



## Advisory Committee of Political Parties

Annual General Assembly  
Meeting Summary  
September 23–24, 2020



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## 1. Meeting summary

The Advisory Committee of Political Parties (ACPP) was convened for a virtual meeting on September 23–24, 2020, for its Annual General Assembly. The objective of the meeting was to update ACPP members on Elections Canada’s (EC) priorities which includes the adaptation of elector and political entities services in a pandemic context. In addition, as part of the Chief Electoral Officer’s consultations on the regulatory regime that governs political communications in federal elections, EC obtained feedback from ACPP members on three key themes: the regulation of political communications, the impact of social media platforms, and the protection of electors’ personal information in a federal electoral context.

## 2. Introductory remarks by the Chief Electoral Officer

Presenter: Stéphane Perrault (Chief Electoral Officer [CEO])

Mr. Perrault welcomed participants to the meeting, including the following newly appointed committee members: Jay Watts (Communist Party of Canada), Zahra Mitra (Green Party of Canada), Anne McGrath (New Democratic Party), and Chinook Blais-Leduc (Rhinoceros Party).

Mr. Perrault gave an overview of Elections Canada’s response to the pandemic, explaining that most EC HQ employees continued to work remotely, with the exception of staff for whom access to specialized equipment or materials was essential. He also explained that most activities have resumed including the conduct of financial return audits from the 2019 federal election. Mr. Perrault explained that EC is currently focusing its planning efforts on the delivery of an accessible, safe and secure election during the pandemic, if one were to be called.

The health and safety of all participants in the electoral process is of paramount importance, including electors, thousands of election workers and candidates and their workers. As such, Elections Canada is working with national, provincial and local health officials to offer services that are aligned with the reality in their region. Mr. Perrault noted that should an election be called in the current context, voters would be encouraged to wear a mask at all times when voting. EC would also increase virtual training capacity for electoral workers in order to limit the number of in-person interactions. Other administrative changes would include adjusting voting operations to reduce the number of workers needed at each poll and facilitate physical distancing. EC would also adapt vote-by-mail processes to meet a potential surge in demand for this service. According to surveys, EC expects that some 4 million voters could opt to vote by mail. Mr. Perrault further noted that an increased volume of mail-in ballots would likely delay the release of election results. EC will communicate openly about any potential issues or challenges voters may experience as a result of the pandemic.

Mr. Perrault also noted that EC has a number of other consultations in progress to inform potential longer-term recommendations for legislative changes. This included consultations with religious communities, political parties, third party entities, academics, and civil society groups.

Mr. Perrault was asked about lineups at the polls and whether electors would continue to be assigned to a specific polling station and division. The CEO replied that people will continue to be assigned to a specific polling station, where lining up to vote will be required, as per the current legislation. He noted, however, that people have other options to vote, including at local Elections Canada offices or by mail.

Given potential changes to polling locations to ensure voter safety, Mr. Perrault was asked about whether Elections Canada has considered issuing transfer certificates to accommodate voters who show up at the wrong polling station. Mr. Perrault remarked that showing up to the wrong place to vote was not considered to be a significant problem in comparison to implementing necessary safety considerations during pandemic election. EC is focusing its adaptation efforts on areas where there is a clear benefit in dealing with the pandemic.

There was a concern expressed in regards to the religious communities and that religious centres being used on Saturday and Sunday would limit access to voting locations. The CEO noted that the recommendation report focuses on a fixed day election and that having the availability of two voting days provides flexibility. Flexibility is the key element, so people have options to vote. Voting over several days on a weekend allows for greater access to public locations.

### **3. Adapted Pandemic Voter Services**

Presenters: Denis Bazinet (Senior Director, Field Governance and Operational Readiness), Sophie Martineau (Assistant Director, Operations & Field Governance) and Sylvie Jacmain (Director, Alternative Voting Methods and Operational Outreach)

This session focused on upcoming challenges in regards to voting in an election during a pandemic. Adaptive measures were being proposed including the introduction of temporary legislative measures to promote health and safety, provide personal protective equipment (PPE) for election workers, and recommend enhanced safety measures for all. Elections Canada would also modify face-to-face voting procedures to ensure compliance with public health and occupational safety guidelines in each region of the country.

Following on the promotion of health and safety, Ms. Martineau stated that EC would propose several adaptive measures to vote at a polling place or any local EC Office. These measures included physical distancing, electors and representatives wearing masks, hand sanitizing stations, alternate methods to handle documents and ID, office and poll workers equipped with personal protective equipment (PPE), a single poll worker/election officer per polling station/table, and additional workers to control the number and flow of electors.

There was a concern as to the potential reduction of service times to vote. EC is proposing hours that are more convenient for people to vote. On the weekend, it would propose 16 hours of voting in total which may be more useful than one voting day on a Monday. Useful voting hours is important in how one looks at “reduced hours”. The CEO reiterated that recruitment is also an issue as workers would be working back-to-back, day after day, handling cleaning, early opening, late closing, etc.

On the question as to how are “temporary legislative measures” enacted, the CEO replied that the proposed bill would provide that the measures would cease to end six months after the election, the reason being that Parliament is confident that the proposed policies are not in the self-interest of the CEO.

Lastly, there was also a concern in regards to being able to gather 100 signatures for a candidate’s nomination. Trying to solicit 100 signatures elevates the risk of covid-19 and the need for contact tracing. As a small party, this necessary nomination process favours larger political parties with more money. The CEO stated that EC would make a note of this for Parliament.

#### **4. Candidate and Political Party Services - Adaptive measures**

Presenters: Christopher Morris (Acting Assistant Director, Candidate Services) and Sophie Martineau (Assistant Director, Operations & Field Governance)

Mr. Morris opened with an update regarding the online services for the PESC Portal. Elections Canada has expanded the PESC user base and it is now open to all political entities. The importance of online services such as the PESC portal has been highlighted in the context of the COVID-19. PESC will remain the primary distribution method for electoral products.

Regarding the submission of Nomination Papers, EC will continue to allow in-person submissions. However, prospective candidates will be required to make an appointment with the returning officer to file their nomination papers. Health and safety guidelines must be followed in the returning office. EC will encourage all candidates to submit their nomination forms electronically. More options are now available to submit supporting documents. Returning users will be able to use their existing account.

EC is making minor modifications to the authorization process to reduce document handling and ensure public health best practices. Candidates’ representatives may not wear or display partisan symbols when fulfilling their duties, and will therefore not be allowed entry with partisan-branded personal protective equipment (PPE). Right of access is to be provided equally for all candidates. Candidates will be responsible for providing materials to canvassers, including PPE. EC will only provide PPE for access to polls or offices.

Mr. Morris stated that returning officers are preparing to administer solemn declarations via videoconference. If receiving declarations in person, EC recommended following public health advice for in-person meetings. For elector signatures, he noted that EC was introducing an additional form to

collect one elector signature per page and that these documents be submitted electronically when possible. The elector signature requirements of the 43rd General Election will remain unchanged.

During the question & answer period, ACPP members stated that the collection of signatures is an issue, given that this is conducted in person in addition to contact-tracing. It was suggested that reducing or removing signature requirement should be an option. Getting party members to go out to canvass will be an issue. The CEO was open to reconsidering recommendations and provisions for signatures.

## **5. Complementary Safety Campaign**

Presenter: Annie Desrosiers (Director, Communications Services)

Speaking to the Complementary Safety Campaign, Ms. Desrosiers outlined a number of communications objectives that EC would be providing including: information on service offerings and ensuring electors have all the information they need to register and vote; information on measures to ensure electors can register and cast their vote safely; information on safety measures in place for election workers; and to position EC as the authoritative source of information on registering and voting.

EC's proposed approach to the Complementary Safety Campaign will be to create a separate multimedia national campaign promoting safety measures. Some ads will integrate both Voter Information Campaign and safety messages and will use a similar look and feel as the Voter Information Campaign to ensure consistent approach and brand recognition (authoritative source of information). EC will also drive electors to its website to get up-to-date information on safety measures in place (which may vary for each province). It will also adapt content to media channels and audiences increasing awareness and engagement in addition to providing stakeholders with shareable digital toolkit to maximize their reach.

A number of committee members' questions focused on the upcoming by-elections. For example, what would happen if a person gets COVID at a polling station? Do people all get contacted? The CEO confirmed that contact tracing is required in some jurisdictions. So far, Elections Canada is not required to contact trace at polling stations. The RO would inform health authorities if it was found out that there was someone who voted contracted COVID. EC has contact info of people who voted at any given polling station. Public health authorities could send letters to electors according to Public Health Canada.

Answering the concerns regarding voters wearing a mask, Elections Canada would be strongly encouraging people to wear a mask. However, masks are not mandatory and EC can't go beyond what local authorities say. If mandatory, EC will serve electors who do not wear a mask as it does not want to put any staff in danger. EC will contact authorities if someone is not following the rules and will encourage people to wear masks regardless of local regulations.

## 6. Recommendations Report: Political Communications in Federal Elections

Presenter: Anne Lawson (Deputy Chief Electoral Officer, Regulatory Affairs)

Elections Canada's Pandemic Preparedness Plan will be ready for Fall 2020. There are a small number of recommendations likely to be made to Parliament in fall 2020 regarding election service delivery in a pandemic. The Recommendations Report's tabling to Parliament was planned for Spring 2021.

ACPP members were consulted on three specific discussion papers in order to provide a wide range of intervenors the opportunity to voice their point of view by providing feedback on the themes, which will help the agency finalize recommendations to Parliament. This in turn allowed EC to better understand the impacts of these policy questions on different stakeholder groups and their impact on Canadians' trust in the electoral system in addition to being able to foster broader public policy discussion on emerging issues facing our electoral democracy.

### ACPP Breakout Sessions Summaries

#### Theme 1: The Regulation of Political Communications under the *Canada Elections Act*

ACPP members were asked whether the basic structure that is currently in place for the regulation of political of political communications is sufficient to achieve its goals or whether it needs to be modernized.

1. What recommendation would you make to change the law to better promote its objectives or reduce unnecessary regulation on political entities?

Reactions from parties were mixed and whereas some parties suggested that elections advertising should be clearly defined and regulated by the Canada Elections Act (CEA), others felt that regulation should be revisited. More specifically, some parties felt that the whole landscape of election expenses should be revisited due to the high cost of TV advertising today. Many parties wanted to keep a distinction between paid and unpaid communications, including advertising and non-advertising.

Some parties also noted that the election's advertising blackout is no longer relevant, particularly in the age of social media. In terms of enforcement, when parties have made efforts to comply with legislation on ads, the Commissioner's investigators should exercise "understanding over punishment".

Some members would like to see fake and inaccurate news regulated. Moreover, one participant mentioned the publication of specific list of false statements would be helpful to understand the investigation process, including the types of complaints to forward to the Commissioner.

2. Are there particular requirements of the law which appear outdated to you (whether or not they have been identified as such in the paper)?

ACPP members noted that the CEA and broadcasting legislation doesn't take into consideration online platforms and social media. They suggested that the definition of a network be expanded to capture more private entities that use public airwaves. Some ACPP members think that the free air time rules benefit larger parties and that they should be opened to all parties. Smaller parties think it is great to have free broadcasting, but networks' expectations for quality are harder to meet technically and financially for them. Smaller parties should be helped with some aspects of production, like captioning. One party said broadcasting arbitration is obsolete; larger parties did not express concerns with the broadcasting regime.

In order to keep pace with modern campaigning, one participant suggested to include voter databases under election expenses.

3. The paper identifies Parliament's objectives as transparency, fairness, and promotion of a healthier democratic discourse. Do you believe that accurately summarizes the objectives? Are there objectives that you believe the law should (or shouldn't) promote that are not included in that list?

While no parties disagreed with the objectives put forward, several noted challenges with the Canada Elections Act included that it is complicated to follow and apply consistently.

Some noted that the tagline requirement is "fussy" since parties usually use their name and web addresses on ads. However, parties agreed that when you engage in paid political communication, people should know who you are.

There was disagreement on adding a requirement to keep records of all phone calls and text messages – instead texts should identify the party and website. For some, the current third-party regime is not convenient to a healthy democracy. For others, the rules for engaging with third parties (coordination/collusion) should be made clearer. A few parties said the regulation of issue advertising was problematic from practical and constitutional perspectives. There needs to be a bright line about what is captured.

## **Theme 2: The Impact of Social Media Platforms in Elections**

ACPP members were asked to consider the impact that social media and digital advertising platforms have on elections and democracy.

1. What has been your experience with digital and registries, as buyer of ads and/or as electoral participants?

Some party representatives noted that parties should be able to choose what they post on social media. One member suggested it would be good for electors to know how they're being targeted on an individual level by social media platforms. The same participant stated that if companies know so much about electors, it would be helpful for parties to have access to that same kind of information for their own purposes of reaching electors. Some participants were concerned about the process of rejecting/keeping ads as they noticed inconsistency. Furthermore, a participant noted that it would be "a concern for



democracy” if it was censorship and if platforms contravened their “duty of care” by treating political participants unfairly. Another participant expressed concern that social media companies could unilaterally suspend or deactivate their accounts.

2. In what you saw on social media platforms at the last federal elections, did you have any concerns about ads or organic content? Looking at elections in other jurisdictions, are there issues of concern?

Some ACPP members suggested to leave organic (unpaid) ads unregulated because more communication means that electors are more informed. There were concerns that regulating organic content is difficult, and that enforcement could be subjective depending on who is looking at the contents. Another stated that fake or ridiculous content is combatted online by fact-checkers or private users. One participant stated that election ads were becoming more and more based on emotion which is “dangerous for democracy” when compared to ads that were informative. To what extent do you think platforms should be responsible for moderating some content around elections, i.e. inaccurate information on where, when and ways to vote; unsubstantiated claims of fraud, and/or false statements about parties? Should another entity be responsible? Which one?

Some ACPP members indicated that social media companies should have a shared moderator role and provide a fair platform for all parties so that free time political broadcast is included on these platforms. Since platforms are doing already some moderation of their contents, there would also be a need to be more transparent as to how they are moderating: who is moderating the moderators. It is difficult to have social media companies to be fact checkers or adjudicators of content. One solution raised was to have Elections Canada expand its monitoring of inaccurate information on social media, provide a better understanding of what is monitored and what is not in a realistic and reasonable way, and ensure the complaints process is much faster. In addition, social media platforms could better moderate ad content relating to election day, like instituting technical measures to block advertisers from buying new ads in the blackout period.

### **Theme 3: The Protection of Electors’ Personal Information in the Federal Electoral Context**

ACPP members were asked to consider how fair information principles could be applied to political parties, given their unique role in Canada’s democracy.

1. What kind of privacy questions and concerns are you hearing from electors, staffers, candidates, and volunteers?

Some participants suggested that Elections Canada should better communicate how it obtains elector information, as well as defend the practice of giving parties the voters list. One participant mentioned that a part of the challenge is that electors don’t know that Elections Canada can collect elector information and provide it to parties. Information that parties get is partial; they are seeking expansion of what’s included in the list, such as phone numbers. It is also important to clear up deceased electors from the list. One ACPP member said electors should have the right not to have the unique identification number be disclosed, particularly if such information is digitized.

2. Should there be any regulation about how information that Elections Canada provides to parties can be combined with other sources of information?

One member mentioned there could be rules, but generally speaking any regulation should be very careful about limiting parties' ability to develop better means of communicating with electors, especially given how little information is provided by EC. Another participant suggested the rules could apply to the information EC provides (i.e., clearer limits on the use of the lists of electors). Giving the example of donations that are publicly released by EC, one participant warned that rules on data matching could impact how that data is used. A participant said that parties need to match data to communicate effectively and confirmed that the information is used for internal purposes only and not disclosed. Lastly, smaller parties thought that regulations should exempt them or support them to comply, given the critical role that parties play in electoral democracy.

3. Some experts propose that at least some privacy obligations that apply to businesses should be extended to parties. From your perspective, what aspects of privacy laws and regulation are not suitable for parties?

Participants had mixed reactions. One mentioned that parties are not businesses and shouldn't be regulated like them while another felt that parties should respect internationally agreed upon privacy standards or be subject to strict privacy laws. One also added that the new CEA requirement for privacy statement on the website does not go far enough. Some parties want to be able to focus on supporters and they need accurate information for that. They need to track who is a non-supporter so they don't waste resources and disturb them. Also, parties inherently reach out to people who they do not know. This makes it difficult to obtain consent prior to contacting them. At the same time, electors need to be able to opt-out (or withdraw their consent/unsubscribe to receiving communications). Lastly, one added that it would be burdensome and impractical to have to obtain explicit consent each time parties want to reach out to electors on various topics, or for fundraising.

## 7. Political Financing Audit Process: Update on Current Status

Presenters: Josée Villeneuve (Senior Director, Political Financing) and Jeff Merrett (Director, Regulatory Affairs and Systems)

Ms. Villeneuve and Mr. Merrett provided an overall update on the current status of the Political Financing Audit Process. Elections Canada facilitated deadline extensions, adjusted business processes, and developed an accelerated reimbursements initiative. While actual filing deadlines are mandated by the *Canada Elections Act* and could not be changed, Elections Canada looked at options for facilitating deadlines extensions.

EC reconsidered extensions from February 21, 2020 to June 30, 2020 for those entities who had already requested and received approval for a deadline extension for filing their campaign returns. Ahead of the

filing deadline, EC recommended to Electoral District Associations (EDAs) to apply for an extension if they were expecting delays due to COVID-19 with extensions granted to July 31, 2020. It has also implemented several measures to adjust its business processes in response to the pandemic.

As a result of the pandemic, Elections Canada announced that it would suspend administrative measures for EDAs until further notice that failed to comply with their annual obligations. EDAs are encouraged to avoid potential de-registration by submitting their return as soon as possible. EC will start issuing non-compliance letters in October to all EDAs that remain non-compliant.

During the question and answer period, an ACPPE member asked as to who has consented/authorized Elections Canada to gather and use party data. The CEO replied that he has the duty to promote transparency in the electoral process, including in the political finance. Information that political parties provide is public information.

## 8. ACPPE Forward Calendar and Adjournment

Presenter: Susan Torosian (Executive Director, Public Affairs and Civic Education)

Ms. Torosian shared the Forward Calendar of upcoming dates, events and items of interest to ACPPE representatives.

Some specific items identified in the calendar included the following initiatives that are currently on the radar for political parties going forward into 2021: Irregular Transfers Between Political Entities Consultation; Third Party Handbook Consultation; Political Financing Handbooks For Registered parties/Associations/Candidates/Contestants Consultation; Political Financing workshop; Recommendations report; *Bang the Table* digital consultation that will be taking place during the fall months; ACPPE General Election Teleconference (TBD); and the next projected ACPPE meeting (March 2021 - TBD).

Following the presentation of the Forward Calendar, the meeting was adjourned at approximately 3:30 p.m. on September 24, 2020.

## 9. Appendix A: Agenda

### Day 1: September 23, 2020

- 12:30 – 1:00 Sound & Video Check – ACPPE Members
- 1:00 – 1:15 Logistics & Housekeeping
- 1:15 – 2:15 CEO Introductory Remarks and by-election updates

- 2:15 – 3:10 Adapted Pandemic Voter Services
- 3:10 – 3:25 Break
- 3:25 – 4:20 Adapted Pandemic Candidate and Political Party Services
- 4:20 – 4:45 Elections Canada’s Safety Campaign
- 4:45 – 5:00 Wrap-up

## **Day 2: September 24, 2020**

- 12:30 – 1:00 Sound & Video Check – ACPP Members
- 1:00 – 1:15 Logistics and Overview of Agenda
- 1:15 – 2:30 CEO Recommendations to Parliament
- 2:30 – 2:45 Break
- 2:45 – 3:30 Political Financing Updates
- 3:30 – 4:00 Closing Remarks and Forward Agenda
- 4:00 – 5:00 Opinions, Guidelines and Interpretations Steering Committee

## **10. Appendix B: Meeting participants**

### **ACPP representatives:**

<b>Name</b>	<b>Political Party</b>
Stephen Best	Animal Protection Party of Canada
Liz White	Animal Protection Party of Canada
George Zekveld	Christian Heritage Party of Canada
Peter Vogel	Christian Heritage Party of Canada
Jay Watts	Communist Party of Canada
Elizabeth Rowley	Communist Party of Canada
Trevor Bailey	Conservative Party of Canada
Scott Gibson (observer)	Conservative Party of Canada
Jeremy Hollingsworth (observer)	Conservative Party of Canada
Christophe Lavoie (observer)	Conservative Party of Canada
Yannis Harrouche (observer)	Conservative Party of Canada
Nick Carter	Green Party of Canada

Zahra Mitra	Green Party of Canada
John Arnold	Liberal Party of Canada
Azam Ishmael	Liberal Party of Canada
Derek Lipman (observer)	Liberal Party of Canada
Braeden Caley	Liberal Party of Canada
Jessica Cardill	Liberal Party of Canada
Coreen Corcoran	Libertarian Party of Canada
Anna Di Carlo	Marxist-Leninist Party of Canada
Anne McGrath	New Democratic Party
Jesse Calvert	New Democratic Party
Michel Blondin	Parti pour l'indépendance du Québec
Jacinthe Lafrenaye	Parti pour l'indépendance du Québec
Danny Légaré	Marijuana Party
Sébastien CoRhino	Parti Rhinoceros Party
Graeme Marrs	Stop Climate Change
Ken Ranney	Stop Climate Change

**Other invited guests and presenters:**

Name	Organization
Jacinthe Dumont	Office of the Commissioner of Canada Elections

**EC staff present for the duration or part of meeting:**

Aboubacar Dakuyo, Angelo Elias, Anne Lawson, Annie Desrosiers, Audray Frechette, Bradley Darch, Carine Arsenault, Christopher Morris, Cyntia Henley, Denis Bazinet, David Le Blanc, Duncan Toswell, Jane Dunlop, Janine Atkinson, Jeff Merrett, Jennifer Paquet, Josée Villeneuve, Juan Melara-Pineda, Karine Masson, Lisa Drouillard, Mariann Canning, Mario Lavoie, Martin Génier, Melanie Wise, Michel Roussel, Mira Raatikainen, Patrick Therrien, Pauline Bejjani, Samy Agha, Serge Caron, Sharmila Biswas-Mistry, Sophie Martineau, Stéphane Perrault, Stéphanie Thomas, Steven Tyrie, Susan Torosian, Sylvie Jacmain, Tamara Kluge, Trevor Knight, and Wendy Larose.

**Meeting facilitators:**

Alain Rabeau  
Patrick Valois (facilitation assistant)