

Policy on Voter Identification when Registering and Voting in Person in Federal Electoral Events

Last updated: September 4, 2020

Purpose

In order to vote electors must be registered on the list of electors and provide proof of identity and residence.

This policy outlines the requirements to prove identity and residence as set forth in the *Canada Elections Act* (the Act). It explains to electors, election officers, candidates and political parties how Elections Canada interprets the identity verification provisions and how the Chief Electoral Officer (CEO) establishes the list of authorized pieces of identification.

The policy sets out the principles that guide Elections Canada in administering the Act's requirements. Those principles are inclusiveness, trust and service to electors.

Application

This policy applies during an electoral event, including a general election, by-election or referendum.

It applies when electors are required to prove identity and residence in order to register and vote in person. It applies:

- on polling day
- on advance polling days
- at a mobile poll
- at an advance mobile poll
- in an acute care facility or at home
- to electors who request a special ballot in person at a Local Elections Canada Office
- to electors requesting to be added to the National Register of Electors or Preliminary List of Electors at a Local Elections Canada Office.

Effective Date

This policy takes effect on September 4, 2020, and may be reviewed at the discretion of the CEO. The policy reflects the Act as of December 13, 2018.

Expected Results

- Electors establish their identity and residence in accordance with the *Act*.
- Electors have various alternatives for proving their identity and residence in order to register and vote.

- Election officers effectively and efficiently administer identification and residence requirements under the *Act*.

Context

The *Canadian Charter of Rights and Freedoms (Charter)* confirms every citizen's right to vote. While this democratic right is guaranteed to all electors it is subject to reasonable limits.

The requirements to prove identity and residence were adopted by Parliament in 2007 to prevent real and perceived voter fraud and to maintain public confidence in the integrity of the electoral process.

The law was challenged in 2009 in *Henry v. Canada (Attorney General)*¹ it was argued that the identification provisions infringed on the right to vote guaranteed under section 3 of the *Charter*.

In 2010 the British Columbia Supreme Court (the Court) found that the requirements are a facial breach on the right to vote and are inconsistent with section 3 of the *Charter*.

However, they are a reasonable limit on Canadians' electoral rights. Citing the Supreme Court of Canada, the Court's analysis noted that "effective representation contemplates more than the right to have and to vote for a representative in Parliament or the legislative assembly; it also implies the right of each citizen to play a meaningful role in the electoral process" (par.133). Proving identity and residence, therefore, is a procedural requirement that gives expression to the right to vote and to representative government.

The Court was also clear that such procedures should not interfere with the right to vote and that no group of electors should be disproportionately burdened by them. The Court cited evidence regarding segments of society who may face difficulties proving their identity and residence, including seniors or persons living in a long-term care facility (par. 455) and persons who are homeless (par. 458–459).

Since 2008, post-election survey results indicate that the vast majority of electors have no difficulty in proving identity and residence; but some segments of the population including youth and Indigenous electors may be more likely to have difficulty in providing address.

These concerns have been echoed in various ways. During stakeholder engagement sessions Elections Canada learned that certain persons including electors who are homeless, seniors, long-term care facility residents and students may face challenges in proving their residential address.² An administrative review following the 2015 general election also showed that some electors on First Nations reserves were unable to vote because they lacked proof of identity and residence, and pointed to issues with registration stemming from non-standard address types.³

Elections Canada has also learned, anecdotally and through stakeholders, about the challenges faced by other groups of electors in meeting the identification requirements. These include transgender electors who may not have identification documents that match their new identity; electors who share a residence, do not have their current address on their identification, and do not have other accepted documents, such as utility bills, in their name; or the approximately

eleven percent of all registered electors who move every year⁴ and may not have documents that contain their new address.

The Court noted that the *Charter* "creates a positive obligation on the state to put in place appropriate arrangements for the effective exercise of the right to vote" (para. 140). It also affirmed the CEO's responsibility to expand and/or modify the authorized pieces of identification as a means to increase accessibility, while continuing to balance concerns surrounding integrity.

In summary, the identification requirements have been upheld by the courts, recognizing that they should not be a barrier to voters. As such, Elections Canada, in implementing the requirements, strives to ensure a balance between accessibility, integrity of the vote and efficient administration of the requirements.

Guiding Principles

Three principles guide Elections Canada's approach to implementing the identification regime: Inclusiveness, Trust and Service to Electors.

- **Inclusiveness:** Means that all eligible electors should have equal access to vote.

As noted above, most electors will have sufficient identification, but some face barriers because they may not have any pieces of identification, or may have difficulty proving their residence. Also, some electors may have the appropriate identification but not know what the requirements are.

No piece of identification issued by the Government of Canada, and few pieces of identification issued by provincial, territorial or local governments, contains the elector's photograph, name and address. The most commonly held piece of identification that satisfies these criteria is the provincially issued driver's licence, which is used by approximately ninety-one percent of electors to prove their identity and residence.⁵ As such, some electors may need other pieces of identification in order to exercise their democratic rights.

Elections Canada is committed to facilitating voting by all eligible electors. It does this by communicating prior to an event about when, where and ways to vote, and how electors may prove their identity and residence when registering and voting in person.

- **Trust:** Means that the integrity of the vote should be protected and preserved.

Public confidence in the electoral process is paramount. Electors and candidates must have trust in how elections are run and the legitimacy of the outcome.

Verifying identity and residence serves to ensure that votes count in their corresponding polling station and in the right electoral district. Elections Canada is committed to implementing the identification requirements in a manner that minimizes the risk of actual and perceived fraud in order to protect and preserve the integrity of the vote.

- **Service to electors:** Means that electoral events should be administered efficiently and that the rules should be applied consistently and fairly.

While the identification requirements may contribute towards protecting integrity, their administration should not interfere with the right of all electors to cast a ballot. In other words, voting procedures should facilitate the expression of democratic rights, not hinder them.

Wherever possible, Elections Canada seeks to streamline and optimize the voting process to make it easier and faster for electors to cast their ballot.

Policy Requirements

When registering or voting in person, an elector must prove their identity and address to the satisfaction of the election officer.

How does an elector prove identity and residence?

The Act provides three options for electors to prove their identity and residence. Under each option the election officer must be satisfied that the elector has established his or her identity as well as residence.

Option 1: One piece of identification to establish proof of name and residence

Electors may prove their identity and residence with one piece of identification issued by a Canadian government or agency (federal, provincial, territorial, or local) that includes their name, address and photograph.

Option 2: Two pieces of identification to establish proof of name and residence

Electors may prove their identity and residence with **two** pieces of identification from the list authorized by the CEO, both of which must include the elector's name and at least one of which must include their address.

Option 3: Solemn declaration and vouching to establish identity and residence

Electors may prove their identity and residence by making a solemn declaration and being vouched for by another elector.

The person being vouched for does not require a piece of identification; however, the elector vouching for them does. The voucher must have proven their own identity and residence using option 1 or 2. The voucher must also appear on the list of electors in the same polling station as the elector being vouched for, know the elector personally, must not have vouched for another elector or have had their own identity and residence vouched for, and must also make a written solemn declaration. Note that in Local Elections Canada Offices the voucher may appear on the list of electors assigned to the same electoral district.

Consistent with the principle of inclusiveness, Parliament passed amendments to the Act in 2018 to permit electors who reside in an institution where seniors or persons with a disability reside to be vouched for by an employee of the institution. The employee may vouch for more than one elector and must reside in the same electoral district or adjacent electoral district as the person being vouched for.

What is an accepted piece of identification?

Under option 1, accepted pieces of identification include a provincial or territorial driver's licence, a provincial or territorial identification card, a band membership card and, in some cases, a provincial or territorial health card, as long as this piece includes the elector's name, address and photo.

Under option 2, the CEO may authorize types of identification for the purposes of proving identity and residence. These pieces may be issued by non-government entities and are less likely to contain the elector's photo. The list of pieces of identification authorized by the CEO can be found on [Elections Canada's website](#).

Under option 3, the person being vouched for does not require any pieces of identification. However, the person who is vouching must have already proven their identity and residence using one of the pieces of identification under option 1 or 2.

What should electors and election officers be aware of regarding accepted pieces of identification?

The following guidelines apply to all pieces of identification used when registering or voting using option 1 or 2 described above.

Official languages

Pieces of identification must be in either English or French. In Nunavut, pieces of identification will also be accepted in Inuktitut.

Currency of pieces of identification

Expired pieces of identification and temporary pieces of ID (i.e., temporary driver's licence) are accepted, as long as they can reasonably be used to prove the elector's identity or residence.

Face coverings

An elector may vote with their face covered by establishing proof of their identity and residence under any of the three options listed above. An elector is not required to remove their face covering when establishing proof of their identity and residence.

Sex or gender

Electors are not required to provide identification that establishes their sex or gender as these are irrelevant when proving identity and residence for the purpose of registering and voting in person. However, electors may be asked to indicate their gender when registering for inclusion in the National Register of Electors, as required by the Act.

Original pieces of identification, printouts and online versions on an electronic device

Pieces of identification are accepted in whichever format they were originally issued. In the case of pieces of identification issued electronically (such as e-statements or e-invoices), printouts or

online versions shown on a mobile device are accepted. However, photocopies or scanned versions of pieces of identification that were not originally issued electronically (e.g. a photocopy of a Canadian passport) are not accepted.

Handwritten information on a piece of identification

A piece of identification in which the name and/or address of the elector has been added by hand by the issuer may be used to prove the elector's identity and/or residence. If the name and/or address are handwritten by the person to whom the piece of identification is issued, it cannot be so used. For example, a passport cannot be used as proof of address because the address is written in by the passport holder and not the issuer; therefore, it may only be used to prove identity.

What is the CEO's list of authorized pieces of identification?

As noted above, the CEO authorizes pieces of identification for the purpose of voting under option 2. The CEO must publish a list setting out the types of identification that are authorized. The list is published on [Elections Canada's website](#).

The pieces of identification authorized under the list aim to be broad enough to ensure accessibility for electors who may face barriers in providing documentary proof of their residence, while also protecting the integrity of the vote.

They range from pieces of identification issued by all levels of government, or agencies of those governments, across Canada; health care facilities or organizations; educational or financial institutions; utility companies; employers; and designated establishments where electors may be residing temporarily or for long-term care.

Under option 2, and according to the *Act*, at least two pieces of identification from the authorized list must be presented to prove identity and residence.

The list is revised as required to ensure it is up to date and reflects changes in the environment. The criteria guiding the CEO in determining authorized pieces of identification are:

- inclusion of name or name and residential address information
- source of piece, and its content, is not the elector
- prevalence of piece generally
- prevalence of piece among specific groups of electors
- ease of access

Letter of confirmation of residence

A letter of confirmation of residence is an acceptable proof of residence that can be issued by a designated establishment.

Those organizations, as well as a template *Letter of Confirmation of Residence*, are available on [Elections Canada's website](#). A letter printed on the designated establishment's letterhead

confirming that the elector is a resident or receives services from the organization is also accepted.

Elections Canada will accept letters of confirmation of residence signed by those in leadership positions. This task may be delegated to employees under a leader's supervision.

The elector must also bring a second piece of identification from the list of pieces of identification authorized by the CEO to prove their identity.

One source for two pieces of identification

Electors are allowed to present two different pieces of identification from the same source, if the documents serve different purposes. For example, a student may present a bill for services and a transcript of their marks, even if they have been issued by the same school, college or university.

An elector may not provide two pieces of identification from the same source if both documents serve the same purpose. For example, an elector may not provide two telephone bills from the same provider for the same telephone line, even if both documents are for different billing cycles.

What should electors and election officers be aware of regarding the verification of identity and residence?

Candidate's and scrutineer's right to examine

Candidates' representatives (or scrutineers) are authorized to be present where electors can vote and observe certain proceedings on behalf of their candidate.

A candidate or candidate's representative (scrutineer) has the right to examine but not handle any piece of identification presented by an elector. A scrutineer may request to look at any piece of identification only when the election officer is verifying proof of identity and residence.

If the elector refuses to show their identification to a scrutineer on request, the elector will be allowed to vote if the election officer is satisfied that the elector has established their identity and residence in accordance with the Act. The elector's objection must be noted in the Event Log, which election officers use to record certain information during the event.

If the scrutineer raises an objection, the election officer will make the final decision to accept or reject the identification presented. Further details may be found on [Elections Canada's website](#).

Identification that does not prove residence

In some cases, the address on a piece of identification is insufficient to prove residence. For example, the piece of identification could indicate a post office box or other mailing address. If the residential information is nevertheless consistent with information related to the elector that appears on the list of electors, the elector's residence is deemed to have been proven.

The election officer determines consistency based on all information available to them. If the election officer is satisfied that the identification documents prove the elector's identity and residence in accordance with the *Act*, the elector shall be allowed to vote.

Where the election officer, a candidate or a candidate's representative has reasonable doubts concerning the elector's residence in such cases, they may ask the elector to make a solemn declaration.

Consistency between name, address and the list of electors

In some cases there may be a discrepancy between the name, address on the list of electors and on the piece(s) of identification presented by the elector. For example, the list may contain a "Robert Smith" while the piece of identification presented says "Bob Smith". Or, the list may have "2400 Saint-Laurent Street" and the piece of identification may have "2400 St-Laurent Boulevard".

In such cases, the election officer will determine consistency based on all information available to them, including personal knowledge of the elector, changes in street name or municipal designation. The elector will not be allowed to vote unless he or she makes a solemn declaration. The elector may also need to complete a registration certificate or a correction certificate before being allowed to vote.

Resolving doubts about elector identity or residence

Where the election officer is not satisfied that a document presented by an elector establishes their identity or residence, the election officer may request that the elector provide an additional document, or be vouched for by another elector.

Oath of qualification

In order to be qualified to vote, an elector must be a Canadian citizen and 18 years of age or older on polling day. Where the election officer, a candidate or a candidate's representative has reasonable doubts about the elector's qualification, they may ask the elector to make a solemn declaration.

Further Information

For further information on identification requirements for electors:

- Three options to prove your identity and address: http://www.elections.ca/vot/ids/IDList_e.pdf
- Frequently asked questions about identification: <http://www.elections.ca/content.aspx?section=vot&dir=faq&document=faqid&lang=e>
- *Canada Elections Act*: <http://laws-lois.justice.gc.ca/eng/acts/E-2.01/index.html>

Definitions

Canada Elections Act; the Act: Refers to the *Canada Elections Act*, S.C. 2000, c. 9, as amended as of December 13, 2018.

Candidate's representative (scrutineer): An individual authorized by a candidate or a candidate's official agent to be present at a polling station on polling day under section 135(1)(d).

Chief Electoral Officer; the CEO: Refers to the Chief Electoral Officer of Canada.

Election officer: An individual appointed to exercise powers or perform duties under the *Act* to prepare for or conduct an election, including a person who is assigned to verify that an elector meets the voter identification requirements.

Elections Canada; the agency: Refers to the Office of the Chief Electoral Officer of Canada.

Electoral event: Refers to a federal general election, by-election or referendum.

List of Electors: Refers to the lists produced after an election is called for each polling division in the electoral district. These include the Preliminary List of Electors, the Revised List of Electors, and the Official List of Electors. They are produced from the data existing in the National Register of Electors.

Local Elections Canada Office: A place where electors may register and vote. This includes the office of the returning officer (who is the person responsible for organizing an electoral event in an electoral district), the office of the additional assistant returning officer, and on-campus voting locations.

National Register of Electors (NRoE): A database of Canadian citizens who have the right to vote. It is used to produce the lists of electors. It is updated with information from federal, provincial and territorial administrative databases and voters' lists between elections, and by electors themselves.

Proof of identity and residence: Refers to an elector providing an election officer with satisfactory proof of their name and address.

Piece(s) of identification: Refers to all pieces of identification that are accepted as proof of identification and residence under the *Act*. Used interchangeably with identification.

Verification of identity and residence: Refers to an election officer verifying that the name and address contained on the piece(s) of identification provided by an elector match the information on the list of electors.

¹ [2010] BCSC 610.

² The Centre for Excellence in Communications, "Elections Canada Stakeholder Engagement on New Voter Identification Requirements, Final Project Report" (2008).

³ Elections Canada, "Voting Service Interruptions on First Nations Reserves in the 42nd General Election – Administrative Review," (2015).

⁴ Elections Canada, "Description of the National Register of Electors: Annual Changes to Elector Information," (2018).

⁵ Elections Canada, "Survey of Electors Following the 42nd General Election," (2016).