party of Canada	Ms. Liz Rowley
Conservative Party of Canada	Mr. Greg Labuschagne Mr. Arthur Hamilton
Green Party of Canada	Mr. Paul Noble
Liberal Party of Canada	Mr. John Arnold Mr. Leslie Hardy
Libertarian Party of Canada	Mr. Timothy Moen Mr. Jean-Serge Brisson
Marijuana Party	Mr. Talis-Ilmars Brauns Mr. John Akpata
Marxist-Leninist Party of Canada	Ms. Anna Di Carlo Mr. Louis Lang
New Democratic Party	Ms. Chantal Vallerand Mr. Dave Hare
Party for Accountability, Competency and Transparency (PACT)	Mr. Bradley Arsenault Mr. Daniel Lewis
Progressive Canadian Party	The Hon. Sinclair Stevens Mr. Al Gullon
Rhinoceros Party	Mr. Jean-Patrick Berthiaume

Appendix C: OGI Process

In relation to scope, OGIs deal specifically with the application of the Act to political entities: registered parties, registered associations, nomination contestants, candidates and leadership contestants. It is anticipated that most OGIs will deal with questions related to political financing. It is important to note, however, that the CEO maintains formal, rule-making authority over legislated areas under his responsibility, such as the prescription of forms.

Written opinions are issued following a request from a registered party though its chief agent regarding a practice or an activity that the party or one of its political entities intends to undertake. Written opinions are binding on the CEO and the Commissioner of Canada Elections (the Commissioner). Requests can only be about a practice or activity of one's own party, not about those of other parties.

EC can initiate guidelines and interpretation notes on its own or at the request of a registered party through its chief agent. These notes provide guidance on the application of the Act to political entities. Guidelines and interpretation notes are for information only.

The introduction of a formal process for OGIs presents important opportunities to help participants in the regulatory process (CEO, the Commissioner, political entities) to better understand each other's realities and concerns. Also, the new mechanisms will enhance predictability and stability of the regulatory function. Participants will be on notice and informed of OGIs being proposed, processed and issued.

However, the regime as set out in Bill C-23 presents significant challenges:

a. Misunderstandings: These may occur as a result of lack of clarity or insufficient factual basis with party requests for written opinions.

b. Capacity and timelines: Parties and the Commissioner may not have the capacity to respond within the 15-calendar-day window for consultation. The decision-making hierarchy within parties can also prevent timely responses to sensitive issues. Finally, responding to requests within the 60-day limit will be challenging for EC in terms of producing documentation and online products in both languages at every step of the process.

c. Competing priorities: Parties have different priorities and interests, which can impact their interest in participating and their capacity to participate in the process, and can vary the nature and volume of requests submitted. As a result, EC may be at the receiving end of multiple requests and have no authority to establish priorities or exercise any control over the forward agenda.

d. Coherence between the CEO and the Commissioner: Disagreements between the CEO and the Commissioner exposed through the public consultation process would undermine the ability of the CEO or the Commissioner or both to effectively play their regulatory role.

Proposed solutions to address those challenges are as follows:

- Establish a secretariat within EC to coordinate the OGI process and provide parties with a point of contact for the process.

- Establish a steering committee of ACPP members to support the implementation of the process, including establishing a forward agenda, managing priorities and minimizing the risk of partisan misuse.

- Include a preliminary stage to clarify requests that come from political parties. The 60-day timeline would start once EC is satisfied that the request/question is clear and EC has all factual elements it needs to address the OGI.

- Engage the staff of the Commissioner early in the development stage of the OGI, prior to the formal 15-day consultation, in order to

  – ensure that the Commissioner has the opportunity to signal matters that are before him and should not be the subject of an OGI

  – reduce the risk of disagreements in the interpretation of the *Canada Elections Act*

- Maximize transparency by publishing

  – along with the draft OGI, all relevant contextual information and considerations that inform EC's position (thus making public all relevant information)

  – all comments submitted by political parties (in addition to those from the Commissioner), as well as the treatment of the comments by EC

- Finally, with respect to pre-existing mechanisms,

  – the lawyer-to-lawyer hotline will remain unaffected; its operation during elections will continue to be critical, especially as the OGI process is suspended during events

  – the green line support network will remain in place, but formal guidance will increasingly be provided through OGIs

Forward agenda

After December 19, priority will be given to the handbooks for nomination contestants and candidates. Updated handbooks will include some clarifications to existing content as well as changes to reflect provisions introduced by Bill C-23. Two specific interpretation notes will also be proposed: the first on the definitions of campaign expenses for leadership and nomination contestants, and the second on the use of member of Parliament resources outside an electoral period.

For the EC-initiated OGIs, parties will be provided with draft documents at least 30 days prior to the start of the formal consultation period (of 15 calendar days).