



## Appearance of the Chief Electoral Officer

### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

<b>Tabled material</b>	<b>Lead</b>
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<b>Fact Sheet</b>	<b>Lead</b>
Indigenous Electoral Services Review	PACE
<b>Supporting documentation</b>	<b>Lead</b>
Standing Committee on Procedure and House Affairs (PROC) Report "The Inclusion of Indigenous Languages on Federal Election Ballots: A Step towards Reconciliation"	IRPPA
CEO Testimony before PROC on its study of Inclusion of Indigenous Languages on Federal Election Ballots	IRPPA

*\*Binder prepared for the appearance of the Chief Electoral Officer before the Standing Committee on Procedure and House Affairs on September 26, 2024 on the subject of Elections Canada's pilot project to include the Inuit language on federal election ballots in the electoral district of Nunavut.*



## Appearance of the Chief Electoral Officer

### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

#### Temporary variations to the *Canada Elections Act* for the duration of the pilot project in the electoral district of Nunavut

Justification	Temporary variations to the <i>Canada Elections Act</i> (CEA)
<p><b>Nomination papers and candidate names</b> (ss. 66, 67 and 71.1)</p> <p>1. In order for Inuit languages to be included on regular ballots in the electoral district of Nunavut, prospective candidates in this electoral district must have the option to enter their names on their nomination paper in Inuktitut and/or Inuinnaqtun. Under the CEA, the candidate names that appear on the ballots are taken from these nomination papers. The CEA does not currently allow candidates to enter their names on nomination papers in Inuktitut; only Latin characters may be used.</p> <p>2. The CEA requires candidates to submit identification documents to prove their identity and that they are commonly known by the name that they enter on their nomination paper. These rules will have to be varied to reflect the reality of Nunavut residents who may face challenges in submitting documents with their name in Inuktitut and/or Inuinnaqtun</p>	<p><b>Nomination papers and candidate names</b> (ss. 66, 67 and 71.1)</p> <p>1. It is proposed that the rules in paragraph 66(1)(a) be varied to allow prospective candidates in the electoral district of Nunavut to enter their name on their nomination paper in Inuktitut and/or Inuinnaqtun, in addition to their name or any other name by which they are commonly known as currently set out in subparagraphs 66(1)(a)(i) and 66(1)(a)(i.1). Accordingly, a candidate who chooses this option will have their name in Inuktitut and/or Inuinnaqtun in addition to their name (or another name by which they are commonly known) appear on the regular ballot.</p> <p>The name entered in an Inuit language on the nomination paper must not be a name that could be confused with the name of a political party.</p> <p>2. It is proposed that the rules in subsection 66(1) be varied to require candidates who enter their name on their nomination paper in Inuktitut and/or Inuinnaqtun to make and sign a solemn declaration stating that they are known by the name they have entered in an Inuit language or that this name is a translation or transliteration of their name.</p> <p>As in Nunavut's territorial elections, candidates will not need to provide proof of identity of their Inuit-language name. However, candidates who choose to enter their name in an Inuit language are subject to the same requirement as other candidates to</p>



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Justification	Temporary variations to the <i>Canada Elections Act (CEA)</i>
<p>3. Under subsection 66(2) of the CEA, the name (or any other name by which a candidate is commonly known) provided in a nomination paper must not include any title, degree or other prefix or suffix. To preserve the integrity of the vote, this prohibition should also apply to Inuktitut and/or Inuinnaqtun names provided by prospective candidates.</p> <p>4. In its current form, section 71.1 of the CEA, suggests that only a name or any other name by which a candidate is commonly known may appear on regular ballots. For consistency and clarity, the CEA must be varied to state that candidate names in Inuktitut and/or Inuinnaqtun may also appear on regular ballots for the election in the electoral district of Nunavut.</p> <p><b>Regular ballot</b> (s. 116, s. 117 and Schedule 1, Form 3)</p> <p>5. In their current form, the provisions of the CEA regarding the information on regular ballots do not allow for candidate names in Inuktitut and/or Inuinnaqtun to appear on this type of ballot. Section 117, along with Form 3 of Schedule 1 showing an image of the prescribed format for the regular ballot, must be varied so that ballots used in the electoral district of Nunavut can also include candidate names and political affiliations in Inuit languages.</p>	<p>provide certain pieces of identification confirming their name (or another name by which they are commonly known).</p> <p>3. It is proposed to vary the rule in subsection 66(2) of the CEA, under which names provided by candidates cannot include any title, degree or other prefix or suffix, be extended to apply to candidate names in Inuit languages (Inuktitut and/or Inuinnaqtun).</p> <p>4. It is proposed that the rules in section 71.1 be varied to specify that the candidate names that must appear on regular ballots in the electoral district of Nunavut may include names in an Inuit language, if a candidate chooses to enter their name on their nomination paper in Inuktitut and/or Inuinnaqtun.</p> <p><b>Regular ballot</b> (s. 116, s. 117 and Schedule 1, Form 3)</p> <p>5. It is proposed that subsection 117(1) be varied to specify that all names of a candidate entered on their nomination paper, including those in an Inuit language, will appear on regular ballots. With this change, candidate names entered on nomination papers in syllabics would appear on regular ballots following their names in Latin characters. This way, the candidate names on the ballots will continue to be arranged alphabetically as set out in subsection 117(1), but an additional option will be available to candidates who would like their names to</p>



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### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

Justification	Temporary variations to the <i>Canada Elections Act (CEA)</i>
<p><b>Special ballot</b> (ss. 186, 213, 227 and 258 and Schedule 1, Form 4)</p> <p>6. In its current form, the CEA does not allow electors to write the name of the candidate they wish to vote for (or the candidate's political affiliation, if applicable) in Inuktitut on special ballots. At this time, only Latin characters may be used. The CEA must therefore be adjusted for the purposes of the pilot project. This will include adjusting the format prescribed in Form 4 of Schedule 1 for printing and producing special ballots.</p>	<p>appear on regular ballots in Inuktitut and/or Inuinnaqtun.</p> <p>It is also proposed that the regular ballot image in Schedule 1, Form 3 of the CEA be adjusted to include text in Inuktitut and Inuinnaqtun. Currently, the prescribed format is restricted to English and French using Latin characters. Fictional Inuit-language candidate names will be added to the image, as will Inuktitut and Inuinnaqtun translations of the terms "Independent / Indépendant" and "Political Affiliation / Appartenance politique." Elections Canada will be responsible for the translation.</p> <p>Since Inuit-language text will be added to the names of candidates and political parties, some layout and design elements of the prescribed format of the regular ballot may also be changed.</p> <p><b>Special ballot</b> (ss. 186, 213, 227 and 258 and Schedule 1, Form 4)</p> <p>6. It is proposed that the rules in subsections 213(3), 227(3) and 258(2) of the CEA be varied to allow electors in the electoral district of Nunavut to write the given name and surname of the candidate they wish to vote for (and the candidate's political affiliation, if applicable) on special ballots in the alphabet (Latin or syllabic) and language (English, French, Inuktitut or Inuinnaqtun) of their choice.</p> <p>It is also proposed that the image of the special ballot in Schedule 1, Form 4 of the CEA be adjusted so that electors in the electoral district of Nunavut can vote for the candidate of their choice in an Inuit language. Text in Inuktitut and Inuinnaqtun will be added</p>



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### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

Justification	Temporary variations to the <i>Canada Elections Act (CEA)</i>
<p><b>Political party names</b> (ss. 385 and 405)</p> <p>7. Under the CEA, a political party's short-form name (or its abbreviation) as it appears in the registry of political parties based on the party's application for registration is the name that will appear on regular ballots under the candidate's name. In their current form, the provisions of the CEA do not allow political parties to use short-form names (or abbreviations) in Inuktitut and/or Inuinnaqtun when they register or change their information in the registry of political parties; they can only be in English, French or both official languages. The CEA must therefore be adjusted so that political party names in Inuktitut and/or Inuinnaqtun can appear under the names of candidates on regular ballots in the electoral district of Nunavut.</p>	<p>to the currently prescribed format, which is restricted to English and French using Latin characters. This will include the Inuktitut and Inuinnaqtun translations of the words "I VOTE FOR – JE VOTE POUR" and "names (or initials) and surname of candidate of your choice – prénoms (ou initiales) et nom de famille du candidat de votre choix," which appear in the prescribed format for special ballots. These translations will be added to the prescribed format alongside the current English and French wording. Elections Canada will be responsible for the translation.</p> <p>Since Inuit-language text will be added to the special ballot, some layout and design elements of the prescribed format of the special ballot may also be changed.</p> <p><b>Political party names</b> (ss. 385 and 405)</p> <p>7. It is proposed that the rule in paragraph 385(2)(b) of the CEA be varied to allow registered political parties that so desire to add an Inuktitut and/or Inuinnaqtun name for their party alongside their current English and/or French short-form name (or abbreviation) in the registry. For registered parties that choose this option, their new short-form name (or abbreviation) will appear on regular ballots under the name of their endorsed candidate during the election in the electoral district of Nunavut.</p> <p>Registered parties that opt to provide an Inuktitut and/or Inuinnaqtun party name will be responsible for submitting the transliteration of their Inuktitut and/or Inuinnaqtun short-form name (or abbreviation) via an electronic form.</p>



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### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

Justification	Temporary variations to the <i>Canada Elections Act (CEA)</i>
<p>8. Under section 405 of the CEA, any registered political party that wishes to change its short-form name (or abbreviation) in the registry of political parties must report the change in writing and include a copy of the resolution of the party to make the change. For the purposes of the pilot project, deviating from the overly formal and time-restricted procedure currently set out in the CEA would make the process faster and simpler for registered political parties seeking to modify their short-form name (or abbreviation) that appears on the regular ballot by adding a transliteration of their name in Inuktitut and/or Inuinnaqtun.</p>	<p>8. It is proposed that section 405 be varied to allow registered political parties that so desire to add a transliteration of their Inuktitut and/or Inuinnaqtun name alongside their current English and/or French short-form name (or abbreviation) in the registry by submitting an online form with the party leader's electronic signature, rather than going through the current name change process requiring a written report certified by the party leader and a copy of the resolution of the party to make the change.</p> <p>The registered party must submit the electronic name change form to Elections Canada before the start of the election period. However, if a general election is called before the fixed election date set out in the CEA, the registered party will have up to five days after the writs of election are issued to submit the name change form to Elections Canada.</p>
<p><b>Political affiliation of candidates</b> (ss. 2, 66 and 117 and Schedule 1, Form 3)</p> <p>9. Under subparagraph 66(1)(a)(v) of the CEA, candidates that have not been endorsed by a political party must choose to have either the word "independent" or no designation of political affiliation under their name in election documents, including ballots. If a candidate chooses the word "independent," that is what will appear on the regular ballot. Currently, the CEA only allows candidates to designate themselves as independent in English and French on ballots. In order for candidates in the electoral district of Nunavut to be designated as independent in an Inuit language on regular ballots, Elections Canada will need to translate instances of the word "independent"</p>	<p><b>Political affiliation of candidates</b> (ss. 2, 66 and 117 and Schedule 1, Form 3)</p> <p>9. It is proposed that several instances in the CEA of the word "independent" in English and "indépendant(e)" in French be varied to add the Inuktitut and Inuinnaqtun translations. The word is used in the definition of "political affiliation" in section 2, subparagraphs 66(1)(a)(v) and (vi), subsections 117(3) and (5), and Form 3 of Schedule 1 showing the prescribed format of the regular ballot.</p>



**Appearance of the Chief Electoral Officer**

**Inuktitut on Federal Election Ballots in the Electoral District of Nunavut**

<b>Justification</b>	<b>Temporary variations to the <i>Canada Elections Act (CEA)</i></b>
<p>in the CEA into Inuktitut and Inuinnaqtun, and these translations must be temporarily incorporated into the CEA.</p> <p><b>Residual power to vary</b></p> <p>10. Further variations to the CEA other than those originally planned may be required in order to implement the pilot project. Unforeseen events and unique challenges may arise during the pilot project, and it would be advisable for the Chief Electoral Officer to have a residual power to vary that is strictly limited to the implementation and scope of the pilot project. Depending on the circumstances, the adaptation powers currently provided for under sections 17 and 179 of the CEA may not apply to the pilot project, given the conditions for applying those sections.</p>	<p><b>Residual power to vary</b></p> <p>10. For the sole purpose of implementing the pilot project, it is proposed that, beyond the powers already set out in the CEA, the Chief Electoral Officer have the power to make any variations deemed necessary to the provisions of the CEA in the event of a particular circumstance, in addition to the variations proposed above.</p> <p>It is understood that this residual power to vary may be exercised only to carry out the intent of the pilot project, without changing its scope.</p> <p>The Chief Electoral Officer will publish all variations made under this residual power and report these variations to Parliament as required.</p>



## Appearance of the Chief Electoral Officer

### Inuktitut on Federal Election Ballots in the Electoral District of Nunavut

#### Fact Sheet

#### ***Indigenous Electoral Services Review***

##### **Key messages**

- As Canada moves toward truth and reconciliation with Indigenous peoples, Elections Canada (EC) has an important and defined role to play: to make sure that federal elections are inclusive and accessible for Indigenous electors who wish to participate.
- After the 44th general election, at my request, EC launched an Indigenous Electoral Services Review (IESR) to examine how the agency engages and delivers public education and election services to Indigenous communities. This review is ongoing.
- The review is being guided by First Nations, Inuit and Métis voices.
- Among other things, in 2024 the review team will set out a new way forward in managing EC's relationship with Indigenous peoples. I will publish and share the final report for the review with this committee.

##### **Facts**

While EC has implemented a variety of outreach programs, products and services for Indigenous electors and youth, more needs to be done.

EC recognizes that many Indigenous electors still face barriers to electoral participation. During the 44th general election, a breakdown in services and communication with some communities in the Kenora riding showed that a more robust and ongoing engagement is needed with First Nations communities nationwide.

The IESR review entails four basic steps:

1. Listening to Indigenous peoples to understand their perspectives and validate our future plans with them.
2. Taking stock of what we understand from our past research on barriers to participation and reviewing recommendations made to EC by Indigenous organizations and others in the past.
3. Learning and understanding from our past interactions with Indigenous peoples, as well as best practices and lessons learned by other organizations, including domestic and international election management bodies among others.
4. Experimenting with different approaches to working with Indigenous peoples in the short-term to help inform our review recommendations.

As a first priority, 53 listening sessions were held with a cross section of interested First Nations, Metis, Inuit peoples in urban, remote and rural settings. Our focus was at the Tribal council level,



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#### Fact Sheet

Friendship centres, education stakeholders, leadership forums and some community representation.

EC established two working level Indigenous Advisory Circles – one for Inuit and another for First Nations and Metis.

A total of 5 meetings were held (two virtual meetings held separately with each Advisory Circle and one combined in-person meeting). These meetings resulted in the prioritization of areas where EC can take action to meet common objectives.

The review team is hoping to engage this spring with national indigenous organizations interested in working with EC on these priority areas before publishing its final report.

The goal of the review is to walk together in reconciliation with Indigenous peoples, laying the foundation for a renewed relationship and more inclusive electoral services for those wishing to take part in Canada's democracy. EC's intended outcomes include:

- **2-5 years:** Deliver operational service enhancements / Organizational Service Delivery Model for Enhancing and Maintaining Relationships with Indigenous Communities
- **5+ years:** Foster greater understanding and trust in Canada's electoral process
- **7+ years:** Reduce or eliminate barriers for Indigenous electors.

The review work will take time. In the meantime, EC is taking some immediate steps in the current minority context under the current legislation to improve our election services to Indigenous Peoples:

- Providing returning officers with three levels of training (online and in-person) on Indigenous issues, as well as the ability to engage and visit with Indigenous communities within their electoral districts to plan election services with them to meet their needs.
- Offering flexible advance polls of less than 4 days in remote and isolated communities which is now possible under the *Canada Elections Act*.
- Two electoral districts (Nunavut and the Northwest Territories) have been identified with the objective to increase the presence of Indigenous languages on signage at the polls by the next fixed-date election.
- EC will work with Parliamentarians to obtain the required authority to pilot a ballot that reflects the linguistic reality of Nunavut electors. The aim is for the project to be ready for the next fixed date election in October 2025. The facsimile of the ballot in Inuktitut that was provided in the last GE will still be available until such time that EC pilots a ballot in Inuktitut in Nunavut.
- Increasing cultural relevance and representation within the Voter Information Campaign and outreach communications products. Work is underway to offer some of our explainer videos presently available on our website in English and French in the 17 Indigenous languages in which we presently provide key communications products.



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **THE INCLUSION OF INDIGENOUS LANGUAGES ON FEDERAL ELECTION BALLOTS: A STEP TOWARDS RECONCILIATION**

**Report of the Standing Committee on Procedure and  
House Affairs**

**Honourable Bardish Chagger, Chair**

**JUNE 2022  
44th PARLIAMENT, 1st SESSION**

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**Report of the Standing Committee on  
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**Hon. Bardish Chagger  
Chair**

**JUNE 2022**

**44th PARLIAMENT, 1st SESSION**

## **NOTICE TO READER**

### **Reports from committees presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

# **STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS**

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# **THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS**

has the honour to present its

## **TWELFTH REPORT**

Pursuant to its mandate under Standing Order 108(3)(a)(vi), the committee has studied the inclusion of Indigenous languages on federal election ballots and has agreed to report the following:



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# LIST OF RECOMMENDATIONS

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*As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.*

## **Recommendation 1**

**That a pilot project be undertaken by Elections Canada, in partnership with Elections Nunavut, to include Inuktitut languages on federal election ballots in the federal electoral riding of Nunavut. .... 43**

## **Recommendation 2**

**That an Indigenous communities advisory group be struck by Elections Canada to collaborate with Elections Canada to formulate recommendations about making the federal electoral process as accessible as possible for Indigenous voters..... 43**

## **Recommendation 3**

**That Elections Canada print and post facsimiles of the official ballot in Indigenous languages to serve as a guide for electors at the polling station and/or voting booth, where appropriate, as determined by the Indigenous communities advisory group. .... 43**

## **Recommendation 4**

**That Elections Canada consult with the federal Commissioner of Indigenous Languages as a matter of guidance on these issues. .... 43**





# THE INCLUSION OF INDIGENOUS LANGUAGES ON FEDERAL ELECTION BALLOTS: A STEP TOWARDS RECONCILIATION

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## INTRODUCTION

Pursuant to Standing Order 108(3)(a)(vi),<sup>1</sup> the mandate of the House of Commons Standing Committee on Procedure and House Affairs (the Committee) includes the review of and report on all matters relating to the election of members to the House of Commons.

On 14 December 2021, the Committee adopted the following motion:

That the committee conduct a study about the addition of Indigenous languages on federal ballots for general elections.<sup>2</sup>

This is similar to another motion that was adopted by the Committee at its last meeting of the 43<sup>rd</sup> Parliament.<sup>3</sup> Given the dissolution of the 43<sup>rd</sup> Parliament in the weeks following the adoption of this motion, such a study could not be initiated by the Committee at that time.

The Committee began its study on the addition of Indigenous languages on federal ballots on 29 March 2022. During the course of its study, the Committee heard from 17 witnesses over four meetings. The Committee wishes to sincerely thank all the witnesses who participated in this study for their valuable contribution.

## BACKGROUND

### A. Barriers For indigenous people to electoral participation

In undertaking this study, the Committee recognizes that the ongoing legacy of colonialism in Canada has affected the participation of Indigenous people in federal electoral politics. Notably, the Committee heard that “residential schools have had a

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1 House of Commons, *Standing Orders of the House of Commons*, Standing Order 108(3)a)(vi).

2 Standing Committee on Procedure and House Affairs (PROC), *Minutes of Proceedings*, 14 December 2021.

3 PROC, *Minutes of Proceedings*, 22 June 2021.



long list of enormous intergenerational impacts.”<sup>4</sup> One of those impacts is the constant erasure of the languages of First Nations, Inuit and Métis peoples. Decades of attempts to assimilate them into the broader Canadian society, as well as related colonial policies, may have disconnected Indigenous people from Canada’s institutions and electoral processes.

Ms. Karliin Aariak, Commissioner, Office of the Languages Commissioner of Nunavut, argued that federal departments and agencies such as Elections Canada have a role to play in the revitalization, promotion, and preservation of Indigenous languages.<sup>5</sup> She also noted that Nunavut’s Inuit Language Protection Act

[Deplores] the past government actions and policies of assimilation and the existence of government and societal attitudes that cast the Inuit Language and culture as inferior and unequal, and acknowledging that these actions, policies and attitudes have had a persistent negative and destructive impact on the Inuit Language and on Inuit.<sup>6</sup>

Marjolaine Tshernish, General Manager of the Institut Tshakapesh, noted that Indigenous people had to wait almost a century after Confederation before getting the right to vote.<sup>7</sup> For instance, Aluki Kotierk, President of Nunavut Tunngavik Inc., indicated that, despite getting the right to vote in 1950, “it wasn’t until 1962 that all Inuit communities actually had access to voting services.”<sup>8</sup> Being excluded for so long from the process probably had an impact on turnouts today, according to Ms. Tshernish.<sup>9</sup>

According to Allison Harell, professor of political science at the Université du Québec à Montréal,

[I]t is important to recognize that Canada’s colonial history means that we need to ensure that [I]ndigenous people can participate on their own terms in our electoral processes while acknowledging that some may not see the electoral process as either legitimate or their own. Making ballots multilingual could be a step to increase the legitimacy of the electoral process for these electors, and perceptions of legitimacy not

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4 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1210 (Marjolaine Tshernish, General Manager, Institut Tshakapesh).

5 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1105 (Karliin Aariak, Commissioner Office of the Languages Commissioner of Nunavut).

6 Ibid., 1110.

7 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1250 (Tshernish).

8 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1115 (Aluki Kotierk, President Nunavut Tunngavik Inc.).

9 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1250 (Tshernish).

only support broader participation but are also important for the health of our democratic system.<sup>10</sup>

Similarly, Ms. Kotierk stated that,

Supporting [I]ndigenous peoples in Canada and the right to vote in their own language could be an important step towards the goal of reconciliation. It would help us feel as [I]ndigenous people that we are an important part of the democratic system. It would demonstrate respect for our language, our culture and our world view as a self-determining people. We would have a stronger sense of our ownership in Canadian democratic institutions, which would provide a stronger foundation for Canada to move forward with [I]ndigenous peoples and make Canada stronger.<sup>11</sup>

In presenting this report, the Committee wishes to acknowledge the ongoing effects of colonialism on Indigenous participation in electoral processes, both as candidates and voters.

## **B. Indigenous languages in Canada**

There are currently over 70 Indigenous languages spoken in Canada, with considerable variation in the number of speakers of each language. As well, there is a significant gap between the number of Indigenous people in Canada and those who can speak an Indigenous language.

According to the 2016 Census, only 15.6% of the Indigenous population in Canada has the ability to conduct a conversation in any of these languages.<sup>12</sup> This can be explained by the many events that have affected the vitality of Indigenous languages, particularly the residential school system. Furthermore, only 12.5% of the Indigenous population reported an Indigenous mother tongue in 2016; this means that, for a number of speakers, an Indigenous language was learned as a second language.<sup>13</sup>

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10 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1115 (Allison Harell, Professor, Political Science Department, University of Quebec at Montreal).

11 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1120 (Kotierk).

12 Note that certain institutions and reserves did not participate in the 2016 Census as enumeration was not permitted, or it was interrupted before completion.

13 Statistics Canada, *The Aboriginal languages of First Nations people, Métis and Inuit*, 25 October 2017.



Indigenous languages can be divided into 12 distinct language families. Table 1 shows the Indigenous identity population who can speak an Indigenous language, by language family, as well as the main provincial and territorial concentrations of these speakers.

**Table 1–Indigenous Identity Population Who Can Speak an Indigenous Language, by Language Family, and Main Provincial and Territorial Concentrations, 2016**

Indigenous language families	Population	Main provincial and territorial concentrations
Algonquian languages	175,825	Manitoba (21.7%), Quebec (21.2%), Ontario (17.2%), Alberta (16.7%), Saskatchewan (16.0%)
Inuit languages	42,065	Nunavut (64.1%), Quebec (29.4%)
Athabaskan languages	23,455	Saskatchewan (38.7%), Northwest Territories (22.9%), British Columbia (18.4%)
Salish languages	5,620	British Columbia (98.8%)
Siouan languages	5,400	Alberta (74.9%), Manitoba (14.2%)
Iroquoian languages	2,715	Ontario (68.9%), Quebec (26.9%)
Tsimshian languages	2,695	British Columbia (98.1%)
Wakashan languages	1,445	British Columbia (98.6%)
Michif	1,170	Saskatchewan (41.9%), Manitoba (17.5%)
Haida	445	British Columbia (98.9%)
Tlingit	255	Yukon (76.5%), British Columbia (21.6%)
Kutenai	170	British Columbia (100.0%)
Total Indigenous language speakers	260,550	Quebec (19.3%), Manitoba (15.5%), Saskatchewan (14.5%), Alberta (13.8%), Ontario (12.7%)

Note: “Indigenous identity” is an expression that includes individuals who are First Nations (North American Indian), Métis or Inuit and/or those who are Registered or Treaty Indians (that is, registered under the *Indian Act* of Canada), and/or those who have membership in a First Nation or Indian band.

Source: Statistics Canada, [The Aboriginal languages of First Nations people, Métis and Inuit](#), 25 October 2017

According to Statistics Canada data, 92.6% of Indigenous language speakers in Canada speak a language from one of the top three families shown in Table 1: Algonquian, Inuit and Athabaskan languages. The most common Algonquian languages are Cree,<sup>14</sup> Ojibway (Anishinaabemowin) and Oji-Cree, with 96,575, 28,130 and 15,585 reported speakers respectively. For the Inuit languages, Inuktitut is the language most spoken with 39,770 reported speakers. Finally, Dene is the most common language for speakers of Athabaskan languages, with 13,005 reported speakers.<sup>15</sup>

Some Indigenous languages have official language status in the territories. In Nunavut, Inuktitut and Inuinnaqtun are official languages, in addition to English and French.<sup>16</sup> The Northwest Territories recognizes 11 official languages:

- five Athabaskan languages (Chipewyan, Gwich'in, North Slavey, South Slavey and Tłıchǫ);
- one Algonquian language (Cree);
- three Inuit languages (Inuinnaqtun, Inuktitut and Inuvialuktun); and
- English and French.<sup>17</sup>

Although only English and French are recognized as official languages in the Yukon, the *Languages Act* states that the territory “recognizes the significance of aboriginal languages in the Yukon and wishes to take appropriate measures to preserve, develop, and enhance those languages in the Yukon.”<sup>18</sup>

## C. Indigenous electors

### 1. Participation By Indigenous Electors in the Electoral Process

Indigenous electors are among the groups of electors identified by Elections Canada as facing significant barriers to voting in federal elections. Known barriers include language

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14 Cree languages include the following categories: Cree not otherwise specified (those who responded “Cree”), Plains Cree, Woods Cree, Swampy Cree, Northern East Cree, Moose Cree and Southern East Cree.

15 Statistics Canada, *The Aboriginal languages of First Nations people, Métis and Inuit*, 25 October 2017.

16 Government of Nunavut, *Official Languages*.

17 Government of the Northwest Territories, *Languages Overview*.

18 Yukon, *Languages Act*, RSY 2002, c. 133.



barriers, remoteness and low population density, which make it difficult to recruit election workers and find polling places.<sup>19</sup>

Elections Canada points out that each group of Indigenous electors has its own unique history with federal elections. For example, the Métis had the right to vote in federal elections long before First Nations people living on reserve and Inuit. This history of Indigenous disenfranchisement in Canada is believed to be one of the reasons why Indigenous electors tend to vote in smaller numbers than non-Indigenous electors do.<sup>20</sup>

Elections Canada reports that, in the 43<sup>rd</sup> federal general election, turnout was lower for Indigenous electors living off-reserve compared with non-Indigenous electors (66.4% vs. 77.5%), and much lower among Indigenous electors who live on-reserve (51.8% vs. 67% of the general population). In addition, Indigenous electors were more likely to report not voting due to reasons related to the electoral process (21% vs. 12% of non-Indigenous electors).<sup>21</sup>

Results from the National Electors Study on the 43<sup>rd</sup> Canadian Federal General Election indicate that Indigenous electors were less likely to view voting as a duty compared to a choice (61% vs. 74% of non-Indigenous electors), and were less likely to be very satisfied with the service received from Elections Canada (59% vs. 67% of non-Indigenous electors).<sup>22</sup>

## 2. Elections Canada's Current Initiatives Regarding Indigenous Languages

The *Guide to the Federal Election*,<sup>23</sup> distributed across the country for the 44th federal general election, provides information on voting rights, registration, voting methods, identification and voting assistance services. In its *Report on the 44<sup>th</sup> General Election of September 20, 2021*,<sup>24</sup> Elections Canada reported that 15,806,012 bilingual brochures were distributed across the country, as well as 10,159 trilingual brochures in Nunavut. As well, the guide is available on the Elections Canada website in 49 languages, including

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19 Elections Canada, [Report on the 44<sup>th</sup> General Election of September 20, 2021](#), 27 January 2022.

20 Elections Canada, [Indigenous Electors](#).

21 Ibid.

22 Elections Canada, [National Electors Study on the 43<sup>rd</sup> Canadian Federal General Election](#).

23 Elections Canada, [Guide to the federal election](#).

24 Elections Canada, [Report on the 44<sup>th</sup> General Election of September 20, 2021](#), 27 January 2022.

16 Indigenous languages. The Voter ID Information Sheet<sup>25</sup> is also available online in these same Indigenous languages:

- Algonquian languages: Atikamekw, Moose Cree, Plains Cree, Innu (Montagnais), Mi'kmaq, Oji Cree, Ojibwe, Blackfoot, Sauteaux;
- Inuit languages: Inuktitut;
- Athabaskan languages: Dene, Gwich'in;
- Iroquoian languages: Mohawk;
- Tsimshian languages: Nisga'a;
- Siouan languages: Stoney; and
- Michif.

In Nunavut, information on the voting process was made available in Inuktitut, as were other materials such as the list of candidates, recruitment messages and training materials for election workers. A new feature of the 44<sup>th</sup> election, a facsimile (a poster replicating the ballot in Inuktitut to help electors mark their ballot) was placed in polling places.

Elections Canada states on its website that electors with questions about the electoral process can call the Elections Canada call centre or their local returning office and request information in the language of their choice. Over 100 languages are available by telephone, including some Indigenous languages. Immediate telephone interpretation is available upon request, subject to availability, and is not available at polling stations.

In addition, Elections Canada's Indigenous Elder and Youth Program offers interpretation services, helps explain the voting process and answers questions from Indigenous electors. Elections Canada's website states that this service is offered at any polling station that "serves mainly Indigenous electors" and that the agency has expanded its efforts since 2019 to increase participation in this program.<sup>26</sup>

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25 Elections Canada, [\*Voter Identification – Other Languages\*](#).

26 Elections Canada, [\*Information for Indigenous Electors\*](#).



## D. Federal ballots

### 1. Ballot types and features

For federal general elections, there are two types of ballots: regular ballots and special ballots. Regular ballots, which are used on advance polling days and on polling day, are printed with the candidates' names.

However, special ballots, used on days other than advance polling days and polling day, are blank, requiring electors to write in the name of their chosen candidate themselves. Special ballot voting kits include a ballot, an unmarked inner envelope, and an outer envelope that identifies the elector and their electoral district and contains a declaration that must be signed by the elector.<sup>27</sup>

The design and content of ballots are prescribed by the *Canada Elections Act* (CEA). The front and version of regular ballots are printed in accordance with Form 3 of Schedule 1 of the CEA, while special ballots are printed in accordance with Form 4 of Schedule 1 of the CEA.<sup>28</sup>

The CEA requires the use of the Latin alphabet on the ballot and the alphabetical ordering of candidates' names. The CEA also sets out the physical features, such as a counterfoil and a stub, with lines of perforations separating them. These legislated physical features mean that current ballots can be printed only by a limited number of suppliers, especially given the tight time frame of federal elections.<sup>29</sup>

Currently, candidates' names can appear in any language using the Latin alphabet. Candidates must provide proof of identification when they are nominated, and the name on that document is used on the ballot.<sup>30</sup>

For political parties, the party name appears on the ballot in the language the party chooses, and there is no requirement for a party to have a bilingual name. Currently,

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27 Elections Canada, "[Chapter 9 – Ballots \(08/2021\)](#)" and "[Chapter 12 – Special Voting Rules \(08/2021\)](#)" in the *Returning Officer's Manual (08/2021)*.

28 *Canada Elections Act*, S.C. 2000, c. 9, sections 116(1), 138(1), 186 and Schedule 1.

29 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 13, 29 March 2022, 1105 (Stéphane Perrault, Chief Electoral Officer, Elections Canada).

30 Ibid.

three federal parties have a French-only name, and one has an English-only name. Unilingual party names are not translated on the ballot.<sup>31</sup>

## 2. Ballot production timeline

The CEA requires that ballots be printed and distributed between the close of nominations (21 days before election day) and the first day of advance polls (10 days before election day). According to the Chief Electoral Officer, getting ballots printed and distributed in time across large and remote ridings is already a significant challenge.<sup>32</sup>

Table 2 shows the current ballot production process, as described in a letter from the Chief Electoral Officer to the Chair of the Committee dated 11 April 2022.<sup>33</sup> The steps are described below, with Day 0 corresponding to election day.

**Table 2 – Ballot Production Timeline**

Days	Step	Description
Days 34/33-21	Nomination period	Candidate nominations are open, and candidates may submit their nomination forms, including their name as it should be printed on the ballot. Nominations close on Day 21 at 2:00pm, with a deadline for withdrawals of 5:00pm local time. The ballot production process cannot start before this occurs as the list of candidates is not yet finalized
Days 30-29	Ballot paper shipped to printing companies	Elections Canada (EC) liaises with printing companies to confirm logistical details. Any printers no longer available are replaced. Printing companies are spread throughout Canada to reduce shipping delays. EC then ships the ballot paper to the printing companies and confirms receipt by Day 24.

31 Ibid.

32 Ibid.; Chief Electoral Officer, Letter to the Chair of the Committee, 11 April 2022, Annex 2.

33 Chief Electoral Officer, Letter to the Chair of the Committee, 11 April 2022, Annex 2.



Days	Step	Description
Days 21-18	Preparation of Ballot images	<p>Elections Canada headquarters (ECHQ) staff perform the following steps in preparing ballot images:</p> <ol style="list-style-type: none"><li>Review information in any last-minute candidate nominations and ensure that names and other information are captured correctly into nomination system;</li><li>Generate a list of candidates Verification Report for each electoral district (ED) listing the candidate and party names;</li><li>Generate ballot PDF images for each ED;</li><li>Send the <i>Verification Reports</i> to the ROs, who must confirm the information is correct and perform quality control of ballot PDF images;</li><li>After the RO has confirmed the information on the <i>Verification Report</i> and the ballot PDF for that ED has also passed a quality control inspection, ballot PDF images are emailed to the printing company.</li></ol> <p>There are approximately 20 EDs, covering the northern half of Canada, where the timely distribution of ballot booklets to remote polling stations is a challenge. These EDs are treated as a priority and steps (a) to (e) are completed by the evening of Day 21 (presuming RO verification of all nominations is done by that time). The remaining EDs are processed in batches and completed no later than 7:00am on Day 18.</p> <p>If the RO identifies an issue with the information on the Verification Report or the ECHQ quality control inspection turns up a problem, the data for that ED must be corrected and the process restarted, with a new Verification Report and ballot PDF image.</p>
Day 21 (2 pm)	End of nomination process	<p>Elections Canada headquarters (ECHQ) staff perform the following steps in preparing ballot images:</p> <ol style="list-style-type: none"><li>Review information in any last-minute candidate nominations and ensure that names and other information are captured correctly into nomination system;</li><li>Generate a list of candidates Verification Report for each electoral district (ED) listing the candidate and party names;</li><li>Generate ballot PDF images for each ED;</li><li>Send the <i>Verification Reports</i> to the ROs, who must confirm the information is correct and perform quality control of ballot PDF images;</li><li>After the RO has confirmed the information on the <i>Verification Report</i> and the ballot PDF for that ED has also passed a quality control inspection, ballot PDF images are emailed to the printing company.</li></ol> <p>There are approximately 20 EDs, covering the northern half of Canada, where the timely distribution of ballot booklets to remote polling stations is a challenge. These EDs are treated as a priority and steps (a) to (e) are completed by the evening of Day 21 (presuming RO verification of all nominations is done by that time). The remaining EDs are processed in batches and completed no later than 7:00am on Day 18.</p> <p>If the RO identifies an issue with the information on the Verification Report or the ECHQ quality control inspection turns up a problem, the data for that ED must be corrected and the process restarted, with a new Verification Report and ballot PDF image.</p>

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Days	Step	Description
Day 19 (2 pm)	End of the nomination approval process by Returning Officer (RO)	<p>Elections Canada headquarters (ECHQ) staff perform the following steps in preparing ballot images:</p> <ul style="list-style-type: none"> <li>k. Review information in any last-minute candidate nominations and ensure that names and other information are captured correctly into nomination system;</li> <li>l. Generate a list of candidates Verification Report for each electoral district (ED) listing the candidate and party names;</li> <li>m. Generate ballot PDF images for each ED;</li> <li>n. Send the <i>Verification Reports</i> to the ROs, who must confirm the information is correct and perform quality control of ballot PDF images;</li> <li>o. After the RO has confirmed the information on the <i>Verification Report</i> and the ballot PDF for that ED has also passed a quality control inspection, ballot PDF images are emailed to the printing company.</li> </ul> <p>There are approximately 20 EDs, covering the northern half of Canada, where the timely distribution of ballot booklets to remote polling stations is a challenge. These EDs are treated as a priority and steps (a) to (e) are completed by the evening of Day 21 (presuming RO verification of all nominations is done by that time). The remaining EDs are processed in batches and completed no later than 7:00am on Day 18.</p> <p>If the RO identifies an issue with the information on the Verification Report or the ECHQ quality control inspection turns up a problem, the data for that ED must be corrected and the process restarted, with a new Verification Report and ballot PDF image.</p>
Days 21-18	Preparation and verification of ballot images.	<p>Elections Canada headquarters (ECHQ) staff perform the following steps in preparing ballot images:</p> <ul style="list-style-type: none"> <li>p. Review information in any last-minute candidate nominations and ensure that names and other information are captured correctly into nomination system;</li> <li>q. Generate a list of candidates Verification Report for each electoral district (ED) listing the candidate and party names;</li> <li>r. Generate ballot PDF images for each ED;</li> <li>s. Send the <i>Verification Reports</i> to the ROs, who must confirm the information is correct and perform quality control of ballot PDF images;</li> <li>t. After the RO has confirmed the information on the <i>Verification Report</i> and the ballot PDF for that ED has also passed a quality control inspection, ballot PDF images are emailed to the printing company.</li> </ul> <p>There are approximately 20 EDs, covering the northern half of Canada, where the timely distribution of ballot booklets to remote polling stations is a challenge. These EDs are treated as a priority and steps (a) to (e) are completed by the evening of Day 21 (presuming RO verification of all nominations is done by that time). The remaining EDs are processed in batches and completed no later than 7:00am on Day 18.</p> <p>If the RO identifies an issue with the information on the Verification Report or the ECHQ quality control inspection turns up a problem, the data for that ED must be corrected and the process restarted, with a new Verification Report and ballot PDF image.</p>
Day 18	Ballot proof preparation	<p>The printing company prepares a ballot proof for the RO to inspect and approve, prior to the start of printing. The RO inspects the proof using a checklist and authorizes the start of printing. If the RO discovers a problem, this step must be repeated.</p>



Days	Step	Description
Days 18-13	Production of the ballot booklets	<p>The printing company prepares the ballot booklets for the advance polls. This includes these high-level steps:</p> <ul style="list-style-type: none"> <li>a. Make the necessary adjustments to paper sheets provided by EC for printing needs;</li> <li>b. Print images and individual serial numbers on ballots;</li> <li>c. Perforate each ballot and separate ballot from counterfoil and then counterfoil from stub;</li> <li>d. Assemble sheets into groups of 50 such that the serial numbers are in order;</li> <li>e. Cut sheets into individual ballots, add covers, and bind ballot booklets.</li> </ul> <p>Printing companies have indicated that the perforating, cutting, and often serial numbers steps use separate specialized machinery operated manually with a slower production rate than printing. Many printing companies do not have this equipment, which limits options for ballot production.</p>
Days 14-13	Delivery of first booklets to ROs	The printing company delivers the ballot booklets for the advance polls to the RO.
Days 13 -11	Quality control of booklets and preparation for advance polls	<p>The RO and their office staff perform the following tasks:</p> <ul style="list-style-type: none"> <li>a. Count the ballot booklets to ensure the correct quantity has been provided;</li> <li>b. Perform quality control of the ballots;</li> <li>c. Deliver some of the ballot booklets to the Additional Assistant Returning Officer (AARO) office, if applicable;</li> <li>d. Prepare and distribute the appropriate number of ballot booklets to the Deputy Returning Officer (DRO) and/or Central Poll Supervisor (CPS) of each advance poll in the ED, tracking every single booklet and who it is given to on the Record of Ballots and Ballot Control Sheet).</li> </ul>
Days 11-7	Advance polls	<p>During this period, quality control, such as making sure number of booklets received and serial numbers match the Record of Ballots, is done by election offices (EOs) and then ballots are issued at the polls. Once issued, DROs perform quality control as they use each booklet.</p> <p>If the CPS contingency supply is not used during advance polls, these are returned to the office on Day 7/6 for use at ordinary polls. Each book is “checked back in” to the RO office.</p>
Days 13-6	Preparation and delivery of election day booklets to RO	After the printing company has completed printing the ballots for the advance polls, they continue to print ballots for the ordinary polls, repeating the steps performed on Days 18-13 above, and deliver the ballot booklets for the ordinary polls to the RO.
Days 6-1	Quality control of booklets and preparation for ordinary polls	The RO and their office staff repeat the tasks performed on Days 13-11, for the ordinary polls.
Day 0	Ordinary polling day	The CPS and DRO collect ballots, perform quality control, issue ballots as needed and track their usage.

Source: Chief Electoral Officer, Letter to the Chair of the Committee, 11 April 2022, Annex 2.

## EVIDENCE AND BRIEFS

### A. Testimony of the Chief Electoral Officer of Canada

The Committee began its study by hearing from the Chief Electoral Officer of Canada, Stéphane Perrault, and other officials from Elections Canada.

Mr. Perrault said that he understood the importance for Indigenous people of having Indigenous languages on the ballot and that he was committed to increasing the use of Indigenous languages in the electoral process. However, Mr. Perrault urged the Committee to carefully consider the complexities and issues around the use of multilingual ballots.<sup>34</sup>

Mr. Perrault told the Committee that improving Indigenous language services is an important aspect of offering a more inclusive electoral process and reducing barriers for Indigenous voters. He also said that, more fundamentally, improving these services is part of reconciliation with Indigenous peoples.<sup>35</sup> Furthermore, while he believes that Elections Canada has a limited impact on revitalizing these languages, he said that, symbolically, using Indigenous languages in the political and electoral processes is important.<sup>36</sup>

## 1. Options for amending regular ballots

As to the possibility of adding Indigenous languages to regular ballots, Mr. Perrault proposed four options. Each option raises specific policy, operational and electoral integrity concerns.

The first three options would require legislative changes, while the fourth could be implemented under the existing legal framework.<sup>37</sup> In general, Mr. Perrault supports the fourth option, as he does not recommend legislative changes at this stage.<sup>38</sup>

A table prepared by Elections Canada evaluating the policy considerations for each option is presented in Appendix A. Appendix B sets out the CEA provisions Elections Canada identified as requiring amendments to include Indigenous languages on ballots.

### a) Option A: Mandatory multilingual ballot

The first option would be to offer voters an official multilingual ballot that includes one or more Indigenous languages in designated constituencies. Mr. Perrault noted that this option raises an important question about what threshold of an Indigenous population

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34 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 13, 29 March 2022, 1110 (Perrault).

35 Ibid., 1105.

36 Ibid., 1230.

37 Ibid., 1105.

38 Ibid., 1110.



in a constituency would be required before including an Indigenous language on a ballot. Another question is whether there should be a maximum limit on the number of languages that can be included on a single ballot.<sup>39</sup>

Commenting on a potential threshold of Indigenous voters representing 1% of a constituency's population, Mr. Perrault said that such a threshold would mean administering ballots in 17 languages in 27 constituencies, with up to five Indigenous languages on a single ballot in some constituencies.<sup>40</sup> Mr. Perrault said that defining a threshold must take into account demand and the capacity to offer translation or transliteration<sup>41</sup> on the ground.<sup>42</sup>

He added that having more than two languages on a single ballot, raises important questions about accessibility and design. For example, putting the names of parties and candidates in multiple languages on a ballot risks making a crowded, busy text that may be difficult to understand for some voters, including those with low literacy levels, an intellectual disability or a visual impairment. Mr. Perrault said that it would be critical to test the ballot design with user communities prior to incorporating this option into the CEA.<sup>43</sup>

In addition, Mr. Perrault said that Elections Canada were not experts on Indigenous languages, and that a ballot in a language other than English or French would require the transliteration of candidate names and the translation of party names. Elections Canada provides information products in 16 Indigenous languages. However, they have found that there are very few verification experts and translation timelines are sometimes substantial. Mr. Perrault noted that, if ballots were to be translated, it would significantly affect production timelines and the whole electoral calendar, which would likely need to be extended.<sup>44</sup>

Mr. Perrault also noted that multilingual jurisdictions typically use other solutions to provide ballots in the voter's preferred language, including the use of electronic voting machines that allow voters to choose the language of the ballot and the interface.

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39 Ibid., 1105.

40 Ibid.

41 Transliteration can be defined as the "representation of a lexical item recorded in one writing system by means of the signs and symbols of another." See the record on transliteration in [Termium Plus](#).

42 PROC, [Evidence](#), 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 13, 29 March 2022, 1125 (Perrault).

43 Ibid., 1105.

44 Ibid.

Sometimes, logos or symbols are used to replace party names.<sup>45</sup> Mr. Perrault also noted that all paper models have inherent limitations, as too many languages on a paper ballot can be confusing to voters.<sup>46</sup>

### **b) Option B: Multilingual ballot at the discretion of candidates and parties**

The second option is a variation on option A, where an official multilingual ballot would be provided to voters. In this case, however, the CEA would be amended to permit candidates and parties to indicate how and in what languages their name should appear on the ballot. Parties would also indicate in which ridings their name would appear on the ballot in an Indigenous language.<sup>47</sup>

Mr. Perrault said that this approach is similar to that used in territorial elections in Nunavut, where candidates can put their names on the ballot in both the Inuit language and the Latin alphabet. Giving federal parties the choice of providing Indigenous versions of their name would also be consistent with the current approach, where parties can but are not required to have their names in both official languages.<sup>48</sup>

Although this option would remove the need for independent translation or transliteration of ballots, it raises other issues. For example, candidates must currently provide documentary evidence of their name. This raises the question of whether this requirement should be kept for Indigenous names as well as English and French names. If it were kept, questions arise as to whether Elections Canada would have to validate the transliteration, and who would determine which version of a party's name is used in which riding.<sup>49</sup>

Finally, Mr. Perrault noted that under this model Indigenous voters would not be offered a ballot entirely in their own language. For example, some candidate or party names might be transliterated or translated, while others might not.<sup>50</sup>

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45      *Ibid.*, 1110.

46      *Ibid.*, 1130.

47      *Ibid.*, 1105.

48      *Ibid.*

49      *Ibid.*

50      *Ibid.*, 1110.



### **c) Option C: Separate Indigenous language ballot**

The third option presented by Mr. Perrault would be to amend the CEA to allow for a separate Indigenous language ballot at a voter's request. Mr. Perrault said that this option would reduce the complexity of the ballots compared with the first two options, but would pose significant challenges with regard to production and distribution timelines.<sup>51</sup>

In addition, this option could compromise the secrecy of the vote in ridings with a small Indigenous language community. For example, having a separate ballot used by a limited number of voters could identify their voting choices.<sup>52</sup>

Mr. Perrault told the Committee that he does not recommend separate ballots.<sup>53</sup>

### **d) Option D: Facsimile (poster or replica) of the ballot in an Indigenous language**

The fourth option presented by Mr. Perrault, and his preferred option, would be for Elections Canada to provide a facsimile of the ballot to be printed and then posted at the polling station or voting booth. The facsimile would reproduce the official ballot in one or more Indigenous languages and serve as a reference for voters.<sup>54</sup>

In the 44<sup>th</sup> federal general election, Elections Canada experimented with this type of ballot in Nunavut polling stations. Reproductions of the ballot in Inuktitut were displayed near the voting booths. Mr. Perrault said that, despite some production challenges, the facsimile was produced in time for the advance polls.<sup>55</sup> An example of a ballot facsimile poster displayed at polling stations in Nunavut is shown in Figure 1.

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51      *Ibid.*, 1105.

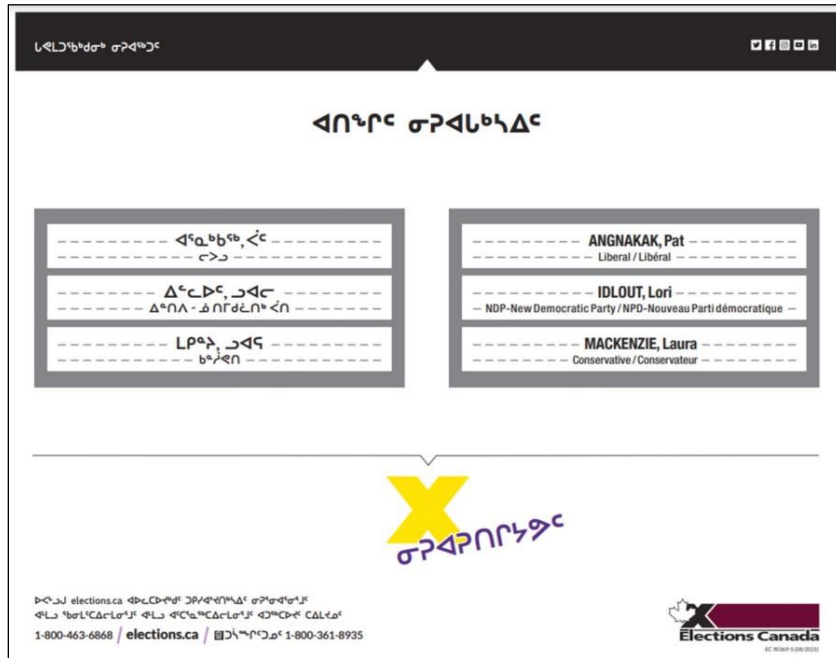
52      *Ibid.*

53      *Ibid.*, 1110.

54      *Ibid.*, 1105.

55      *Ibid.*

Figure 1 – Example of a Ballot Facsimile Poster Displayed at Polling Stations in Nunavut



Source: Elections Canada, [Report on the 44<sup>th</sup> General Election of September 20, 2021](#), 27 January 2022.

According to Mr. Perrault, the experience in Nunavut did not result in much feedback, but no complaints were received about the ballot facsimiles. He suggested that perhaps no comments were received because people in Nunavut expect to see Inuktitut in documents. However, some complaints were received about other matters, including a “Vote Here” poster that was not translated into Inuktitut.<sup>56</sup>

Mr. Perrault said he would like to test this approach in other ridings using other languages in consultation with Indigenous communities. He also said that he wants to increase the availability of information products in Indigenous languages at the polls to reduce barriers faced by Indigenous voters and make their voting experience more reflective of their identity.<sup>57</sup>

According to Mr. Perrault, this approach would allow Elections Canada to become more familiar with Indigenous languages and more agile at using them outside of Nunavut. Testing facsimiles would involve working with candidates and parties, including

56 Ibid., 1125.

57 Ibid., 1105.



transliteration of candidate names and, where appropriate, translation of party names. Timelines for the printing and production process could also be tested.<sup>58</sup>

## 2. Special ballots

Special ballots raise particular difficulties since voters must write out the name of the selected candidate. Under the CEA, languages other than those using the Latin alphabet are not accepted. The name of the candidate has to be written on the special ballot as it appears on the nomination paper.<sup>59</sup> As with regular ballots, any changes to the language used on special ballots would require a legislative amendment.<sup>60</sup>

Mr. Perrault said that, if special ballots in Indigenous language were used, it would create difficulties compiling the results of mail-in ballots that are sent to Ottawa in a national vote. For example, if voters were to write in the name of the candidate in several different languages and alphabets, the counting process would be more difficult. Mr. Perrault therefore invited the Committee to consider whether the addition of Indigenous languages should apply to special ballots, or only to regular ballots. He also noted that, in the Nunavut facsimile trial, only the regular ballots were reproduced in Inuktitut.<sup>61</sup>

Mr. Perrault also said that, if special ballots were to be translated into multiple languages, it would be difficult to ensure that the right ballot went to the right person, especially for voters outside Canada. He said it is best to keep the ballot as simple as possible because of the diversity of voters using mail-in ballots.<sup>62</sup>

## 3. Access to translation services

Mr. Perrault told the Committee that the timeliness and accessibility of translation varies greatly depending on the Indigenous language and the region of the country. In Nunavut, translation into Inuktitut is usually available within 24 to 48 hours, and ballots could probably be printed in that language. Amendments to the CEA would be required, for example to provide for the addition of a language to the ballot, who would validate

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58      ibid.

59      ibid., 1115.

60      ibid., 1120.

61      ibid., 1115, 1210.

62      ibid., 1120.

the translation, the alphabetical order in which the names would be listed, and whether all names would have to be translated.<sup>63</sup>

According to Mr. Perrault, and based on past experience in producing facsimiles, Elections Canada basically has a 24-hour window to produce, print and distribute ballots in time for advance polls. This time frame does not allow time to validate the accuracy of the translation at that point in time.<sup>64</sup>

Mr. Perrault believes it is risky to use new languages on an official ballot until Elections Canada is certain of its ability to obtain a timely and accurate translation. He reported that Elections Canada usually uses the Translation Bureau for its Indigenous language needs.<sup>65</sup>

## **B. Evidence from representatives from other electoral agencies**

The Committee heard from officials from electoral agencies where the use of Indigenous languages in the electoral process is enshrined. The Committee heard from Stephen Dunbar, Chief Electoral Officer of the Northwest Territories; Dustin Fredlund, Chief Electoral Officer of Nunavut; and Samantha Mack, Language Assistance Compliance Manager with the Alaska Division of Elections.

In their appearance before the Committee, both Mr. Dunbar and Mr. Fredlund acknowledged the importance of a candidate with an Indigenous name being able to see that name reflected on the ballot, even if that name is written in an alphabet other than Latin. Mr. Dunbar said that in some cases the anglicized version of an Indigenous name loses its meaning, and that including an anglicized name on a ballot could be offensive.<sup>66</sup> Mr. Fredlund brought up the impact of “Project Surname” in Nunavut in the 1970s, when the federal government began giving anglicized surnames to Inuit. Many individuals do not recognize those surnames as their own.<sup>67</sup>

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63     ibid., 1115.

64     ibid., 1145.

65     ibid.

66     PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1130 (Stephen Dunbar, Chief Electoral Officer, Elections Northwest Territories).

67     PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1130 (Stephen Fredlund, Chief Electoral Officer, Elections Nunavut).



Finally, they both said that they were always in discussions with Elections Canada and would be willing to work with or share their translated material with the federal agency.<sup>68</sup>

## 1. Northwest Territories

Mr. Dunbar told the Committee that there are 11 official languages in the Northwest Territories, and that the ability of residents to sustain a conversation in an Indigenous language ranges from less than two hundred for Inuktitut to more than 2,200 for Tłı̄chǫ. He commented that while these numbers might appear low, it is important to note that most residents of the territory's smaller communities speak an Indigenous language<sup>69</sup>.

The Northwest Territories *Elections and Plebiscites Act* currently only allows for the candidate's name and picture to be on the ballot, as there are no political parties represented in the Northwest Territories Legislative Assembly. Mr. Dunbar told the Committee that the use of candidates' photos ensures that electors who do not have full literacy are able to identify the candidate by sight.<sup>70</sup>

Mr. Dubar told the Committee that the territory's legislation requires candidates to state on their nomination form the name by which they are known in their community. Candidates do not have to submit government-issued documents to confirm their name. The ballot reflects the name on the nomination paper and are not translated.<sup>71</sup> The duration of an election in the Northwest Territories is 29 days long, and candidates have until the 25th day before election day to get their nomination papers in.<sup>72</sup>

There is no text to be translated on elections ballots, as these contain only names and photos. However, plebiscites are different, as the question posed in the plebiscite would be translated into the language that is commonly spoken in a given electoral district<sup>73</sup>. Mr. Dunbar provided as an example the 1992 plebiscite on the boundary between Nunavut and the Northwest Territories, where the question was translated into 10 of the 11 official languages. Translation in Cree could not be provided before the plebiscite occurred. The proclamation and instructions for voters were also translated in 10

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68 Ibid., 1150 (Dunbar and Fredlund).

69 Ibid., 1105 (Dunbar).

70 Ibid., 1120.

71 Ibid., 1105, 1205.

72 Ibid., 1115.

73 Ibid., 1120.

languages. Depending on what languages were commonly spoken in the electoral district, the ballot could have up to four languages included on it.<sup>74</sup>

Mr. Dunbar informed the Committee that his office does face some difficulties in producing materials in all official languages. For example, the language bureau that provided translation in the context of the 1992 plebiscite no longer exists, and there is currently no “one-stop shop” for material to be produced in the 11 official languages. Elections Northwest Territories now relies on individual contractors who may not be able to produce materials in a timely fashion and may vary significantly in the speed of their work. Further, in some cases, considerable variation in terminology between dialects of the same language exists<sup>75</sup>. Mr. Dunbar indicated that providing material in different dialects is an ongoing discussion, and that for some regions of the Northwest Territories there will be more uniform translation and for others, materials might be community-specific.<sup>76</sup>

Elections Northwest Territories is currently in the process of ensuring that electronic voting information is published in the indigenous languages spoken in each electoral district. In polling places, Elections Northwest Territories is producing signs in various languages, including signs stating, “vote here” and “polling place,” as well as poster informing electors about ID requirements. The office is starting work on the material that will be necessary for the 2023 territorial general election.<sup>77</sup>

Another step taken by Elections Northwest Territories with regards to indigenous languages is for returning officers in each electoral district to arrange, when needed, for an interpreter to be available at each polling place. However, in communities where multiple languages are spoken, it is not always possible to have an interpreter available for each language.<sup>78</sup>

Mr. Dunbar also stressed that care must be taken to ensure that proper orthographic tools are installed on computers to support indigenous fonts. He noted that the default settings in word processors can present Indigenous fonts using incorrect diacritical marks.<sup>79</sup>

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74     *Ibid.*, 1105.

75     *Ibid.*

76     *Ibid.*, 1155.

77     *Ibid.*, 1115.

78     *Ibid.*, 1120.

79     *Ibid.*, 1105.



## 2. Nunavut

Mr. Fredlund told the Committee that the Nunavut ballot includes candidate names in any of Nunavut's official languages. Inuktitut is written in syllabics, while Inuinnaqtun is written in the Roman alphabet.<sup>80</sup> The duration of an election in Nunavut is 35 days, and candidates must submit their nomination papers between 35 and 30 days prior to the election.<sup>81</sup>

Elections Nunavut relies on candidates for the spelling and transliteration of their names. The names are provided during the declaration period and included on the ballot. Mr. Fredlund explained that Elections Nunavut does have in-house capacity to ensure each name that is written in Inuktitut syllabics accurately depicts the candidate's choice, and to understand write-in ballots written in syllabics.<sup>82</sup> Further, Elections Nunavut is legally required to appoint poll workers who speak the language of the community.<sup>83</sup>

In 2019, Nunavut held their municipal election around the same time as the federal election, and therefore Elections Nunavut shared many venues with Elections Canada. Mr. Fredlund observed that while Elections Nunavut produced all materials in four languages, including ballots, that was not the case for Elections Canada documentation. He shared with Committee that some electors experienced confusion distinguishing between the two organizations, and as a result, Elections Nunavut received many complaints regarding products only provided in English and French during the election<sup>84</sup>.

Mr. Fredlund also highlighted that there are different dialects within Inuktitut-speaking communities, but that Inuktitut speakers can generally understand each other enough that there is no need to provide documentation in 25 dialects.<sup>85</sup>

## 3. Alaska

Ms. Mack informed the Committee that Alaska is currently undergoing the implementation of a ranked-choice voting process. To inform electors of the change, her

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80 Ibid., 1110 (Fredlund).

81 Ibid., 1115.

82 Ibid., 1110.

83 Ibid., 1145.

84 Ibid., 1120.

85 Ibid., 1155.

department has launched a vast educational campaign that's being carried out in nine Alaska-native languages in addition to Spanish, English and Iñupiat. She told the Committee that the inclusion of indigenous languages in the elections process does not end with the ballot, but also encompasses outreach advertising and public communications.

In the United States, pursuant to section 203 of the federal *Voting Rights Act*, a state or political subdivision must provide language assistance to voters if more than 5% of voters share a common language while speaking or understanding English less than very well.<sup>86</sup>

To translate indigenous languages, Alaska Division of Elections utilizes a panel model wherein multiple speakers of each indigenous language meet to translate together.<sup>87</sup> Ms. Mack told the Committee that dialectical differences is the most challenging aspect of translation work. As such, a panel translation model was implemented to bridge the divide between standardization and specificity. She noted that the translation panels have been instrumental in making sure that the material is understood across a wide geographic area.<sup>88</sup>

## C. Evidence from the member for Nunavut

### 1. Nunavut: context of federal elections in the territory

Lori Idlout, the member for Nunavut, told the Committee that the *Nunavut Act*<sup>89</sup> provides the government of Nunavut with the authority over how elections work within the territory of Nunavut.<sup>90</sup> Further, she noted that article 32 of the *Nunavut Land Claims Agreement*<sup>91</sup> addresses language and culture. She said that while this article does not contain specific wording about language or elections, it addresses social development and the provision of opportunities for Inuit to participate in that development.<sup>92</sup>

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86 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1140 (Samantha Mack, Language Assistance Compliance Manager, Alaska Division of Elections).

87 Ibid., 1110.

88 Ibid., 1200.

89 *Nunavut Act*, (S.C. 1993, c. 28).

90 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1225 (Lori Idlout, M.P., Nunavut).

91 *Inuit Language Protection Act*, SNu 2008, c 17.

92 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1210 (Idlout).



Ms. Idlout told the Committee that Nunavut’s population is 36,858, according to the 2021 census. Of these individuals, about 85% are Inuit who live in 25 communities.<sup>93</sup>

She said that the voter turnout in Nunavut for the 2021 federal election was about 34%.<sup>94</sup> She noted that while voter turnout for federal elections was high in Nunavut when Nunavut was first created, it has since declined and remained low. Ms. Idlout attributed the low voter turnout to “the attempt to separate language and culture” in the federal voting system, which she described as “another indication of the impacts of colonialism.”<sup>95</sup>

## 2. Barriers to voting in federal election for Nunavummiut

According to Ms. Idlout, the federal election workers serving voters at polling places in Nunavut greet voters in only English or French. Further, the federal ballot is written, as per the *Canada Elections Act*,<sup>96</sup> in only English or French, although she noted that Elections Canada ran a pilot project during the 2021 general election that provided voters with a sample ballot written in Inuktitut.<sup>97</sup>

According to Ms. Idlout, most elders in Nunavut cannot read English or French. To this end, she recounted having to describe to people that her name was the one in the middle of the ballot, between two other candidates. She stated this situation was unacceptable in a modern Canada, and that to make reconciliation meaningful, Indigenous languages needed to be protected and promoted.<sup>98</sup>

Further, Ms. Idlout noted that unilingual Inuktitut speakers find the complaints process inaccessible when seeking to report the barriers they face to Elections Canada, as complaints must be lodged in English or French.<sup>99</sup> She also noted that Nunavummiut today remained reluctant to lodge complaints because for generations they faced

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93 Ibid.

94 Ibid.

95 Ibid.

96 *Canada Elections Act* (S.C. 2000, c. 9).

97 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 15, 5 April 2022, 1210 (Idlout).

98 Ibid., 1215 and 1235.

99 Ibid., 1215.

oppressive atrocities (e.g., were beaten with metre sticks, etc.) for speaking their language, and singing their songs.<sup>100</sup>

Ms. Idlout told the Committee that she heard of people had been turned away from voting in Nunavut because of language barriers. She stated that the difficulties Nunavummiut faced in order to exercise the basic right of voting was “such a sad story in Canada.”<sup>101</sup>

Ms. Idlout recounted to the Committee of having heard many people in Nunavut say that they do not vote because “it’s not going to make any difference.” She believes that “many First Nations, Métis, and Inuit have lost the sense of using their voice because their voice doesn't matter.”<sup>102</sup> She stated that Parliament needed to work harder to ensure that these voices were heard.

### 3. Proposed Solutions

Ms. Idlout told the Committee that she had five recommendations to make concerning this study. These were:

- That Elections Canada learn from Elections Nunavut about running elections in four languages;
- That Elections Canada hire full-time Indigenous interpreter-translators to help build the necessary expertise and corporate knowledge for future federal elections;
- That the current complaints process at Elections Canada be improved for unilingual Indigenous people to voice their concerns;
- That a study be conducted on Indigenous governance within Canada's democracy as another form of reconciliation; and
- That that the federal government respect Indigenous cultures to build the trust that is necessary for real reconciliation.<sup>103</sup>

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100    ibid., 1240.

101    ibid., 1235.

102    ibid., 1240.

103    ibid., 1220.



In addition, Ms. Idlout also noted that, in her view, Indigenous languages should appear on federal election ballots throughout Canada.<sup>104</sup> She indicated that in order to do this, in her view, the extent of Indigenous language loss by community needed to be ascertained, and those communities with language losses ought to be provided with ballots in their Indigenous language.<sup>105</sup> Further, Ms. Idlout stated that ensuring the provision of Indigenous ballots was insufficient and that services at polling places needed to be in the appropriate Indigenous language(s).<sup>106</sup>

Further, Ms. Idlout noted that Elections Canada must ensure election workers in Indigenous communities receive trauma-informed training. She held concerns that election workers who have not received training to deal with people who have suffered trauma will appear “very colonial.”<sup>107</sup>

Lastly, Ms. Idlout stated that parliamentarians needed to do a better job of informing constituents, including Indigenous communities, about the federal services that are available to them.

## **D. Evidence from representatives from Indigenous groups or agencies**

### **1. Representatives from Nunavut**

#### **i. Context of federal elections in Nunavut**

Ms. Kotierk told the Committee that the territorial *Inuit Language Protection Act*<sup>108</sup> (ILPA) applied to federal agencies, departments and institutions.<sup>109</sup> In her view, section 3 of the ILPA requires Elections Canada to use the Inuit language to display public signs, display and issue posters, and provide reception services in client or customer services that are made available to the public.<sup>110</sup> She told the Committee that Elections Canada

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104 Ibid., 1225.

105 Ibid., 1230.

106 Ibid., 1210.

107 Ibid., 1250.

108 *Inuit Language Protection Act* (S.Nu. 2008, c.17)

109 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1105 (Kotierk).

110 Ibid., 1200.

had failed to implement its Inuit-language obligations and comply with the ILPA in Nunavut.

Ms. Aariak indicated to the Committee that, in her view, Canada should focus on articles 5 and 13 when implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).<sup>111</sup> She stated that article 5 sets out that Indigenous peoples have the right to participate fully, if they so choose, in the political, economic, social, and cultural life of the state. Article 13 required subscribing states to take effective measures to ensure that Indigenous language rights were protected and that Indigenous peoples can understand and be understood in political, legal, and administrative proceedings.<sup>112</sup>

Ms. Kotierk indicated that ensuring that the Inuit language was on the federal ballot would be a step taken in the right direction by Canada in its commitment to implement UNDRIP.

Further, Ms. Kotierk provided the Committee with historical information about voting rights for the Inuit. She stated that the Inuit once lived nomadic lives and governed themselves with very limited government interaction until around the 1940s to 1960s.<sup>113</sup> At this time, the Inuit were moved by the government into communities. While the Inuit were given the right to vote in 1950, it was not until 1962 that the Inuit communities had access to voting services.

Ms. Kotierk stated that the voter turnout in Nunavut for the 2019 federal election was 48%. She contrasted this with the overall voter turnout of 67% and indicated that Nunavut had the lowest turnout of all provinces and territories.<sup>114</sup>

## **ii. Barriers to voting in federal election for Nunavummiut**

Ms. Aariak told the Committee that Nunavut has three official languages: Inuktitut, which includes Inuktitut and Inuinnaqtun; English; and French.<sup>115</sup> Ms. Kotierk stated that the 2016 census showed that in Nunavut, there were 11,020 English-speakers, 595 French-speakers, and 22,600 Inuit language-speakers.<sup>116</sup> As such, Nunavut Inuit expect to hear,

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111 *Ibid.*, 1115 (Aariak).

112 *Ibid.*, 1150.

113 *Ibid.*, 1115 (Kotierk).

114 *Ibid.*

115 *Ibid.*, 1105 (Aariak).

116 *Ibid.*, 1115 (Kotierk).



see, read and speak Inuktitut in all aspects of their daily lives in Nunavut. This expectation included being able to cast a ballot in Inuktitut.

Ms. Aariak provided the Committee with a series of examples in which electoral information was provided to voters in Nunavut in English and French only. These included posters, dates and hours of operation for advance polls, information regarding special ballots, and the writing of the name of Elections Canada itself.<sup>117</sup>

Ms. Aariak stated that the election ballots used in municipal and territorial elections across Nunavut included Inuktitut. She believed that Elections Canada should not adhere to a lesser standard.<sup>118</sup> Indeed, Ms. Kotierk noted that for municipal and territorial elections in Nunavut, services, materials, and supports for candidates and electors were made available in Inuktitut. Candidates are also afforded the opportunity approve the syllabics for their name that will appear on the ballot. She noted that she was unaware of any difficulties in procuring translation or printing services for Inuktitut in Nunavut.<sup>119</sup>

Ms. Kotierk recounted hearing of an Iqaluit resident employed as a federal election worker who was asked by Elections Canada to translate a sign that stated, “mandatory mask.” This person commented that translation was not part of her job and found the lack of signage in Inuktitut to be disheartening.<sup>120</sup>

Ms. Kotierk commented that she found it commendable that Elections Canada had translated the voting guide, voter information cards and some other material into Inuktitut, and that Elections Canada’s information campaign included advertisements in Inuktitut. However, she noted that Inuktitut was not on the ballot, and that she found the efforts by Elections Canada to be inconsistent, ad hoc and dependent on the goodwill of the staff of the day.<sup>121</sup>

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117      *Ibid.*, 1110 (Aariak).

118      *Ibid.*, 1105.

119      *Ibid.*, 1130 (Kotierk).

120      *Ibid.*, 1115.

121      *Ibid.*, 1120.

### **iii. Proposed solutions**

Ms. Aariak told the Committee that federal agencies, departments and institutions, including Elections Canada, needed to commit to taking all necessary steps for the usage, preservation, revitalization and promotion of the Inuit language in Nunavut.<sup>122</sup>

She provided the Committee with three recommendations. These were:

- That the CEA be amended to include both Roman orthography and Inuktitut syllabics on federal election ballots;
- That the CEA use Inuit-language text in Elections Canada public signs and posters that are at least as prominent as English and French; and
- That a policy be created and implemented to ensure Elections Canada complies with its obligations as set out in the IPLA.<sup>123</sup>

For her part, Ms. Kotierk supported including Indigenous languages on ballots in ridings with a “substantial presence” of Indigenous peoples. In addition, she supported allowing electors to request special ballots in the indigenous language of their choice no matter where they lived.<sup>124</sup>

Ms. Aariak told the Committee that in Nunavut, there were many Inuit language resources and a language authority that Elections Canada could make use of.<sup>125</sup>

## **2. First Nations of Quebec and Labrador Youth Network**

### **i. Priorities of the First Nations of Quebec and Labrador Youth Network**

Shikuan Vollant, Spokesperson for the First Nations of Quebec and Labrador Youth Network told the Committee that he supported all initiatives that enhanced or revitalized Indigenous languages. However, he stated that the inclusion of Indigenous languages on federal election ballot was not a priority for the people in his community. He stated that if the goal of this initiative was to revitalize Indigenous languages, he would far rather that the funding for the initiative be instead used to recognize and

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122 Ibid., 1110 (Aariak).

123 Ibid.

124 Ibid., 1120 (Kotierk).

125 Ibid., 1230 (Aariak).



financially compensate Indigenous elders, build gathering spaces where Indigenous languages were taught, or organize trips with young Indigenous community members.<sup>126</sup>

Cédric Gray-Lehoux agreed and stated that, in his view, the money that would be better used should it be spent on creating places for connecting Indigenous people with the land and their elders, and helping to maintain the cultural connections that have been systematically destroyed for hundreds of years by various institutions.<sup>127</sup>

Mr. Gray-Lehoux indicated that priority needed to be given to creating systems for learning Indigenous languages and that the focus first ought to be on reconnecting young Indigenous people and with their language and their culture.<sup>128</sup> To that end, Mr. Vollant stated that he was 30 years old and part of one of the last remaining generations who can speak the Innu language perfectly. In his view, priority must be given to promoting Indigenous languages among young people. He stated that many of his nephews and nieces currently speak more English, because of the Internet and social media, than they do Innu.<sup>129</sup>

Mr. Vollant told the Committee that, in his view, so long as the *Indian Act*<sup>130</sup> continued to exist, Indigenous people were not going to feel at home in the House of Commons.<sup>131</sup>

## ii. Concerns about including Indigenous languages on ballots

Mr. Vollant told the Committee that voter turnout among Indigenous people during federal elections was about 40%. He stated that there were many reasons for this, but that no study had mentioned ballot translation as a solution to this abstention.<sup>132</sup>

Mr. Vollant and Mr. Gray-Lehoux held several concerns about the initiative to include Indigenous languages on federal election ballots. These included:

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126 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1120 (Shikuan Vollant, Spokesperson, First Nations of Quebec and Labrador Youth Network).

127 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1150 (Cédric Gray-Lehoux, Spokesperson, First Nations of Quebec and Labrador Youth Network).

128 Ibid.

129 Ibid., 1140 (Vollant).

130 *Indian Act*, R.S.C., 1985, c. I-5.

131 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 14, 31 March 2022, 1145 (Vollant).

132 Ibid., 1120 (Vollant).

- That this initiative would “cost an enormous amount of money” that could be better spent on programs and facilities to revitalize Indigenous language and culture.<sup>133</sup>
- That translating ballots into the 60 First Nations, Métis and Inuit languages would inevitably add to the waste generated by elections and his organization denounced this potential environmental impact.<sup>134</sup>
- That it would add a level of complexity to voting. For example, in Quebec there are 11 different Indigenous languages. However, these Indigenous peoples were relatively nomadic, often moving for reasons of work or school. As such, 11 Indigenous languages would conceivably need to be represented in every polling station in Quebec. In practical terms, this was too heavy a burden for electors and for election workers.<sup>135</sup>
- That the correct pronunciation and correct written form used in each of the 43 First Nations communities in Quebec and Labrador would create a linguistic and logistical nightmare.<sup>136</sup>

Further, Mr. Vollant noted that the word “vote” does not currently exist in the Innu language. He told the Committee that it would likely be easier for a young Indigenous person from his community to read the word vote in French rather than invent a new word, that would likely be quite long, that they have never heard or read before.<sup>137</sup>

Mr. Vollant stated that in his community, he learned to speak Innu before he learned to read or write it. As such, he indicated that he, as a very proficient speaker of Innu, can struggle to read many words in Innu.<sup>138</sup>

Mr. Vollant told the Committee that his mother barely can speak French; however, she votes in federal elections in French. As such, he stated that having ballots in Innu, in addition to French, would not do anything for his community.<sup>139</sup>

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133     ibid.

134     ibid.

135     ibid., 1150 and 1210 (Gray-Lehoux).

136     ibid., 1215 (Vollant).

137     ibid., 1145.

138     ibid.

139     ibid., 1140.



Lastly, Mr. Vollant and Gray-Lehoux indicated that the initiative to have Indigenous languages on federal ballots was well-intentioned but they did not believe that it was a priority.<sup>140</sup> They recognized that peoples of Nunavut have a different experience in that their language was relatively homogenous within their territory. However, within Quebec and Labrador, there are 11 nations with 11 distinct languages.<sup>141</sup>

### 3. Institut Tshakapesh

Ms. Tshernish told the Committee that many members in her community did not feel included in Canada's democracy and have, as such, abstained from voting or participating in the Statistics Canada census. This abstention has had numerous important consequences for Indigenous communities.<sup>142</sup>

Ms. Tshernish stated that providing documents, including ballots, and services at federal elections in Indigenous languages would help to allow Indigenous people to be fully included as citizens. It would grant First Nations the right to express themselves, while recognizing their nation, language, culture and identity.<sup>143</sup>

She stated that she was in favour of including Indigenous languages on federal election ballots as it was time to go beyond making symbolic gestures to Indigenous peoples and instead put in place concrete actions.<sup>144</sup> She indicated that inclusion was very important to her community, along with consultation and mutual respect for each other's ways of life.<sup>145</sup>

Ms. Tshernish noted that for the Innu in constituencies of the Côte-Nord, three dialects were used. However, she indicated that the wording on federal election ballots could be written in only one dialect with some words written in three dialects.<sup>146</sup>

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140 Ibid., 1120 (Vollant).

141 Ibid., 1150 (Gray-Lehoux).

142 PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1210 (Tshernish).

143 Ibid.

144 Ibid.

145 Ibid., 1245.

146 Ibid., 1235.

Ms. Tshernish suggested that Indigenous languages also be included on the voter information card, posters at polling places, and advertisements about voting.<sup>147</sup>

#### 4. First Nations Education Council

##### i. Context of federal elections according to the First Nations Education Council

Denis Gros-Louis, Director General, First Nations Education Council, told the Committee that his educational association represented eight of the 11 Nations in Quebec.<sup>148</sup>

Mr. Gros-Louis indicated that, in his view, the initiative to include Indigenous languages on federal election ballots was a good first step in respecting Indigenous languages and would help to promote reconciliation and preservation of language.<sup>149</sup>

He stated that Indigenous languages serve as a vehicle for expressing their view of the world and are the cornerstone of Indigenous identity.<sup>150</sup>

Further, Mr. Gros-Louis stated that many Indigenous communities do not feel involved in federal issues. In his view, there are many reasons First Nations voters are disengaged, including the continued detrimental effects of the *Indian Act*, a lack of respect on the part of federal partners, and a feeling that federal issues are not challenging or of interest.<sup>151</sup>

Mr. Gros-Louis noted that a study conducted by Elections Canada on the voter turnout rate of First Nations electors shows that the communities in Quebec have a participation rate in federal elections of around 27.8%.<sup>152</sup> He told the Committee First Nations communities have differing viewpoints, if not polarized viewpoints, about participation in federal elections. Some participate while others categorically refuse to participate. He

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147 Ibid.

148 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1215 (Denis Gros-Louis, Director General, First Nations Education Council).

149 Ibid., 1215 and 1220.

150 Ibid., 1215.

151 Ibid.

152 Ibid.



indicated that recent data from Statistics Canada show that the main reason that Indigenous people do not vote was political in nature.<sup>153</sup>

Mr. Gros-Louis did not agree with assertions that adding Indigenous languages to federal ballots was an expensive exercise. He stated that, in his view, repairing the damages caused to Indigenous languages and cultures does not have a price.<sup>154</sup>

## ii. Proposed solutions

Mr. Gros-Louis told the Committee that he had four recommendations to make concerning this study. These were:

- That awareness training be provided at Elections Canada to senior management and staff. This training should focus on Indigenous history and enhancing cross-cultural aptitudes, in line with action number 57 from the Truth and Reconciliation Commission of Canada.
- That Elections Canada formally consult and collaborate with the Office of the Commissioner of Indigenous Languages, which is the watchdog of Indigenous languages in Canada.
- That Indigenous languages be included on federal ballots and that a document be developed by Elections Canada in collaboration with the Atikamekw Nation that provides information about the electoral process and the conduct of elections and that the other ten nations in Quebec be offered the same opportunity.
- That the images shown in election documents and booklets reflect the identity of Indigenous nations.<sup>155</sup>

Mr. Gros-Louis told the Committee that Elections Canada should collaborate with Indigenous communities, including those that he represents, to shore up their lack of expertise and capacity in Indigenous matters. He stated that Elections Canada should contact them right now, as being proactive was a gesture of reconciliation.<sup>156</sup>

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153     ibid.

154     ibid., 1220.

155     ibid., 1220.

156     ibid., 1235.

Mr. Gros-Louis showed an Elections Canada document to the Committee that had been translated in collaboration with the Atikamekw nation. He indicated that he would table it with the Committee to be presented to Elections Canada.<sup>157</sup>

## E. Academic perspectives

The Committee heard testimony from three witnesses from the academic community. In addition to Ms. Harell, these witnesses were Jean-François Daoust, Assistant Professor at the University of Edinburgh and Dwight Newman, Professor of Law at the University of Saskatchewan and Canada Research Chair in Indigenous Rights in Constitutional and International Law.

These three witnesses spoke about the importance of consulting with the various Indigenous communities to understand their needs and expectations in relation to the electoral process. They also agreed that, for languages whose survival is threatened, multilingual ballots are not a priority and that it is more important to invest in other types of support.<sup>158</sup>

To that end, the Committee acknowledges that academic studies on the topic of Indigenous peoples and the federal electoral process are a constantly evolving subject-matter. At present, research into this field of knowledge has its limitations, a reality that academic researchers themselves acknowledge. The Committee agrees with the testimony by academic researchers that Indigenous engagement and collaboration in this field of research was important to gain a better understanding about the different barriers Indigenous communities face.

On the issue of adding candidate photographs to ballots, opinions were divided. Mr. Daoust felt that it would open the door to unfortunate consequences, as we know that even alphabetical order can have an unconscious effect on voters' choices. Ms. Harell said that creative solutions should be sought, and that if photographs offer multilingual information, that option should be considered. However, she acknowledged that Mr. Daoust's concerns are appropriate. Mr. Newman also sees the need to look for

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157     *Ibid.*, 1240.

158     PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1155 (Jean-François Daoust, Assistant Professor, University of Edinburgh); PROC, *Evidence*, 1<sup>st</sup> Session, 44<sup>th</sup> Parliament, Meeting 16, 7 April 2022, 1155 (Dwight Newman, Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law, University of Saskatchewan); Harell, 1155.



creative solutions, while considering the other problems that such an initiative could cause.<sup>159</sup>

## 1. Jean-François Daoust, Assistant Professor, University of Edinburgh

Mr. Daoust told the Committee that he sees three aspects to the issue of including Indigenous languages on ballots: a normative aspect, a technical aspect and an empirical aspect. Mr. Daoust's presentation focused on the first and third aspects.<sup>160</sup>

With respect to the normative aspect, Mr. Daoust encouraged the Committee to think about the values of Canadian society and how they might be reflected in public policy and the electoral process. In his view, because Canadian society claims to be inclusive, this means promoting inclusion of all groups in society in the democratic process, especially groups who face systemic barriers and who participate less in democratic life. In that sense, it seems consistent and desirable to enable Indigenous people to vote by having access to ballots in their language. For that reason, he said that the Committee should have a positive view of this kind of initiative and its aim of inclusion.<sup>161</sup>

As to the empirical aspect, Mr. Daoust asked whether an increase in Indigenous voter turnout could be expected as a result of this measure. Based on his research, he said that it is unlikely that adding languages to the ballot would have a significant impact on participation. He suggested that such an initiative would only increase voter turnout if it made the voting process easier and if this consideration, the ease of voting, had a major influence on voters' decision of whether or not to vote. In general, however, the vast majority of people find voting to be easy, which means that those who do not vote usually do so for reasons unrelated to how easy it is to vote,<sup>162</sup> whether they are Indigenous or not.<sup>163</sup> Mr. Daoust said that interest in politics and seeing voting as a duty rather than a choice are factors that have more impact on participation than ease of voting.<sup>164</sup>

Mr. Daoust concluded that he sees no normative reason not to include Indigenous languages on ballots, but that, based on the scientific literature, such a measure should

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159 Ibid., 1200 (Daoust, Newman and Harell).

160 Ibid., 1105 (Daoust).

161 Ibid.

162 Ibid.

163 Ibid., 1145.

164 Ibid.

not be expected to significantly increase Indigenous voter turnout. However, he said that his conclusions are based on relatively limited research data and on samples gathered from Indigenous people.<sup>165</sup>

Responding to a question asked by the Committee, Mr. Daoust mentioned that the symbolic aspect of such an initiative can sometimes be underestimated. Symbols can influence political attitudes, build trust in the federal government, and increase interest in politics. The indirect impact of the symbolic aspect of such a measure may be more substantial than the direct impact on turnout.<sup>166</sup>

## **2. Dwight Newman, Professor of Law at the University of Saskatchewan and Canada Research Chair in Indigenous Rights in Constitutional and International Law**

Mr. Newman reminded the Committee that, in 2021, Canada adopted the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA). Section 5 of UNDRIPA establishes a statutory requirement for the government to take all measures necessary to ensure that Canadian legislation is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>167</sup>

Section 13(2) of the UNDRIP requires that states take effective measures to ensure indigenous peoples can understand and be understood in political, legal and administrative proceedings where necessary through the provision of interpretation or by other appropriate means.<sup>168</sup> Mr. Newman stated that, in his view, article 13(2) likely does not mandate any specific requirements concerning ballots being available in Indigenous languages, partly because it establishes rights for Indigenous people as collective entities rather than individuals. However, he stressed that the inclusion of Indigenous languages on ballots would be in accord with the underlying objectives of the UNDRIP.<sup>169</sup>

Further, Mr. Newman referred to provisions of the *Canadian Charter of Rights and Freedoms* protecting the right to vote and providing safeguards against discrimination. He noted that these provisions may offer the strongest legal arguments about removing

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165     ibid., 1105.

166     ibid., 1135.

167     ibid., 1105 (Newman).

168     ibid.

169     ibid.



impediments to voting, such as linguistic barriers, particularly in the case of individuals who use other languages and have limited proficiency in English and French.<sup>170</sup> However, he was unaware of any case law on this topic.<sup>171</sup>

Mr. Newman told the Committee that Canada is somewhat of a laggard on linguistic issues related to voting, notably when compared to the United States. As Ms. Mack also stated to the Committee, section 203 of the American *Voting Rights Act* established various forms of language assistance in districts where it is needed for minority language communities, Indigenous or not. This provision dates back to 1975 amendments to the *Voting Rights Act*. However, Mr. Newman mentioned that certain challenges arose when it came to implementing this statutory obligation in the US.<sup>172</sup>

Mr. Newman highlighted key questions for the Committee to consider, including:

- whether or not Nunavut is a special case, and if implementing a pilot program in Nunavut would be appropriate before expanding the project to other ridings;
- whether there would be specific cut-offs in terms of proportions of the population able to vote in other languages;
- what particular form of Indigenous languages might be used on ballots, whether in the form of syllabics or in transliterated forms for languages that have both versions;
- what costs would be involved and whether those costs might be more optimally invested in other ways of supporting Indigenous electoral participation;
- whether the use of sample or facsimile ballots is a valid option;<sup>173</sup>
- how a crowded ballot would raise issues for access by persons with certain disabilities;<sup>174</sup> and

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170 Ibid., 1105, 1120.

171 Ibid., 1120.

172 Ibid., 1105.

173 Ibid., 1120.

174 Ibid.

- whether other forms of language assistance should be implemented.<sup>175</sup>

Mr. Newman highlighted the importance of collaborating with Indigenous communities across the country to gain an understanding about the different barriers they face.<sup>176</sup> He told the Committee that he held the view that there should be strong protections for Indigenous language rights, but whether such protections ought to be identical to English and French raised certain questions, especially considering the great diversity of Indigenous languages in Canada.<sup>177</sup>

### **3. Allison Harell, Professor, Political Science Department, University of Quebec at Montreal**

Ms. Harell raised three questions for the Committee to consider regarding the inclusion of Indigenous languages on federal election ballots.

First, she asked whether the absence of Indigenous languages constituted a barrier to political participation. Her studies have shown that socioeconomic resources are an important barrier to all electors, including for Indigenous people's participation in elections. However, other factors, such as trust in the federal government and the salience of Indigenous issues are also important, especially for young Indigenous electors.<sup>178</sup>

Ms. Harell stressed that the inclusion of indigenous languages on ballot would be an important symbolic gesture to show Canada's interest in the participation of the Indigenous electors. Ms. Harell also noted that electoral participation remains a choice, and while it is important to remove barriers to participation, many Indigenous voters may choose to abstain from voting for other reasons.<sup>179</sup> She also pointed out that while some Indigenous individuals might not vote at federal elections, they may be politically active in other respects in their communities.<sup>180</sup>

Secondly, Ms. Harell recognized that the inclusion of a diversity of Indigenous languages on ballots presented challenges. These included the tight production timelines for

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175     *ibid.*, 1105.

176     *ibid.*, 1155.

177     *ibid.*, 1205.

178     *ibid.*, 1115 (Harell).

179     *ibid.*

180     *ibid.*, 1135.



ballots under the current legislative framework. However, there were also benefits to having multilingual ballots, such as removing an unfair barrier to participation. In her view, Indigenous languages on ballots could also constitute a step toward reconciliation. Ms. Harell also noted that there was a need to make a strong statement, as settlers, that Indigenous nations are on an equal footing with English and French in Canada<sup>181</sup>.

Ms. Harrel concluded with her third point: the key issue for considering Indigenous languages on ballots should be whether Indigenous nations and electors want such a change in order to fully participate in the electoral process. Consultation is therefore very important, and she stated that building consultation capacity within Elections Canada would be a sensible step forward.<sup>182</sup> While there may be costs and challenges in implementing multilingual ballots, she indicated that reconciliation requires a serious commitment to make the electoral process accessible to Indigenous electors in their own language.<sup>183</sup>

Ms. Harell stated that implementing a pilot project would make sense, and that implementing a countrywide process that end up failing would have detrimental consequences on people's trust in the electoral system.<sup>184</sup>

## DISCUSSION AND RECOMMENDATIONS

A fundamental aspect of Canada's electoral system is that all citizens eligible to participate in a federal general election should not encounter undue barriers when exercising their right to vote.

During this study, the Committee heard with great interest about the challenges created by language barriers that exist for Indigenous electors seeking to vote during federal elections, especially for unilingual Inuit living in Nunavut.

At the same time, the Committee also heard that considerable work remains to be carried out by Parliament and parliamentarians, when it comes to increasing Indigenous peoples' engagement in the federal electoral system and process. Indeed, the Committee was troubled to hear of the widespread low voter turnout among Indigenous peoples in Canada.

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181 *Ibid.*, 1115.

182 *Ibid.*, 1155.

183 *Ibid.*, 1115.

184 *Ibid.*, 1155.

The Committee takes seriously Canada's commitments to Indigenous people about reconciliation. While improving the experience in voting at federal elections for Indigenous peoples may only be a small step in reconciliation, nonetheless it is a step in the right direction.

Therefore, the Committee recommends:

**Recommendation 1**

**That a pilot project be undertaken by Elections Canada, in partnership with Elections Nunavut, to include Inuktitut languages on federal election ballots in the federal electoral riding of Nunavut.**

**Recommendation 2**

**That an Indigenous communities advisory group be struck by Elections Canada to collaborate with Elections Canada to formulate recommendations about making the federal electoral process as accessible as possible for Indigenous voters.**

**Recommendation 3**

**That Elections Canada print and post facsimiles of the official ballot in Indigenous languages to serve as a guide for electors at the polling station and/or voting booth, where appropriate, as determined by the Indigenous communities advisory group.**

**Recommendation 4**

**That Elections Canada consult with the federal Commissioner of Indigenous Languages as a matter of guidance on these issues.**



# **APPENDIX A – ELECTIONS CANADA TABLE PRESENTING POLICY CONSIDERATIONS BY BALLOT OPTION**

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## **Policy Considerations by Ballot Option**

This document outlines key issues and policy considerations pertaining to the inclusion of Indigenous language(s) (IL) on the front of the regular federal ballot and does not apply to other materials such as the back of the ballot or other EC products.

Considerations	Option A – Mandatory Multilingual Ballot	Option B – Candidates/Parties’ Choice Multilingual Ballot	Option C – Separate Ballot with an Indigenous Language	Option D – Elections Canada Ballot Facsimile
<b>Threshold and Guidelines for Using Indigenous Language(s) on Ballot or Facsimile – Establishing thresholds and guidelines for inclusion of Indigenous languages</b>	<ul style="list-style-type: none"> <li>• A clear threshold would be needed for an IL to be used in an electoral district (ED).</li> <li>• When multiple ILs meet the threshold, clear guidelines regarding the number of ILs to be used and method of selection should be defined.</li> </ul>	<ul style="list-style-type: none"> <li>• A clear threshold would be needed for an IL to be used in an electoral district (ED).</li> <li>• When multiple ILs meet the threshold, clear guidelines regarding the number of ILs to be used and method of selection should be defined.</li> </ul>	<ul style="list-style-type: none"> <li>• A clear threshold would be needed for an IL to be used in an electoral district (ED).</li> <li>• When multiple ILs meet the threshold, clear guidelines regarding the number of ILs to be used and method of selection should be defined.</li> </ul>	<ul style="list-style-type: none"> <li>• In the absence of legislation, the threshold would be developed by EC in consultation with the relevant Indigenous communities.</li> </ul>
<b>Ballot Design Considerations – Order of languages</b>	<ul style="list-style-type: none"> <li>• When using languages that do not use the Latin alphabet, ordering rules would need to be established to list the candidates’ names on the ballot. (The Canada Elections Act (CEA) currently provides that ballots must list candidate names alphabetically, i.e. by order of the Latin alphabet).</li> </ul>	<ul style="list-style-type: none"> <li>• The order of the languages in which candidates write their name on the declaration of candidacy would be the order in which the languages would appear on the ballot.</li> <li>• Depending on which languages are used, ordering rules would need to be established to list the candidates on the ballot.</li> </ul>	<ul style="list-style-type: none"> <li>• Ordering rules would need to be established for the appearance of names in IL on the Indigenous ballot (e.g. apply the alphabetical order using either Latin characters or IL characters).</li> </ul>	<ul style="list-style-type: none"> <li>• The order of candidate names on the facsimile would match that on the ballot to allow voters to cross-reference.</li> </ul>
<b>Ballot Design Considerations – Responsibility for transliteration and translation</b>	<ul style="list-style-type: none"> <li>• Questions to be answered: <ol style="list-style-type: none"> <li>1. Who is responsible for providing the transliteration or translation?</li> <li>2. If provided by the candidate/party, what would the deadline be (e.g. close of nominations)?</li> <li>3. Would all party names also need to be translated into both French and English?</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Candidates/parties to supply transliterations and translations on voluntary basis. How is the coordination between candidate and party achieved?</li> </ul>	<ul style="list-style-type: none"> <li>• Questions to be answered : <ol style="list-style-type: none"> <li>1. Who is responsible for providing the transliteration or translation?</li> <li>2. If provided by the candidate/party, what would the deadline be (e.g. close of nominations)?</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• EC would be accountable for the transliteration and translation of the candidates/parties’ names on the facsimile.</li> </ul>

Considerations	Option A – Mandatory Multilingual Ballot	Option B – Candidates/Parties’ Choice Multilingual Ballot	Option C – Separate Ballot with an Indigenous Language	Option D – Elections Canada Ballot Facsimile
<b>Ballot Design Considerations – Candidate identification</b>	<ul style="list-style-type: none"> <li>CEA rules require proof of identification of a candidate’s name. Consideration should be given to the use of Indigenous names that differ from those on identification documents. Passport Canada now allows traditional Indigenous names but requires supporting ID. Would this be an appropriate approach for the names in ILs on ballots</li> </ul>	<ul style="list-style-type: none"> <li>CEA rules require proof of identification of a candidate’s name. Consideration should be given to the use of Indigenous names that differ from those on identification documents. Passport Canada now allows traditional Indigenous names but requires supporting ID. Would this be an appropriate approach for the names in ILs on ballots</li> </ul>	<ul style="list-style-type: none"> <li>CEA rules require proof of identification of a candidate’s name. Consideration should be given to the use of Indigenous names that differ from those on identification documents. Passport Canada now allows traditional Indigenous names but requires supporting ID. Would this be an appropriate approach for the names in ILs on ballots</li> </ul>	<ul style="list-style-type: none"> <li>CEA rules require proof of identification of a candidate’s name. Consideration should be given to the use of Indigenous names that differ from those on identification documents. Passport Canada now allows traditional Indigenous names but requires supporting ID. Would this be an appropriate approach for the names in ILs on ballots</li> </ul>
<b>Operation Considerations – Quality control of the ballot (names of candidates/parties)</b>	<ul style="list-style-type: none"> <li>Define how non-IL speakers (candidates/parties) validate how their name appears on the ballot if EC is responsible for transliteration and translation.</li> </ul>	<ul style="list-style-type: none"> <li>Define how EC validates the names submitted by candidates/parties.</li> </ul>	<ul style="list-style-type: none"> <li>Define how non-IL speakers (candidates/parties) validate how their name appears on the ballot if EC is responsible for transliteration and translation.</li> </ul>	<ul style="list-style-type: none"> <li>Would candidates/parties validate how their name appears on the facsimile?</li> </ul>

Considerations	Option A – Mandatory Multilingual Ballot	Option B – Candidates/Parties’ Choice Multilingual Ballot	Option C – Separate Ballot with an Indigenous Language	Option D – Elections Canada Ballot Facsimile
<p><b>Operation Considerations – Operational timelines</b></p>	<ul style="list-style-type: none"> <li>• The existing ballot production schedule would not allow for the addition of an IL on the ballot, so more time would be needed. Although the processes would need to be piloted to determine the time required, this could be achieved by making legislative changes in order to:               <ul style="list-style-type: none"> <li>– Extend the nomination period to begin before the writ; and/or</li> <li>– Extend the electoral calendar to end the nomination period earlier in order to lengthen the time between the end of nominations and the start of advance polls.</li> </ul> </li> <li>• The existing CEA requirement for a counterfoil with numbering and packaging in a booklet results in much time and effort in the production process (use of separate machines, fewer printers offering this service). The inclusion of an IL on the ballot may require a legislative change to remove the existing requirement to allow for a simpler and faster ballot printing process.</li> </ul>	<ul style="list-style-type: none"> <li>• The existing ballot production schedule would not allow for the addition of an IL on the ballot, so more time would be needed. Although the processes would need to be piloted to determine the time required, this could be achieved by making legislative changes in order to:               <ul style="list-style-type: none"> <li>– Extend the nomination period to begin before the writ; and/or</li> <li>– Extend the electoral calendar to end the nomination period earlier in order to lengthen the time between the end of nominations and the start of advance polls.</li> </ul> </li> <li>• The existing CEA requirement for a counterfoil with numbering and packaging in a booklet results in much time and effort in the production process (use of separate machines, fewer printers offering this service). The inclusion of an IL on the ballot may require a legislative change to remove the existing requirement to allow for a simpler and faster ballot printing process.</li> </ul>	<ul style="list-style-type: none"> <li>• The existing ballot production schedule would not allow for the addition of an IL on the ballot, so more time would be needed. Although the processes would need to be piloted to determine the time required, this could be achieved by making legislative changes in order to:               <ul style="list-style-type: none"> <li>– Extend the nomination period to begin before the writ; and/or</li> <li>– Extend the electoral calendar to end the nomination period earlier in order to lengthen the time between the end of nominations and the start of advance polls.</li> </ul> </li> <li>• The existing CEA requirement for a counterfoil with numbering and packaging in a booklet results in much time and effort in the production process (use of separate machines, fewer printers offering this service). The inclusion of an IL on the ballot may require a legislative change to remove the existing requirement to allow for a simpler and faster ballot printing process.</li> </ul>	<ul style="list-style-type: none"> <li>• Adding facsimile production, printing and shipping to the already tight election timeline would be a challenge for both election day and advance voting. However, problems in producing the facsimile, in particular at advance polls, would not compromise the validity of an election.</li> </ul>

Considerations	Option A – Mandatory Multilingual Ballot	Option B – Candidates/Parties’ Choice Multilingual Ballot	Option C – Separate Ballot with an Indigenous Language	Option D – Elections Canada Ballot Facsimile
<p><b>Integrity Considerations – Accessibility, reliability, secrecy, fairness</b></p>	<ul style="list-style-type: none"> <li>• Accessibility tools for visually impaired electors may not be compatible if the ballot is larger or the font is smaller (i.e. new braille templates, with pre-set sizing to ensure that enough space is left for all the languages, would be needed for each ED).</li> <li>• Additional languages on the ballot may lead to confusion for some communities that are already facing voting barriers (such as people with low literacy levels and/or intellectual disabilities).</li> <li>• Extensive testing of the ballots would be required to ensure that the new ballot is accessible.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessibility tools for visually impaired electors may not be compatible if the ballot is larger or the font is smaller (i.e. new braille templates, with pre-set sizing to ensure that enough space is left for all the languages, would be needed for each ED).</li> <li>• Additional languages on the ballot may lead to confusion for some communities that are already facing voting barriers (such as people with low literacy levels and/or intellectual disabilities).</li> <li>• Extensive testing of the ballots would be required to ensure that the new ballot is accessible.</li> <li>• The fact that some candidate names would be on the ballot in Indigenous and other languages means that Indigenous voters would not have a ballot fully in their language.</li> <li>• This could also affect fairness for some candidates/parties or how a candidate/party is perceived based on the ballot.</li> </ul>	<ul style="list-style-type: none"> <li>• Distinguishable types of ballots would introduce a risk of breach of secrecy of the vote in certain polling divisions.</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

Considerations	Option A – Mandatory Multilingual Ballot	Option B – Candidates/Parties’ Choice Multilingual Ballot	Option C – Separate Ballot with an Indigenous Language	Option D – Elections Canada Ballot Facsimile
Legal Considerations – Required Amendments	<ul style="list-style-type: none"> <li>Amendments to the CEA required</li> </ul>	<ul style="list-style-type: none"> <li>Amendments to the CEA required</li> </ul>	<ul style="list-style-type: none"> <li>Amendments to the CEA required</li> </ul>	<ul style="list-style-type: none"> <li>No amendments to the CEA required</li> </ul>

### Special Ballot

There are some additional considerations that must be taken into account when contemplating adding ILs to the special ballot. While many of the considerations outlined above are relevant to the special ballot, the following will also need to be factored in:

- Indigenous names written on the ballot in syllabic, i.e. not using the Latin alphabet, may be difficult to read during the counting process;
- Distinguishable types of ballots could increase the risk of a breach of secrecy of the vote.

# APPENDIX B – CANADA ELECTIONS ACT PROVISIONS REQUIRING AMENDMENTS TO INCLUDE INDIGENOUS LANGUAGES ON BALLOTS<sup>1</sup>

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## Candidate Nomination Process

- The prospective candidate must complete a nomination paper where they register the name that they wish to have appear on the ballot (**subparagraph 66(1)(a)(i) of the CEA**). The prospective candidate may request that a name by which they are commonly known be registered to appear on the ballot (**subparagraph 66(1)(a)(i.1) of the CEA**).
- Under **section 66(2) of the CEA**, the name of the candidate shall not include any title, degree or other prefix or suffix.
- Under **section 67(2) of the CEA**, a prospective candidate shall prove their identity with one piece of identification issued by a government or two pieces of identification authorized by the Chief Electoral Officer.

## Ballot and Special Ballot Format

1. Ballot
  - **Form 3 of Schedule 1 of the CEA** provides the ballot form. It includes an image of the ballot used by EC.
  - Pursuant to **Form 3 of Schedule 1 of the CEA**, ballots are in English and French. Only Latin alphabet characters appear on the **Form 3 ballot**.
  - Pursuant to **Form 3 of Schedule 1 of the CEA**, the CEA provides that EC has the obligation to provide ballots in both official languages. However, even if the names of candidates and political parties must

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1 Chief Electoral Officer, *Letter to the Hon. Bardish Chagger*, 11 April 2022, Appendix 2.

be written using Latin characters, they do not necessarily have to be in English or French.

- **Section 117(1) of the CEA** provides that ballots shall contain the names of candidates arranged alphabetically. The mention of alphabetical order in **section 117(1)** refers to the Latin alphabet, as ballots are, for now, published in English and French.

## 2. Special Ballot

- Under **section 186 of the CEA**, special ballots shall be in accordance with **Form 4 of Schedule 1**, which includes an image of the ballot used by EC.
- **Form 4 of Schedule 1 of the CEA** provides the exact form of special ballots, which are in English and French. On these ballots, electors are asked to write the given name and surname of the candidate of their choice.
- Under **sections 213(2), 227 and 258 of the CEA**, electors shall write the given name and surname of the candidate of their choice. The CEA does not include any provisions regarding the language in which electors can write the name of the candidate of their choice. Pursuant to **Form 4 of Schedule 1**, it is presumed that electors will use the Latin alphabet and one of the two official languages, as the ballot is available in English and French only.
- **Sections 269(2) and 279(2) of the CEA** provide that no special ballot shall be rejected for the sole reason that the elector has incorrectly written the name of the candidate of their choice if the ballot clearly indicates the elector's intent.
- **Paragraphs 269(1)(e) and 279(1)(e) of the CEA** provide that a ballot shall be rejected if there is any writing or mark on it by which the elector could be identified.

### Requirements for Printing Ballots

- **Section 116(1) of the CEA** provides that ballots shall be printed according to **Form 3 of Schedule 1** as soon as possible after 2:00 p.m. on the 19<sup>th</sup> day before polling day.

- **Sections 116(2) and 116(3) of the CEA** provide that ballots shall have a counterfoil and a stub, with a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub. In addition, ballots shall be numbered on the back of the stub and the counterfoil.

### **Miscellaneous**

- **Paragraphs 385(2)(a) and 385(2)(b) of the CEA** provide that the leader of a political party may apply to register the party. To that end, they shall provide the political party's full name and the party's short-form name (or its abbreviation). According to **section 117(2)**, ballots include the political party's short-form name as referred to in **paragraph 385(2)(b)**.

Under the approach adopted by Parliament regarding the inclusion of Indigenous languages on ballots, other legislative amendments related to the production of ballots will inevitably be required in order to meet certain established deadlines and fulfill other CEA requirements, or to allow a successful implementation. As an example, the provisions related to the closing day for nominations, the length of the election period and the list of candidates must be modified to ensure a successful implementation of the selected approach.



## APPENDIX C – LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<b>Elections Canada</b> Stéphane Perrault, Chief Electoral Officer Anne Lawson, Deputy Chief Electoral Officer Regulatory Affairs Michel Roussel, Deputy Chief Electoral Officer Electoral Events and Innovation Karine Morin, Chief of Staff	2022/03/29	13
<b>Office of the Languages Commissioner of Nunavut</b> Karliin Aariak, Commissioner	2022/03/31	14
<b>First Nations of Quebec and Labrador Youth Network</b> Cédric Gray-Lehoux, Spokesperson Shikuan Vollant, Spokesperson	2022/03/31	14
<b>Nunavut Tunngavik Inc.</b> Aluki Kotierk, President	2022/03/31	14
<b>As an individual</b> Lori Idlout, M.P., Nunavut	2022/04/05	15
<b>Alaska Division of Elections</b> Samantha Mack, Language Assistance Compliance Manager	2022/04/05	15
<b>Elections Northwest Territories</b> Stephen Dunbar, Chief Electoral Officer	2022/04/05	15
<b>Elections Nunavut</b> Dustin Fredlund, Chief Electoral Officer	2022/04/05	15

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Jean-François Daoust, Assistant Professor University of Edinburgh Allison Harell, Professor Political Science Department, Université du Québec à Montréal Dwight Newman, Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law University of Saskatchewan	2022/04/07	16
<b>First Nations Education Council</b> Denis Gros-Louis, Director General	2022/04/07	16
<b>Institut Tshakapesh</b> Marjolaine Tshernish, General Manager	2022/04/07	16

## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 13 to 16, 20 and 27](#)) is tabled.

Respectfully submitted,

Hon. Bardish Chagger  
Chair





HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Procedure and House Affairs

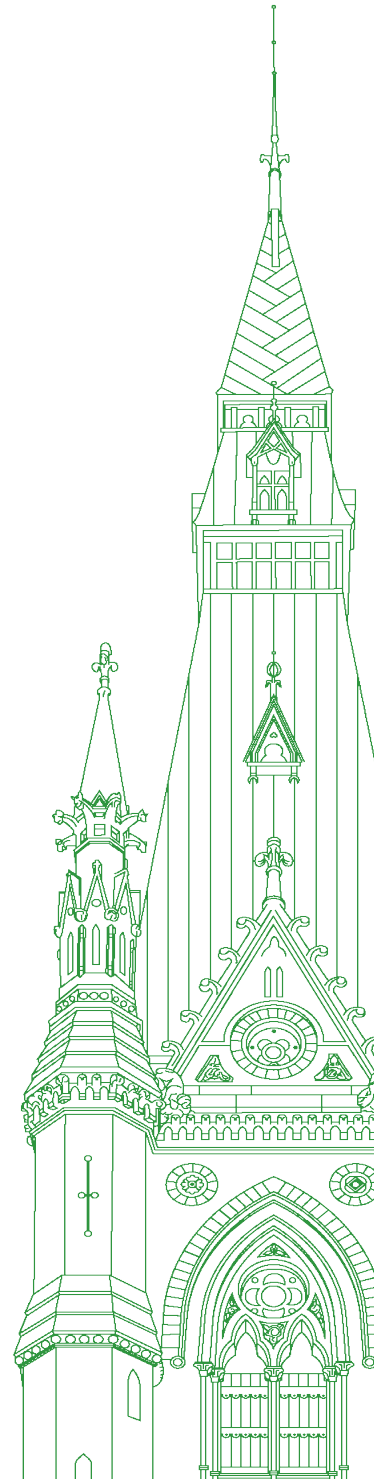
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**NUMBER 013**

Tuesday, March 29, 2022

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Chair: The Honourable Bardish Chagger





## Standing Committee on Procedure and House Affairs

Tuesday, March 29, 2022

• (1105)

[*Translation*]

**The Chair (Hon. Bardish Chagger (Waterloo, Lib.)):** Good morning, everyone.

I call this meeting to order.

Welcome to meeting number 13 of the House of Commons Standing Committee on Procedure and House Affairs.

The committee is meeting today to start its study on the inclusion of indigenous languages on federal election ballots.

[*English*]

Before getting into our business, I want to have the approval of the budget for the indigenous languages study. Are we all okay with approving that?

**Some hon. members:** Agreed.

**The Chair:** That's excellent.

Mr. Clerk, please continue providing us with lunch. If the chilly weather maintains, some have suggested that soup would be welcome, but we know it's not easy choosing a menu for this many people.

Ms. Idlout, MP for Nunavut, is joining our committee today, as well as Madam Gill and Mr. Schmale. Welcome to our committee.

I will remind all committee members, new and returning, that I would appreciate all comments being made through the chair. When they are not made through the chair, I tend to have to interrupt. I would prefer not to do that, because our meeting is a very important one, so please be mindful that all comments for everyone go through the chair.

Today we have Mr. Stéphane Perrault, the Chief Electoral Officer, and his officials.

Mr. Perrault has asked for some additional time to properly acquaint us with this issue. I think that is absolutely suitable.

Mr. Perrault, what I will do to minimize my comments is to ask you to introduce whoever is accompanying you today.

I will turn the floor over to you. Welcome to PROC committee.

**Mr. Stéphane Perrault (Chief Electoral Officer, Elections Canada):** Thank you, Madam Chair.

This morning I have with me Anne Lawson, deputy chief electoral officer, regulatory affairs; Monsieur Michel Roussel, deputy

chief electoral officer, electoral events and innovation; and Madame Karine Morin, who is my chief of staff and responsible for languages issues in the agency.

Let me start by saying that improving services in indigenous languages is, in my view, an important aspect of offering a more inclusive electoral process and reducing barriers for indigenous electors. More fundamentally, I believe that it is part of reconciliation. Although we currently offer information products in several indigenous languages, we are working to improve our processes and service offering. This includes the consideration of indigenous languages on the ballot and on a range of information products that can be made available at the polls.

Before considering changes to the federal ballot, it is important to understand the existing legal and operational ballot production regime. The design and content of the ballot is set out in some detail in the Elections Act, including a schedule that contains a visual image.

These requirements relate not only to language, such as the use of the Latin alphabet and the alphabetical ordering of candidate names, but also physical characteristics, such as a counterfoil and a stub, with lines of perforations separating them. These special characteristics mean that current ballots can be printed only by a relatively limited number of suppliers, and are printed and distributed within a very tight time frame.

While the name of the candidate may be in any language using a Latin alphabet, candidates must provide proof of identification when they are nominated, and this name is then used on the ballot.

For political parties, the party name appears on the ballot in the language the party chooses. There is no requirement for a party to have a bilingual name. Currently, there are three parties that have a name only in French, and one uses an English-only name. These names are not translated on the ballot.

Under the Act, the ballots must be printed in the very narrow window that exists between the close of candidate nominations, 21 days before polling day, and the very first day of advance polls, which is 10 days before election day. In large and remote ridings, getting the ballots printed and distributed across the riding in time for advance polls is already a significant challenge.

That said, we see four different options for the use of indigenous languages for federal ballots. Each option raises specific policy, operational and electoral integrity concerns that need to be considered by this committee. All but one of them require legislative changes. For ease of reference, I have supplied a placemat that reviews the four options and the main associated questions that they raise, mostly for Parliament.

[*Translation*]

One option would be to offer a multilingual ballot that includes one or more indigenous languages in designated constituencies. This first raises an important question about what threshold of an indigenous population in a constituency would be required before including an indigenous language and whether a cap on the number of languages on a ballot is necessary.

Some have suggested ballots should be made available to indigenous voters in their own language in constituencies where they represent 1% of the population. A bill to that effect was tabled. In practice, if measured by the mother tongue of indigenous Canadians, a 1% threshold would mean administering ballots in 17 indigenous languages in 27 constituencies, with up to five indigenous languages in some constituencies.

The use of printed ballots with more than two languages raises important questions regarding accessibility and design. Putting the names of parties and candidates in multiple languages on a ballot risks making a crowded, busy text that may be difficult for some voters to comprehend, especially voters with low literacy levels or an intellectual disability, as well as voters with a visual impairment. It would be critical to test the ballot design with user communities prior to the legislative enactment of this model.

Madam Chair, I've passed around a copy of a PDF document. This ballot was used in the constituency of Saint-Boniface—Saint-Vital in the last federal election.

• (1110)

Of course, this is an extreme example. Some ballots have only three candidates' names on them. That said, when we think about ballots, we must consider this type of complexity if we need to add languages.

A ballot in a language other than English and French requires the transliteration of candidate names and the translation of party names. Elections Canada isn't an expert on indigenous languages. We currently provide information products in 16 indigenous languages. We know that, for some of these languages, there are very few experts and that translation timelines are sometimes substantial. This significantly affects production timelines and the whole electoral calendar, which would need to be extended. Multilingual jurisdictions typically use other processes or solutions to provide ballots in the elector's preferred language. These processes include the use of electronic voting machines that allow electors to choose the language of their ballot. For example, this happens in the United States. Sometimes, logos or symbols can also be used instead of names to represent parties on ballots.

Another option would be to amend the act to allow for a separate indigenous language ballot. This option reduces ballot complexity for electors. However, it poses additional challenges with regard to

production and distribution timelines. In addition, assuming that the two ballot options would be available throughout a given constituency, the secrecy of the vote could be compromised in places where members of one linguistic community are few in number. Having a distinct ballot used by only certain voters within a polling division could identify the voting choices of these voters. As a result, I don't recommend separate ballots.

[*English*]

A third option, which is a variation on the multilingual ballot, would be to pursue an approach similar to that used in territorial elections in Nunavut, where candidates who wish to do so can provide their names to appear on the ballot in the Inuit language. An amendment to the act could permit candidates to provide an indigenous language name for use on the ballot, alongside their name in English and French. Federal parties could also be entitled to provide indigenous versions of their names to be used on ballots in certain ridings if they wish. This would be consistent with the current approach, where parties can but are not required to have their names both in English and in French.

Although this option would remove the need for independent translation or transliteration of ballots, it raises other questions or considerations for Parliament. Candidates must currently provide documentary evidence of their name. Would this requirement be kept for indigenous names as well as for French and English names—two documents? If not—and I'm assuming not—would Elections Canada have to validate the transliteration? In addition, who would determine—the candidate or the party—which version of a party name is used in which riding? Finally, it is important to note that under this model indigenous electors would not necessarily be offered a ballot with all candidate and party names on the ballot.

The final option, which I recommend and which is used in some jurisdictions, does not require legislative change. Elections Canada would provide and can provide a facsimile of the ballot in an indigenous language for voters to use behind a voting screen. During the 2021 election, the last election, Elections Canada experimented for the first time with the use of a ballot facsimile, with the preparation of posters reproducing the ballot in Inuktitut displayed near the voting booth in all the polling stations in Nunavut. I've brought—and we've shared—copies of both the poster and the facsimile that was laid on the table for electors to see and to make the comparison. Despite some production challenges, we were able to produce the facsimile just in time for use at advance polls.

In consultation with indigenous communities, I would like to expand testing of this approach in other districts, using other languages, although I also plan to expand the deployment of information products in indigenous languages at the polls to reduce barriers and to ensure that the voting experience of indigenous Canadians is more reflective of their identity. This will allow us to become more familiar and agile at using indigenous languages in the voting process outside of Nunavut, which to date is the only Canadian jurisdiction with experience in this area. We will be able to work with candidates and parties to test facsimiles, including transliteration of candidate names and, where appropriate, translation of party names. We can also test out the timelines for the printing and production process.

In conclusion, Madam Chair, I understand the significance of this issue for indigenous Canadians and I am committed to increasing the use of indigenous languages in the electoral process, but I also urge this committee to consider carefully the complexities around the use of multilingual ballots. I do not recommend legislative changes at this stage, but to instead pursue and expand the use of facsimile ballots in other indigenous languages. This experience will help Elections Canada and this committee to take further and better-informed steps in this important area.

• (1115)

Thank you, Madam Chair, for inviting me. Of course, I'd welcome questions.

**The Chair:** Thank you, Mr. Perrault.

Those were great introductory remarks. Even with two interruptions, you stayed under 10 minutes. I appreciate that and the thoroughness of your comments.

We will now start our six-minute round, beginning with Mr. Vis, who will be followed by Mr. Turnbull.

[*Translation*]

Afterwards, it will be Ms. Gill's turn.

Ms. Gill, will you or Mr. Therrien be speaking?

**Mrs. Marilène Gill (Manicouagan, BQ):** Will I be the first to speak?

**The Chair:** No, you'll have the floor after Mr. Turnbull. Is that okay?

**Mrs. Marilène Gill:** Yes.

**The Chair:** Afterwards, it will be Ms. Idlout's turn.

[*English*]

Mr. Vis, the first six minutes go to you.

**Mr. Brad Vis (Mission—Matsqui—Fraser Canyon, CPC):** Thank you to all the witnesses from Elections Canada today. This is a very fascinating subject.

My first question relates to special ballots or early voting.

In the last election, given the facsimile option, did Elections Canada accept special ballots, which I believe were written in Inuktitut?

**Mr. Stéphane Perrault:** I did not raise it in my remarks, but it's an important issue.

That's something Parliament would have to consider. Under the current legislation, we do not accept languages other than those using the Latin alphabet, so the candidate name has to be written on the special ballot as it is officially in the candidate nomination in order for it to be accepted.

If we were to have special ballots in indigenous languages, it does raise a question when we're compiling the results in Ottawa for the mail-in ballots that go to Ottawa in a national vote. Then we would be dealing with quite a diversity of languages and alphabets, so whether that would include the special ballot is an important consideration. In the last election, it did not. In Nunavut, we had only the facsimile for the regular ballot, both at advance polls and at regular polls.

**The Chair:** Just because this is a friendly conversation, that felt really good, but when the conversation is not so friendly it's always nicer to go through the chair. We'll do that when we're having a friendly conversation and not a friendly conversation.

**Mr. Brad Vis:** My apologies, Madam Chair. I took the red-eye last night, so right now I'm not as sharp as I usually am.

Through you, Mr. Perrault mentioned in his introductory remarks concerns about printing special ballots in indigenous languages. Given that it's already the case in Nunavut that ballots are printed in indigenous languages, how much of an impediment would it be for Elections Canada to have ballots printed in indigenous languages in that territory specifically?

**Mr. Stéphane Perrault:** Thank you, Madam Chair.

There are very different situations across the country in different indigenous languages. In the case of Nunavut, translation is available within 24 to 48 hours, and we probably could have the ballot printed in Inuktitut. However, this would require an amendment to the legislation, and the policy considerations that I raised would be there.

Would all names be translated? Who would validate the translation? In the territorial collection, in Nunavut, the candidates themselves put forward their name. The name is not translated; it is taken as is from the candidate.

There are a range of policy issues there. There's the ordering of names on the ballot.

This is feasible, but it requires legislation to set the rules around the ballot format.

**Mr. Brad Vis:** Madam Chair, through you to Elections Canada, I understand that after every election, and sometimes in between elections, Canada goes to the voters of our country and asks them about barriers to participation. In any of the surveys conducted by Elections Canada to date, has the language of the ballots been flagged as a barrier to participation by indigenous Canadians?

• (1120)

**Mr. Stéphane Perrault:** Madam Chair, I can come back to that. Maybe my colleague has the answer.

I do not believe our surveys address the linguistic barriers for indigenous electors. I do not believe that is a category that we capture in our surveys, but I stand to be corrected by my colleagues. Unfortunately, we do not have that.

What we know is from what we learn on the ground in terms of serving electors in those communities and working through the AFN to engage first nation communities across the country during the election period.

We use different means to do that and we have a range of tools to support that, but I do not have data to share with this committee on this topic.

**Mr. Brad Vis:** Madam Chair, how much time is left?

**The Chair:** You have a minute and a half.

**Mr. Brad Vis:** I have one final, quick question.

Madam Chair, if we were to have indigenous languages on the ballot, what section of the Canada Elections Act would have to be amended?

**Mr. Stéphane Perrault:** Madam Chair, we can come back with information on that. There are a number of sections that would need to be amended. They're not hugely numerous, but we have that information and I could share it with the committee after this session.

**Mr. Brad Vis:** Madam Chair, finally, on special ballots, I think with foreign voters that would equally apply to further amendments to special ballots being mailed in from another country. Is that correct?

**Mr. Stéphane Perrault:** Madam Chair, is that for Canadians abroad?

**Mr. Brad Vis:** Yes, for Canadians abroad.

**Mr. Stéphane Perrault:** Any changes to the language used on the special ballot would require a legislative amendment. It would also involve, presumably, some translation. The ballot itself, of which I have a copy here, has French and English on the back. I don't know whether we would want to translate that into several languages. That would create challenges in terms of ensuring that the right ballot goes to the right person. We probably want to keep it as simple as possible because of the diversity of electors we're dealing with for mail-in ballots, and keep the ballot as light as possible.

That would require changes to the legislation.

**Mr. Brad Vis:** Thank you, Madam Chair. I think I'm good.

**The Chair:** That's excellent.

For clarification, are you saying every language we would like to add to a ballot would have to be added into legislation?

**Mr. Stéphane Perrault:** No. Thank you, Madam Chair.

The legislation right now presumes two things. First, it uses the Latin alphabet. Secondly, it uses the name as it appears on the candidate nomination supported by voter ID. That could well be in Greek, English, French or an indigenous language. There's no restriction. As long as the ID supports it, it's acceptable. However, the alphabet has to be the Latin alphabet.

**The Chair:** That's brilliant. I just wanted that clarification. Thank you.

Mr. Turnbull, you have six minutes.

**Mr. Ryan Turnbull (Whitby, Lib.):** Thank you, Madam Chair.

Thank you to Mr. Perrault and team for being here. I'm sorry I couldn't be there with you in person. Nonetheless, I have lots of questions, as always, and look forward to this study. I think it's a really important one. I was a member of PROC in the last Parliament, where this was suggested under some other work we were doing on Bill C-19, which was more pandemic-focused. I'm really glad we're returning to this now, because I think it's really important work.

Mr. Perrault, I'm glad to hear about your commitment to incorporating indigenous languages and increasing indigenous participation. I think we all recognize that those are not exactly the same. Indigenous participation is far more than just including indigenous languages on ballots. This is an important aspect of that conversation. Thank you for outlining the four options and for contrasting them with some of the policy, operational and electoral integrity challenges or concerns you have. I think that's really helpful. Your opening remarks were quite well taken.

I have three lines of questioning. We'll see if we get to all of them. One of them is trying to unpack the conversation a little in terms of the threshold. One of the options you highlighted in your opening remarks on multilingual ballots was the threshold of 1%, which I think is interesting for us to consider. I wanted to contrast that. I understand that in the last election, you already tried to incorporate supporting documentation in indigenous languages. Based on the work you already did in the last election, what languages were selected? How did you make decisions about which indigenous languages to offer supporting documentation in?

I think that might highlight how you determined that threshold or what threshold was kind of implicit in what you were already doing in the last election. Could you unpack that for us a bit?

• (1125)

**Mr. Stéphane Perrault:** Yes—

**The Chair:** Through the chair.

**Mr. Ryan Turnbull:** Through the chair.

**Mr. Stéphane Perrault:** Absolutely.

Madam Chair, I'll separate the two things. First, with the threshold we used, we were assuming that the threshold was based on mother tongue. It could be based on language first spoken at home, or it could be based on the written language that is understood. We may not have data on all of these criteria, so that is something we need to unpack to understand which threshold we use. For the purpose of today's presentation, I used the mother tongue threshold.

On the 16 languages we use, that has been built over time, based on Statistics Canada data regarding mother tongue. It also includes some more historical groups for which, in the past, based on demand, we have offered products. It's a mix of percentages and on demand.

I can't give you a clean answer. I can certainly say that if we were to apply the 1% threshold, the 17 languages I speak of in my remarks largely overlap with the 16 languages for which we currently offer information products. I think there are a few that differ, but they mostly overlap.

**Mr. Ryan Turnbull:** Thank you, Mr. Perrault. I appreciate that.

What other options might there be for defining the threshold? I'm interested in that, because I think you've talked about a couple. It sounds like it's related to capacity mother tongue or percentage of the population who speak that indigenous language. Are there any others you can think of that we might consider?

**Mr. Stéphane Perrault:** Madam Chair, it's a very good question. That's why we want to experiment further. I think we need to look at the threshold but also look on the ground at the demand and the capacity to offer translation or transliteration.

I don't have an answer today. I think one of the things I want to do in the next election is try to explore as much as possible, using those languages that we currently use, and see where we can go and where we find obstacles. It may be that, given the calendar in an election, some may not be possible despite a threshold. I would come back to this committee on that.

**Mr. Ryan Turnbull:** Great. Thank you for that, Mr. Perrault.

Through the chair, you also highlighted, Mr. Perrault, ballot facsimiles. I thought that was a really interesting potential solution, which I think you highlighted as having a lot of potential. I'm wondering whether you got any response and positive feedback on that in Nunavut in the last election. Could you tell us about any feedback you received?

**Mr. Stéphane Perrault:** Madam Chair, we didn't receive very much feedback. We had no complaints about it. We had some complaints about a few of our items, for example a "Vote Here" poster

that was not translated, which I think should be translated. We had some comments about that, but not about the facsimile.

It may be simply that people who live in Nunavut expect to see Inuktitut in documents, so I would speculate that it is something that is not a shock to them. They would expect to see that, so seeing it, they were happy about it. At least, they didn't complain about it, but there's not much we can say from that.

We learn about the processes in terms of our capacity to do it in that language, but there's a lot more that we need to learn.

**Mr. Ryan Turnbull:** Madam Chair, I have one more question, through you.

Mr. Perrault, in your opening remarks you talked about "in consultation with indigenous communities" and testing this approach further. Based on a need for regular consultation and the commitment you have to indigenous participation and incorporating indigenous languages into ballots or ballot facsimiles.... I know Elections Canada has other advisory groups. Specifically, do you think it would make sense to have an indigenous participation advisory group that could also focus on this issue of indigenous languages? Do you think it would be a good approach to have ongoing consultation and communication?

**Mr. Stéphane Perrault:** Madam Chair, it's something that we are currently exploring. I've asked for a program review on how we serve indigenous Canadian electors, and that will include a review on how we engage. In that program review, we will be bringing on board some indigenous Canadians.

One of the questions we want to look at is whether we need an ongoing committee to support us, so that's part of the work ahead for us.

• (1130)

**The Chair:** Thank you.

I'm going to chime in one more time. Do you have somewhat of a plan as to where you would like to see this expanding? Is that information you could share with the committee?

**Mr. Stéphane Perrault:** We do not, at this point. We're in the process of setting up the group.

Increasing the language in terms of the pilot project we did in the last election is something that we will work on in the coming months, but at this point I don't have much to offer this committee beyond that. We are getting started on this.

**The Chair:** Thank you.

[*Translation*]

Ms. Gill, you have six minutes.

**Mrs. Marilène Gill:** Thank you, Madam Chair.

I want to thank the people from Elections Canada for joining us today.

I find your comments very intriguing. I have hundreds of questions. I'll ask several different types of questions, so that I can pinpoint potential grey areas to address. You spoke a great deal about usage and you also mentioned the land. I want to know whether the choice of languages is based solely on these matters when it comes to the services already provided.

We're talking about ballots. However, in terms of voter turnout, the availability of information in people's respective languages remains a barrier. We're talking about 17 languages and 16 languages already included in the services provided. I want to know how many languages there would be, ideally, if usage weren't the only factor.

I also want to know why one of the 17 languages wasn't selected. At least, that's what I understood at the start of your presentation.

**Mr. Stéphane Perrault:** The number 17 refers to the 1% population threshold of indigenous people who should be served in their first language. This amounts to 17 languages in Canada. We're currently using 16 languages in our publications on identification and voting. Some information is available in 16 languages. These languages were chosen partly on the basis of population thresholds and partly because of previous requests from some communities.

**Mrs. Marilène Gill:** It's about usage and demand.

I imagine that this poses a challenge for you, given that the number of languages is much higher. Is it possible to serve the entire population in their mother tongue or is that unrealistic?

I thought about the facsimiles idea. It can work well in communities. Sometimes, more than one language is spoken, and sometimes only one. I'm trying to imagine an indigenous voter in downtown Montreal. It's a place with multiple diaspora communities.

How would things work with facsimiles? How many languages would be available in the voting booth?

I'm wondering what can be done, whether this model has limitations and whether, at some point, it will be necessary to find another approach in order to serve the entire indigenous population.

**The Chair:** I want to say one thing.

[*English*]

**Mrs. Marilène Gill:** Answer through the Chair, please.

[*Translation*]

**The Chair:** Indeed. I also want to let everyone know that I'm very flexible. When questions come up, if you need more time, I'll

give it to you. We want to get more information today. This is a very important discussion.

**Mrs. Marilène Gill:** Okay.

**Mr. Stéphane Perrault:** Yes, Madam Chair.

I think that all paper models have inherent limitations. Some governments in other parts of the world use electronic machines, which make things much easier. Just as you do on the Internet, you choose the interface, the language, and so on. In an electronic environment, the doors to accessibility are wide open. However, it's different with a paper model.

You must consider the feasibility, even in terms of what I consider the simplest model, the facsimile. You couldn't possibly produce a very large number of facsimiles. It would create confusion.

I don't have all the data. However, I know that a number of constituencies have five indigenous language communities, each representing at least 1% of the population. Even with a facsimile model, five language communities is a lot.

I don't really have an answer for you. If you really wanted to have multilingual ballots that included indigenous languages, you would need an electronic voting system.

**Mrs. Marilène Gill:** Thank you.

We need to look a little further ahead. Certainly, we're finding solutions. However, we can see that many things are already happening in this area. This is part of the discussion on electronic voting.

I have more questions.

Obviously, there wasn't really a consultation. You said that you can't really determine, although you could guess, whether this would affect voter turnout. How did you decide that it was necessary to take further steps so that indigenous voters could see, for example, the names of candidates in their own languages?

Did you receive any complaints or comments from all the first nations? Where is this request coming from?

We're hearing a great deal about the 1% threshold, but perhaps other requests don't relate to that threshold.

Is there a widespread call for this? Do people know that this possibility exists?

I'm asking because there are people from indigenous communities in my constituency. I know that some of them mustn't even be aware that this possibility exists.





**Hon. Andrew Scheer (Regina—Qu'Appelle, CPC):** Thank you, Madam Chair. I have a couple of clarification questions.

The commissioner described the pilot project. I think you referred to it as putting up posters in polling locations using what I believe you termed “a facsimile” of the ballot, with indigenous languages and how that would translate into the ballot.

One of the practical concerns or issues you flagged about using these types of languages on the ballot was related to who would validate the translation. I believe that's how you put it.

I am just wondering if you could explain the process to validate the translation for those facsimile posters. Whose version do you take, or on what basis do you have confidence that this is the proper translation—the proper transcription, I guess, for lack of a better word?

**Mr. Stéphane Perrault:** Thank you, Madam Chair. I think that's a very important question.

In the last election, when we did this, it was translated.... Normally we work with the translation bureau. They offer many indigenous languages, but not all, and we had to do the translation, basically, over a 24-hour cycle in order to get the ballots produced, printed and distributed.

The tight time frame does not allow validation, at this point in time, and this is something we'd have to discuss with political parties. These names were not validated. They are not official ballots either, so there is a benefit to that. It's unfortunate if there are errors, and we'll try, of course, to avoid that.

However, until we learn more about our ability to translate quickly and turn that around, I believe it is risky to introduce additional languages on an official ballot. This was a tool for assistance, but there was no time in the process for validation, either by candidates or by parties.

**The Chair:** Mr. Scheer.

**Hon. Andrew Scheer:** I appreciate that. I guess the point is that there's a different level...partially because the ballot requirements aren't laid out in statute, but also because the official ballot would have to be 100% certain. You would have to have an extremely high level of confidence that there is accuracy on the ballot itself, whereas with informational posters, you have a bit of leeway there. It's a bit easier to amend. If you catch a mistake, you can likely amend it a lot more easily than reprinting tens of thousands of ballots.

**Mr. Stéphane Perrault:** Moreover, Madam Chair, if we are late—this time around, we were able to arrive just in time for advance polls—with a poster, it's unfortunate. It's very unfortunate, but it does not compromise the vote itself. If we have to do a more complex ballot, we have to be sure that we can produce it in time for the advance polls. There is no way around it. We have to be certain about that.

**Hon. Andrew Scheer:** This was the first election in which Elections Canada used this pilot project.

• (1150)

**Mr. Stéphane Perrault:** For a facsimile of the ballot, yes, it was the first time we've done this.

**Hon. Andrew Scheer:** Has Elections Canada had time to do any kind of analysis of how the project worked, and have you drawn any conclusions from that, or is it too soon after the last election to accurately summarize how it went?

**Mr. Stéphane Perrault:** It was a fairly simple project last time around, because we were familiar with the translation into Inuktitut and we were able to do it in time. That was the biggest aspect of the test.

I think there is much more to learn as we try different languages and we see whether we have some space for validation, before an election, for example, of the party names, what names the parties want to see on the ballot and how they want to see their names reflected.

It was the beginning of an experiment, but there is so much more that we need to learn in this area.

**Hon. Andrew Scheer:** Thank you, Madam Chair. That's all I have.

**The Chair:** Thank you, Mr. Scheer.

We will now move to Ms. Sahota for five minutes.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Madam Chair.

I also want to say that it was really nice to hear Ms. Idlout being able to speak in her own language here today. That was an important part of the work we did at this committee many years ago, but there is more to do, obviously, because we are not able to have it translated back to her in her language.

That being said, I think it's important—just as the Chief Electoral Officer has said—for us to make inroads and take steps, because it's not just about voter turnout, although I do think in certain areas, though perhaps not in all areas, it will have an impact. It's also about including indigenous people and making them feel included in the process. It's about reconciliation, and it's about promoting the languages.

I want to know a little more about the phone service that's being provided in 24 languages currently. Does the Chief Electoral Officer know how much that phone service is utilized? Are there languages other than those 24 indigenous languages in which the phone service is provided?

I have found that perhaps the service is there, but in terms of when it is utilized in the ridings, the service isn't as accessible as we may think it is.

**Mr. Stéphane Perrault:** That's a good point, Madam Chair. I don't have the exact number, but if I remember correctly, there are hundreds of languages beyond indigenous ones. It's a very large number.

However—and I don't have hard data on this—anecdotally I am told that there is very little uptake, so we need to look at how we promote the use of this. It is a service only at the office of the returning officer and at additional satellite offices. It is not something that can be made available at the polling places. It's for people who use a special ballot or who come to the RO office in order to register and who may need some assistance. At that point, we have the CanTalk system available to them.

It is perhaps something that needs to be promoted more, because it does not seem to have a lot of uptake, but I don't have hard data for the committee.

**Ms. Ruby Sahota:** Do you have to go into the office in order to use the CanTalk service, or can you call from your home and be connected to the CanTalk service?

**Mr. Stéphane Perrault:** My understanding is that it's available only in the office.

**The Chair:** Part of why I ask that you go through the chair is to provide the interpreters that break, for anybody hearing in a different language. As somebody who does appreciate interpretation into official languages and who is hoping to expand those, I think we need to be mindful of the work that our interpreters do.

Could we continue our comments through the chair, Ms. Sahota?

**Ms. Ruby Sahota:** I'm sorry.

Maybe first I'll just make a comment, because I didn't realize that service, Madam Chair, was available in my riding. There are many languages spoken in my riding, not to mention the fact that Punjabi is one of the most popular languages. I believe that as of the last census, it was the third most widely spoken language in Canada.

Many of these speakers have no idea that this is available, but there are a lot of issues. I think I'm digressing, not that I am here today to advocate for those languages being on the ballot or anything like that. I truly feel this is the proper first step to be taking.

Madam Chair, through you to the Chief Electoral Officer, first of all, I'm very confused about the language being used on the posters. According to my understanding, fax mails are faxes that are sent out, but you can correct me. That was always my understanding, so I was a little confused when I read the material at first.

Are the posters placed in each individual voting booth, and have there been issues raised in terms of people being able to follow these posters, or ballots that are wasted at the end of the day? Do you see that happen more in certain communities than in others?

• (1155)

**Mr. Stéphane Perrault:** Again, Madam Chair, this was an experiment in Nunavut. The requirement that was made was that we would have posters on the wall and another copy, which I shared with you, at the voting table for people just to look at, so they weren't using that.

I'm not aware of problems with that. That doesn't mean there weren't instances where the document was not available, but I've not received any complaints in that regard and I'm not aware of instances where it was not available.

**Ms. Ruby Sahota:** Would it be more helpful perhaps to provide this also in the actual voting booth? I believe that would be a little easier for the person voting.

**Mr. Stéphane Perrault:** Madam Chair, it was on the wall and the intent was to have it also at the table of the voting booth where the electors were. The intent ideally would be to have it posted in the booth so that they could see side by side the ballot in Inuktitut and the regular ballot that they use to mark, that they use to vote, so that they can align them.

In Nunavut, with three candidates, it was a fairly simple comparison and the translation was fairly easy.

**The Chair:** Do you have one more question?

**Ms. Ruby Sahota:** No, that's fine.

**The Chair:** That's excellent. Thank you.

[*Translation*]

Ms. Gill, you have two and a half minutes.

**Mrs. Marilène Gill:** Thank you, Madam Chair.

This might be more of a comment than a question. I've been thinking about the 1% population threshold per constituency. It may have taken a little too long to address it earlier. My own constituency of Manicouagan has two indigenous communities, the Innu and the Naskapi communities. These communities speak two languages that, while similar, are different. We've talked about voter turnout, which is one of the reasons for the measures implemented.

I want to humbly state an impression based on my thoughts. As part of the reconciliation process, this approach could help to keep these languages alive. The Naskapi people in my constituency represent about 1% of the population and they're really quite isolated. Perhaps this approach would help keep their language alive.

We've seen that, since 2011, the Innu language as a mother tongue has been in decline each year. Some very famous Innu people have relearned their language. One example is Natasha Kanapé Fontaine. We can think about what happened with the residential schools. Sometimes, Innu isn't even the mother tongue of these people. As part of the reconciliation process, I think that this approach could be a way to protect indigenous languages. I'd like to hear your thoughts on this.

I want to add that, although we're talking about the 1% of the population per constituency, when it comes to electoral redistribution, indigenous people deal with something quite random and arbitrary. I wanted to share these thoughts. I was thinking that all languages should be protected. I can imagine all the difficulties that this can entail. Yes, we have the turnout issue, but we also have the responsibility to keep these languages alive.

**Mr. Stéphane Perrault:** Madam Chair, I want to make two points.



The timelines, of course, vary. Most service standards are between 10 and 20 days, and sometimes more than 15 days, but that's for fairly long documents. As suggested by the member, that does not apply to the name on the ballot. Even the party name, if we can work in advance with parties and get agreement on the translation and transliteration, we can have that resolved.

Candidates names, though, are a bit of a different matter. It's a small document, I agree, but the time frames that we're talking about are not days but hours. In Nunavut, for example, on the close of nominations, 21 days before election day, in order to have ballots at the advance polls on day 10, the image of the ballot has to be finalized on the night of day 21. There are not an extra 24 hours in the schedule for that, so we need somehow to find the time to do the translation there and squeeze it in.

Inuktitut is fairly accessible in terms of translation. It's not equally true of other languages, and there is no time there for validation. If a candidate who does not speak the language does not have the opportunity to verify, we have to find out how that works in the process and how long we extend the time frames to allow this, because right now there is just no space in those 10 days for that.

I'm not saying it shouldn't be done and it's not possible. I think we have to learn through the experiment of facsimile, running the risk in a facsimile that it may not be available on the first day of advance polls—we'll see what happens there—and build the expertise to then come back and see whether it is appropriate, useful and feasible to include that on the ballot itself. I think we need to work through the experience.

**The Chair:** Thank you, Mr. Perrault.

Now we will go for five minutes to Mr. Schmale.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Thank you very much, Madam Chair.

I'd like to ask a question to Elections Canada, through you, to continue on actually what they just mentioned a second ago about the ballots.

We talked about ballots on election day and the problems and concerns you have with timelines. Maybe I'll pick up with what you were talking about with advance polls and the challenges that would entail for the staff locally, but also centrally as well.

**Mr. Stéphane Perrault:** Yes, it's very tight for advance polls, and we want to make sure there is time for quality control once the ballots are printed.

I have a time sheet that I can share with the committee of every step that goes into the production of the ballot. It's really by the hour. There is the first step, which is confirming the image to make sure it has the right names in the right order, that there are no mistakes. It goes to the printer. Then there is a sequence of events. I've shared, I think, the copies, but I can share actual ballots where you can see the stub, and that takes a fair amount of time.

Then we need to check to make sure there are no mistakes, and mistakes do happen. We have seen ballots that are misprinted, so there's a very rigorous process that needs to take place to make sure we do not have improper ballots at the polls.

I'm not sure, Madam Chair, if that was....

**Mr. Jamie Schmale:** Yes, there was more about the timelines. I think the answer to that question is it's tight to begin with. It's even more challenging for advance polls.

Madam Chair, through you, did Elections Canada receive any complaints about people not being able to vote, since we're talking about mostly in the north, specifically Nunavut? Did anyone complain, or were there any reports or complaints about not being able to vote because of the current languages used on the ballot?

**Mr. Stéphane Perrault:** No. We mostly have communications in Inuktitut, but we have received complaints that some of the language, for example that bright yellow sign that says "Vote" with Elections Canada on it, unfortunately, is not translated. I think that's something we could change, because it's apparent for people in Nunavut when they see that. That's not in line with their expectations and experiences. It's striking for them, because they are accustomed to that.

• (1210)

**Mr. Jamie Schmale:** You have lots of time to do that, and it's standard, as you said, with your other material.

**Mr. Stéphane Perrault:** Yes, that's something we prepare in advance. It's a lot easier to improve the overall presence of indigenous languages in the rest of the material than it is for the ballot itself, which is very sensitive.

**Mr. Jamie Schmale:** Madam Chair, Elections Canada, from what I can tell through the documents, does try its best to get a local indigenous person who speaks the language wherever possible. Were you able to fill all the positions in the north with someone who could speak the local language?

**Mr. Stéphane Perrault:** I don't have a specific answer to that. I know that in some cases we have to fly people in to fly-in communities because there's a lack of resources, but it is exceptional. I would say the vast majority, especially when you look at remote and indigenous communities, we hire locally, and these people tend to speak the language. I'm not saying it's wall-to-wall, 100%, but I think it is the exception.

We have an elders and youth program. It's something I want to look into. The uptake of that has gone down. The elders and youth program is one whereby we hire an elder and a youth to come to the polls and assist voters, including for linguistic assistance. It's a good program, but I think the uptake has gone down. That's something I want to look into.

**Mr. Jamie Schmale:** That was my next question: Is there some kind of program available? You answered that, and it's building, as you said, and more interest is coming online for that.

**Mr. Stéphane Perrault:** Yes. We want to revisit what we're doing. We saw some challenges in the last election, and we want to understand how we can better engage with the community on an ongoing basis, rather than just during an election. We've struggled over the years to maintain permanent connections with indigenous communities outside of the election. It complicates matters in terms of hiring but also in terms of understanding their needs if it's all rushed during the election. We're looking into that as part of a broader program review on first nations.

**Mr. Jamie Schmale:** Thank you, Chair.

**The Chair:** Is that it? You had 20 seconds left.

It was nice talking to you. Thank you for interacting with me instead. You're always a great addition, Mr. Schmale. Thank you for joining us.

Ms. Romanado, five minutes go to you.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.):** Thank you very much, Madam Chair. Through you, I would like to thank the witnesses for being here today.

I have a couple of questions. One is with respect to deployed Canadian Armed Forces members. The Chief Electoral Officer mentioned the difficulty or the challenge if the CEO had to identify each individual deployed officer and whether or not they needed a specific ballot in an indigenous language. I just want to double-check with the Chief Electoral Officer if I understood that correctly.

For those who are deployed overseas who receive a ballot, I'm assuming it's a special ballot that then gets returned to Canada. Would that still be possible to have, since they're voting in their last electoral district or the one that they have selected? How difficult would it be to make sure they received a ballot, should they wish to have one with an indigenous language on it?

**Mr. Stéphane Perrault:** They would vote by special ballot, and this is a blank ballot with a limited amount of information, like the name of the candidate. We would need to see how we could translate and keep the content as light as possible in order to have it as flexible as possible.

As I said, currently any language used is the language of the candidate's name as it appears on nomination, whatever that language is in the Latin alphabet. The issue is, if we open it up to other alphabets, how it is presented to the voter and also how it's counted back in Ottawa, with different languages and different alphabets.

We have candidates and party representatives who are at Coventry, at our warehouse, where this count takes place. The people who do the count are referred by parties, so it's not clear that they would be equipped to properly understand handwriting in a different alphabet. That is a challenge and a concern. I have to say that I have some reservations about using the write-in ballot in a diversity of languages for that reason.

**Mrs. Sherry Romanado:** Thank you very much, Madam Chair.

That is something we noticed in the last election. A lot of special ballots were rejected because of additional marks on the ballots

themselves. Whether it was a cute little heart sign or a smiley face or something, the ballots were actually rejected because of the extra markings. This is something that would be a concern for me.

I have a question for the Chief Electoral Officer with respect to the candidate process. Candidates are required to collect signatures. In cases of communities with large indigenous populations, are they accepting the actual nomination forms with the various signatures with a language other than English and French in terms of addresses and so on? Do they have the capacity to make sure that, in terms of validation, the electors who have signed the nomination forms are in fact electors in the riding? I know that it often happens that if the handwriting is illegible, the local returning officer may reject certain signatures.

What efforts have been made in that regard?

• (1215)

**Mr. Stéphane Perrault:** Through you, Madam Chair, the returning officer has to be able to ascertain, as the member indicated, that this is a signature from an elector residing in the electoral district. The elector does not have to be registered, but they have to reside in the electoral district.

The returning officers are not equipped to look up addresses in different alphabets or languages. That is just the reality. Of course, there may be the occasional returning officer who would be able to do that, but I cannot guarantee that service offering.

**Mrs. Sherry Romanado:** Okay.

I have two very short questions. I'd like to know how many indigenous people are employed at Elections Canada in the higher ranks who could assist with respect to indigenous languages but also with cultures and so on. As well, what can candidates be doing to assist in this regard?

For instance, in my community often candidates will make the little ballot and show where the candidate falls on the ballot. We do that often in terms of our campaign literature. What can we be doing as well to make sure that we're using it as a teachable moment in our own communities and in every community, including all 338 ridings, to educate people—for instance, if I have a larger Mohawk community in my riding—and to make sure that I'm actually conveying that as well? I know we do that for other languages, but what can we be doing?

Thank you.

**Mr. Stéphane Perrault:** Madam Chair, I'd have to give that last question more thought.

On the first question, in the senior ranks right now of Elections Canada we do not have self-identified indigenous Canadians. We have in the past, but currently we do not. We have a small number at headquarters, but they're not senior.

As we recruit returning officers—and we do have a lot of openings, if anybody is listening out there—we hope to hire, as much as possible, returning officers who are reflective of the communities where they serve. That certainly includes, in large indigenous community ridings, the hope that we can bring in some indigenous returning officers. We do have some, but again, I don't have official data on that. It's more anecdotal.

In terms of senior ranks, as I indicated earlier, as part of the program review we want to bring in some people at the executive level who are indigenous Canadians to help us in that program review, so that it's not us on our own doing this. There is an engagement with the communities, but for the team itself, we are hoping to bring in, and we are going to bring in, some executives with that background.

**Mrs. Sherry Romanado:** Thank you very much, Madam Chair.

**The Chair:** Thank you for that exchange. We will now move on to Mrs. Block for five minutes, followed by Ms. O'Connell, Madam Gill and Ms. Idlout. I'll tell you who else later.

Go ahead, Mrs. Block.

**Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC):** Thank you very much, Madam Chair, and thank you to our witness for joining us today.

The more I read the information that was circulated to us, the more I recognize what a set of complex issues Elections Canada faces in regard to ensuring that all Canadians are able to participate in the democratic process and cast a ballot in a general election.

When I look at the conversation we've had today and reflect on it, I go back to Mr. Perrault's opening comments in regard to the fact that you are currently offering information products in several indigenous languages. You stated that you were working to improve your processes and service offerings. The bulk of your comments were centred around ballots and having various indigenous languages on the ballot.

We also talked about the range of information products that can be made available at the polls. I appreciate the comments by my NDP colleague in regard to how some of those products probably aren't being prepared at the last minute, or wouldn't need to be prepared at the last minute, so could be readily available in a timely way.

I wonder, though, if you could comment a little on the processes, because the service offerings are different. I also want to know whether you're facing similar problems or complaints from the other territories or other remote indigenous communities.

Lastly, are you aware of or in conversation with any other jurisdictions around the world that might be dealing with issues similar to those here in Canada in regard to indigenous communities and the barriers we're facing during general elections, specifically maybe even the Commonwealth? Is there a forum where you are

able to have conversations with other countries around these issues?

• (1220)

**Mr. Stéphane Perrault:** Madam Chair, starting with the last point, there are several forums. There are a few countries that share the same characteristics as us in terms of our first nation communities and political system. We engage regularly with Australia, which, of course, does have an indigenous community and does have some challenges. However, even there, their realities are different.

I would say the same thing in regard to Canada. Even within the country, the realities and the challenges faced by the different indigenous communities are vastly different. We talked a lot about Nunavut, but Nunavut is a jurisdiction where there is a large predominant population that uses Inuktitut. It's an official language. There are expectations. There's an alertness to the issue of language in Nunavut that results in complaints that we're not necessarily seeing elsewhere. That doesn't mean there shouldn't be products made available, of course, but the reaction varies considerably, as does our ability to provide products. It's hard to find, even within Canada, a “one size fits all” approach—which I don't think is where we want to go—and even more so at the international level.

I'm not sure if I captured the full question. I think there might have been a question on the service offering, and I'm happy to speak to that if that's the desire of the member.

**Mrs. Kelly Block:** Thank you very much.

Through you, Madam Chair, I would just go back to my earlier intervention, where I was focusing more on improving your processes.

Given the testimony you've just given, is Elections Canada being proactive in identifying some of the issues that might exist in parts of the country other than Nunavut, that perhaps don't have that readily available acknowledgement or knowledge of what needs to take place when it comes to Elections Canada and the kinds of communication that are available to those communities?

**Mr. Stéphane Perrault:** Thank you, Madam Chair.

That's why we want to look at how we can engage those communities on an ongoing basis. It's to get a better understanding of those needs and those realities, which we do not have right now.

The first step is to build the capacity to engage better on an ongoing basis in order to have a better view of the needs. There are things that we know, of course, and language is one. We work with the AFN, and the AFN has identified that as a significant barrier, so that's an important area.

The other important area that we know about is advance polls. We've increased the offering of advance polls over the years in urban and semi-urban Canada, but the offering has not increased in remote communities. We need to be able to offer more flexible options. As I said in my last appearance, we could have a single day of advance polling in remote communities. Where it's a very small community, we can't hire for three or four days, but we can for one, so there's a lot more flexibility in the services at advance polls, to avoid the rigidity of having a single day of voting that may not be suitable for everyone in that community.

These are the things we're looking at right now. We can make improvements on that fairly rapidly, but in the longer term it's building the relationships and building the engagement capacity so that we can better understand the needs and realities.

• (1225)

**The Chair:** Thank you, Mrs. Block.

Ms. O'Connell, you have five minutes.

**Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.):** Thank you, Madam Chair. My questions will be through you to the witnesses.

Thanks so much for being here. I want to follow up on a couple of issues that were raised by my colleagues. You touched on ballot translation. We've talked a lot about it, but what is stopping you in this time—in between elections—from having already produced those voting signs and whatnot? Even in minority governments, you have years, in a lot of cases, so why are they not yet produced, if that was something you heard?

**Mr. Stéphane Perrault:** Madam Chair, I think there's a misunderstanding. They are produced. They are electronically available right now. We have PDFs of all of these documents, and if we need to alter them in some way, we can do that at any time. This is not about waiting until the election.

When the election kicks off—leaving aside the ballot here—these documents are made available to community relations officers, who work locally to see which products are suited to the community—

**Ms. Jennifer O'Connell:** I'm sorry, Madam Chair. I have limited time. I don't mean to interrupt.

Madam Chair, through you, when were they produced? If they weren't available in the last election.... For example, there's the voting sign that you acknowledged caused some feedback.

When were they produced, and in how many languages?

**Mr. Stéphane Perrault:** I'll clarify. We have essentially two main products, Madam Chair, in 16 languages. They are the voter identification rolls and the “ways to vote” products. Not everything is in 16 languages. The voting signs are not and, as I indicated, that's an area that I would like to improve.

There are more products that we can work on.

**Ms. Jennifer O'Connell:** Thank you.

Again, Madam Chair, what is your timeline to produce the materials that aren't translated? Again, we're out of an election, and that was specific feedback that you heard.

What are the timelines to produce the materials that aren't translated?

**Mr. Stéphane Perrault:** We'll have to decide which languages, among the many, we are going to do this in, to begin with. There's the translation time and the production of the physical material time. It's not extremely long. This is something that we can do.

**Ms. Jennifer O'Connell:** Again, Madam Chair, that's my question. What's your timeline to do it?

If you're deciding.... I don't understand. I understand production time. Even in elections, we have a short window and I have to print materials and things like that, but this was an area that was raised.

How long will it take for Elections Canada to determine these other materials? What languages are you going to produce them in, and then what is the print time, so that, should an election be called at any moment, you have these materials?

My colleague made the point that there are certain materials that do not change—outside of ballots—every year. In what timeline will you have those materials in specific regions that need them? When will you make the determination of the languages? When will they be printed and ready to go to be shipped out at a moment's notice of an election?

**Mr. Stéphane Perrault:** Madam Chair, I don't have the answer to that, specifically. As I said, I have a team that's being set up to look at a range of issues. This will be one of the issues that they will be looking at.

I don't expect that it will take an extraordinary amount of time to decide which will be the priority products and the priority languages, but they will evolve over time. What we have if there's an election next fall may be different from what we have if there's an election in 2025.

**Ms. Jennifer O'Connell:** Thank you, Madam Chair.

I would like to have some timelines communicated back to this committee. If you have a team coming forward.... I'm going to use that “vote” sign. I don't see why an election next fall versus an election in three years would change the timelines around the production of a “vote” sign, but I'm going to leave that there, because I think the point is made.

Elections Canada has additional panels set up. In terms of these committees or this panel, first, are you going to set up a formal panel, Madam Chair? Secondly, what is going to be constituted in this?

We look at things like the situation in Kenora, and what specifically happened there. You touched on advance polls, but Elections Canada has already had some flexibility in having advance polls. They weren't always executed or taken in the last election. In one of the media responses...and I think even in your last testimony before this committee, you said that you weren't aware of those issues at the time. It seems like there's no rapid response team to be able to address it in a riding or a polling station and feed it up to somebody in such a way that it can actually be addressed before election day.

Is this going to be part of any look ahead? Are you going to do town halls in these communities to find out what the issues were?

I promise I'm wrapping up, Madam Chair.

What I've heard a lot today is that you "haven't heard that yet". I'm wondering if you are going to go there to speak to the people who have been impacted.

• (1230)

**Mr. Stéphane Perrault:** Madam Chair, many points have been raised here, and I'm not sure I have them all down.

Rapid response is an important issue, as is understanding when to brief up to headquarters and the CEO. I'm doing regional meetings across the country starting next week and in all of May. It is one of the topics I'll be discussing with returning officers. We need to make sure we understand clearly what the issues are that need to be briefed up.

The issue in Kenora was partly that problem—that there was no briefing up and we were not aware—and partly a problem of planning. We need to plan in advance, not just responsively, Madam Chair, for those single days of advance polls. Normally, it's four days. The legislation was changed just before the previous election.

Our focus in this election was on pandemic measures, but we need to look at how we can use that, not just responsively when there's an issue, but in a planned way to increase advance polls and reduce the necessity of making last-minute changes, which are so problematic.

It's a two-track answer, Madam Chair.

**The Chair:** Thank you for that exchange.

Mr. Ferguson, thank you for sharing your time with Ms. O'Connell.

I think you're right; there are two tracks. You have the things that are not going to change. The "vote today" is a sign that's been around since...I'm not even sure how long, but I've always seen it. We can be prepared for some things. With other things that change, I can understand where the challenge would occur. That's just an understanding of things that don't change. Have we started planning to get those prepared? Maybe we're planning on saying something other than "vote today" at some point, which I don't see us doing, but maybe there's a different vision.

That was a very thorough and exciting exchange. Thank you.

[*Translation*]

Ms. Gill, you now have the floor for two and a half minutes.

**Mrs. Marilène Gill:** Thank you, Madam Chair.

I will ask two final questions. I would like to ask more, but I only have time for two.

My first question will be about thresholds.

We talked about the 1% threshold. We'll see how the pilot projects and consultations go, but I'd like to know if it would be possible to include people who are relearning their language in that 1%. These would be people for whom the language is not their first language, but who say they are learning it.

Would this be possible?

**Mr. Stéphane Perrault:** I don't think so, Madam Chair. I'm not even sure that Statistics Canada has that data.

The problem is access to sources. We have data from Statistics Canada for certain categories, but those are not there.

**Mrs. Marilène Gill:** They don't exist.

**Mr. Stéphane Perrault:** That's right.

**Mrs. Marilène Gill:** That's fine.

**Mr. Stéphane Perrault:** There is the matter of the threshold, but also the matter of maximum languages, as I mentioned earlier. If five languages meet the threshold, should we include all five languages?

**Mrs. Marilène Gill:** I would like to ask another question, Mr. Perrault. I only have two and a half minutes.

**Mr. Stéphane Perrault:** Go ahead.

**Mrs. Marilène Gill:** We are talking about the quantitative aspect, but you said that there was also the qualitative aspect. I would like to know what these qualitative criteria are that you were referring to.

**Mr. Stéphane Perrault:** All this shows the need for discussions outside of election periods. These are not things that can be decided within an electoral calendar. Returning officers need to be able to have conversations with community representatives to understand their needs in advance, in order to prepare for this.

**Mrs. Marilène Gill:** If we talk about quantity and add quality to it, then it also changes that 1% figure.

**Mr. Stéphane Perrault:** Yes. I'm using the 1% as a barometer, because it was in a bill. I mention it to provide a frame of reference.

• (1235)

**Mrs. Marilène Gill:** Yes.

**Mr. Stéphane Perrault:** I refer to it also as it tends to reflect quite closely the languages we use in our information materials. I'm not saying that we will necessarily use this criterion for pilot projects.





**Mr. Mark Gerretsen:** I can appreciate that, Madam Chair, and I think that the information to get back from the returning officers—if he is going to be utilizing returning officers to do that—is important, but I think it has to feed into the overall strategy. I don't think the information can be left in the returning officers' hands, assuming that they will utilize it. He is committed to, if not engaging directly, making sure that all that information is funnelled back to him so that we know where the buck stops.

**Mr. Stéphane Perrault:** Yes, of course, absolutely.

**Mr. Mark Gerretsen:** Okay.

In terms of the consultation that he's doing, I want to think that he is doing it proactively.

Can we have some assurance that this work is going to happen in anticipation of trying to determine problems, as opposed to always just reacting to problems that might have happened already?

**Mr. Stéphane Perrault:** Of course, the goal of making sure that we engage is to anticipate the needs and avoid the problems. It's to anticipate not the problems, but the needs.

**Mr. Mark Gerretsen:** Okay.

Earlier on in the conversation, Madam Chair, I heard Madame Gill ask some questions about the wider availability of supporting indigenous languages throughout the country as opposed to in specific areas. I think in her example she referred to the case where somebody in Montreal wanted to vote. I understood the discourse, and if I heard him correctly, Mr. Perrault's reply basically was that unless we go to some form of Internet voting, where there is the availability in electronic voting to make things more widely available, it wouldn't be possible.

Did I understand that correctly?

**Mr. Stéphane Perrault:** To have a wide diversity of languages available in writing where there's a small percentage of population is not possible in a paper format. This is why you have, Madam Chair, jurisdictions like California or other American...that use digital interfaces. It may not be voting from home, but it's a voting machine interface that allows the voter to choose the language of that interface.

**Mr. Mark Gerretsen:** Good. I'm glad to hear that, Madam Chair, because I think that the lion's share of the difficulty in providing the service is providing it once, and repeating it 337 more times. Other than the fact that the cost associated with the hardware to do that might be cumbersome, I would suggest it's an investment for the country. There are other ways to do it, like he's saying now. I understand that you could have more of these machines, maybe in certain areas where you're expecting a larger turnout of people who are relying on them, but then in any other polling location, such as one in downtown Montreal, you could have just one.

Does that make sense, through you, Madam Chair?

● (1250)

**Mr. Stéphane Perrault:** Madam Chair, it makes sense; however, we are a far cry from introducing electronic voting machines in the federal electoral process. This is not allowed in the legislation, and this is not an avenue that I understand Parliament to be wanting to explore.

**Mr. Mark Gerretsen:** My questions were more along the lines, Madam Chair, of how we ensure that the ability to communicate is there. I understood the complexity of that in the responses to Madame Gill around the challenges with upscaling from a few remote locations to the wider public.

**Mr. Stéphane Perrault:** Madam Chair, I'm not sure we're referring to the same thing. My exchange with the member, as I understood the question, was about providing a diversity of languages in a single electoral district with a single-ballot format, which led me to refer to voting machines.

**Mr. Mark Gerretsen:** Okay. That's fair enough.

I guess I'm not that far off from what he's suggesting. I'm just saying that I don't know if it has to be the actual voting process as much as the ability for proper communication.

**Mr. Stéphane Perrault:** Yes.

**Mr. Mark Gerretsen:** That might be able to be handled without including the actual electronic voting part.

**Mr. Stéphane Perrault:** Correct. That is handled currently only at the offices of returning officers and additional offices through the CanTalk translation service, but not at regular polling places.

**Mr. Mark Gerretsen:** Okay.

Those are all my questions, Madam Chair. Thank you.

**The Chair:** Thank you for that great exchange.

It got me thinking a bit, Mr. Perrault.

I have to say, committee members, massive kudos to all of you for the thoroughness of your questions and for what we've been able to learn today. I think this was actually very fruitful, and not really what I was expecting. I'm very pleased with the conversation.

**Voices:** Oh, oh!

**The Chair:** Sorry. That's being honest.

I think what I find kind of fascinating in my head, as somebody who was born and raised in the Waterloo region, whose parents immigrated to Canada, whose first language isn't English, was the comment that you haven't received any complaints. Well, when there's no understanding of what's taking place, how do you expect to receive a complaint? I couldn't help but go through just a series of thoughts in my head as to what my grandparents and everybody else went through, and yet we're immigrants. We're not the first people of the land.

I think that's where this conversation is such a thorough one when it comes to the importance that we put on the true nation-to-nation relationship. I want to appreciate the fact that you recognize the importance of indigenous-led. I want to acknowledge that I think you understand there is a diversity of indigenous communities, and that they're not a monolith. I think we've started some important work, but we have a lot further to go. I know that this PROC committee has done a lot of work in this space, as have others.

I want to put a quick question to you, if I may. Well, I'm the chair, so I'm going to.

Have you have been doing some of this work with other districts or other countries that are also in this space? Are you asking other CEOs, such as in New Zealand, what their best practices are and what they've done?

When I think about electronic voting and whether the will is there or not, it took a global health pandemic for the Parliament of Canada to come into the 21st century and have hybrid so that we were able to vote electronically. It's because the work is so important. If voting is so important, I think we need to start having these tough conversations to see where it's going. Maybe the will then will come. I think a lot of things in the country that parliamentarians have advanced have been things we never would have been able to do if there weren't the political will. Then we brought more people along. So I think this is a very important conversation for us to get comfortable with being uncomfortable with.

We have about three minutes left, Mr. Perrault, if you would like to answer that question. You can always send our committee more information.

Ms. Lawson and Madame Morin, if you'd like to quickly put your voices on the record as well, I would appreciate hearing from you—and from Mr. Roussel, always.

I'll pass it to you, Mr. Perrault.

**Mr. Stéphane Perrault:** I'm trying to keep track of the question, respectfully, Madam Chair.

I realize that one of our responsibilities is to explore other ways of voting. Even though it's not happening now, it may happen some day. We need to stay abreast of what's done elsewhere. We look at prototypes sometimes for some form of electronic special ballot voting. It's not in the legislation, but we need to keep thinking about and exploring ways to vote, because the circumstances can change quickly. The agility is not always there if you've not done the work ahead of time. That is an important part of our mandate.

We have exchanges through different forums internationally. As I said, on the issues of serving indigenous Canadians and reconciliation, we're having a meeting this summer with all provincial and territorial CEOs in Iqaluit.

If you are there, I would be happy to meet you there and invite you there, if possible.

That is a common issue and area of interest for all chief electoral officers in Canada. We are going to explore ways and see how we each deal with these challenges and try to find best practices.

• (1255)

**Ms. Anne Lawson (Deputy Chief Electoral Officer, Regulatory Affairs, Elections Canada):** Thank you, Madam Chair. It's always a pleasure to appear before this committee.

[*Translation*]

**Ms. Karine Morin (Chief of Staff, Elections Canada):** Thank you very much, Madam Chair.

I can reassure you. In developing the document that you have in front of you now, we consulted with many jurisdictions, including Nunavut, the Northwest Territories, Alaska, and even Australia. However, it's a little different for Australia, because the majority of indigenous languages are spoken there and not written. This has really been taken into consideration in presenting a range of options. This summer we will continue this work with our Canadian counterparts.

Thank you.

[*English*]

**Mr. Michel Roussel:** Madam Chair, thank you for the opportunity.

I wish to assure you of our commitment to assisting the work of the committee and, more importantly I suppose, to see a real improvement in the way we serve first nations indigenous communities across Canada. Please don't take my word for it; we have to earn your trust.

**The Chair:** Thank you so much for this great conversation. I look forward to its continuing on Thursday.

We will have three organizations appearing on Thursday and four representatives. We have the language commissioner of Nunavut, Nunavut Tunngavik, and also the Réseau jeunesse des Premières Nations Québec-Labrador. We will continue this conversation, and then we will use the remainder of the time for other committee business.

Please, everyone, keep well and safe. We'll see you on Thursday.







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