



VOTER CONTACT REGISTRY



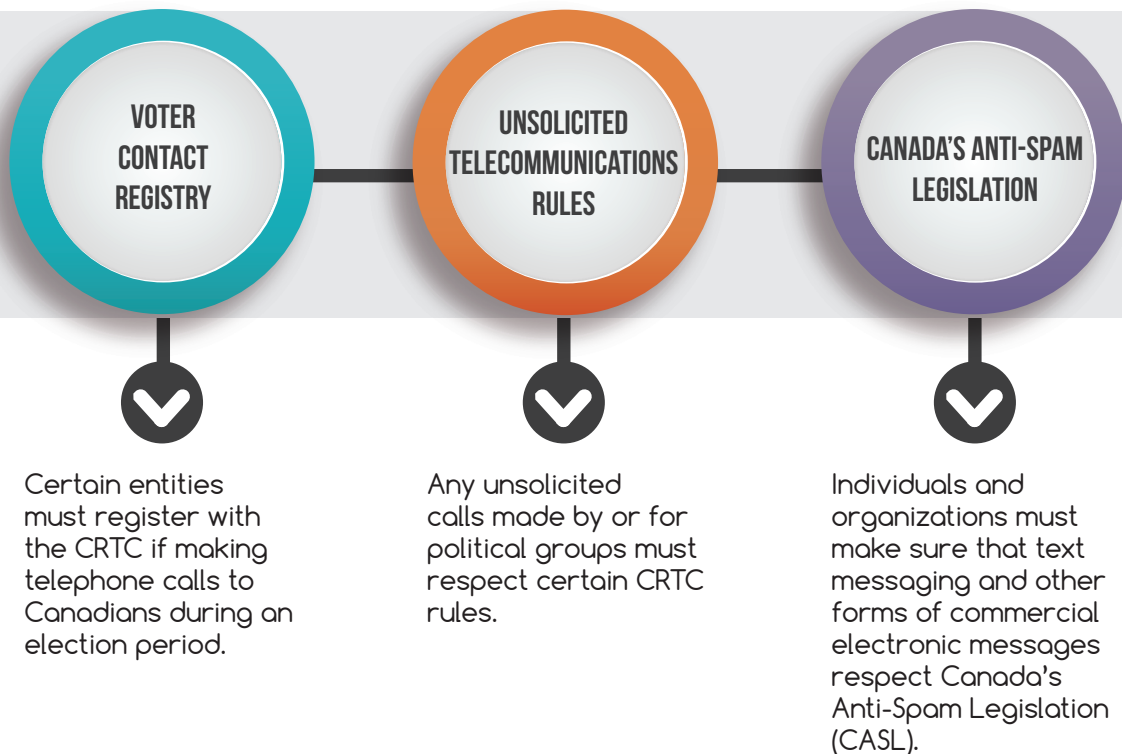
HOW TO CONTACT CANADIANS
THE RIGHT WAY



RESPECTING CITIZENS' RIGHTS

Democracy depends on well-informed voters making sound decisions about the individuals and political parties they choose to represent them in Parliament. Those seeking office have access to a vast array of communications methods to connect with potential supporters to explain their personal motivation and platforms during election campaigns. However, the desire to connect with voters must be tempered with respect for Canadians' privacy and the protection of their right to refuse to be contacted by individuals or political groups if they so choose.

During an election campaign, political candidates and parties and their supporters are obliged to follow certain rules related to contacting Canadians, some of which are enforced by the Canadian Radio-television and Telecommunications Commission (CRTC):



VOTER CONTACT REGISTRY

The *Fair Elections Act* was passed in 2014, amending the *Canada Elections Act* as well as the Telecommunications Act to help protect Canadians from rogue and misleading telephone calls during elections. The legislation ensures that those who contact voters during an election do so transparently.

The *Fair Elections Act* gives the CRTC the responsibility to establish, maintain and enforce a **Voter Contact Registry**.

PLANNING TO MAKE CALLS THROUGH A CALLING SERVICE PROVIDER?

Specific rules apply when you enter into an agreement with a calling service provider to make voter contact calls. If you have hired the services of one of these firms to make such calls – either live or through an automatic dialing-announcing device (ADAD) – the calling service provider must be informed that the agreement is for voter contact calling services.

Before the first call is made, you must authorize the calling service provider to begin making voter contact calls. At that time, you will need to provide your name, address and telephone number, along with a copy of a piece of identification authorized by the CRTC.

For more information on the types of authorized ID accepted by the CRTC, please consult <http://www.crtc.gc.ca/eng/archive/2015/2015-110.htm>.

WHAT THESE TERMS MEAN:

Calling Service Provider - a person or group that carries on a business whose activities include making calls for, or on behalf of, another individual or group.

Automatic Dialing-Announcing Device (ADAD) - any equipment with the ability to store or produce telephone numbers used alone or in conjunction with other equipment to deliver a pre-recorded or synthesized voice message to telephone numbers.

Voter Contact Calling Services - Calls made during an election period, including:

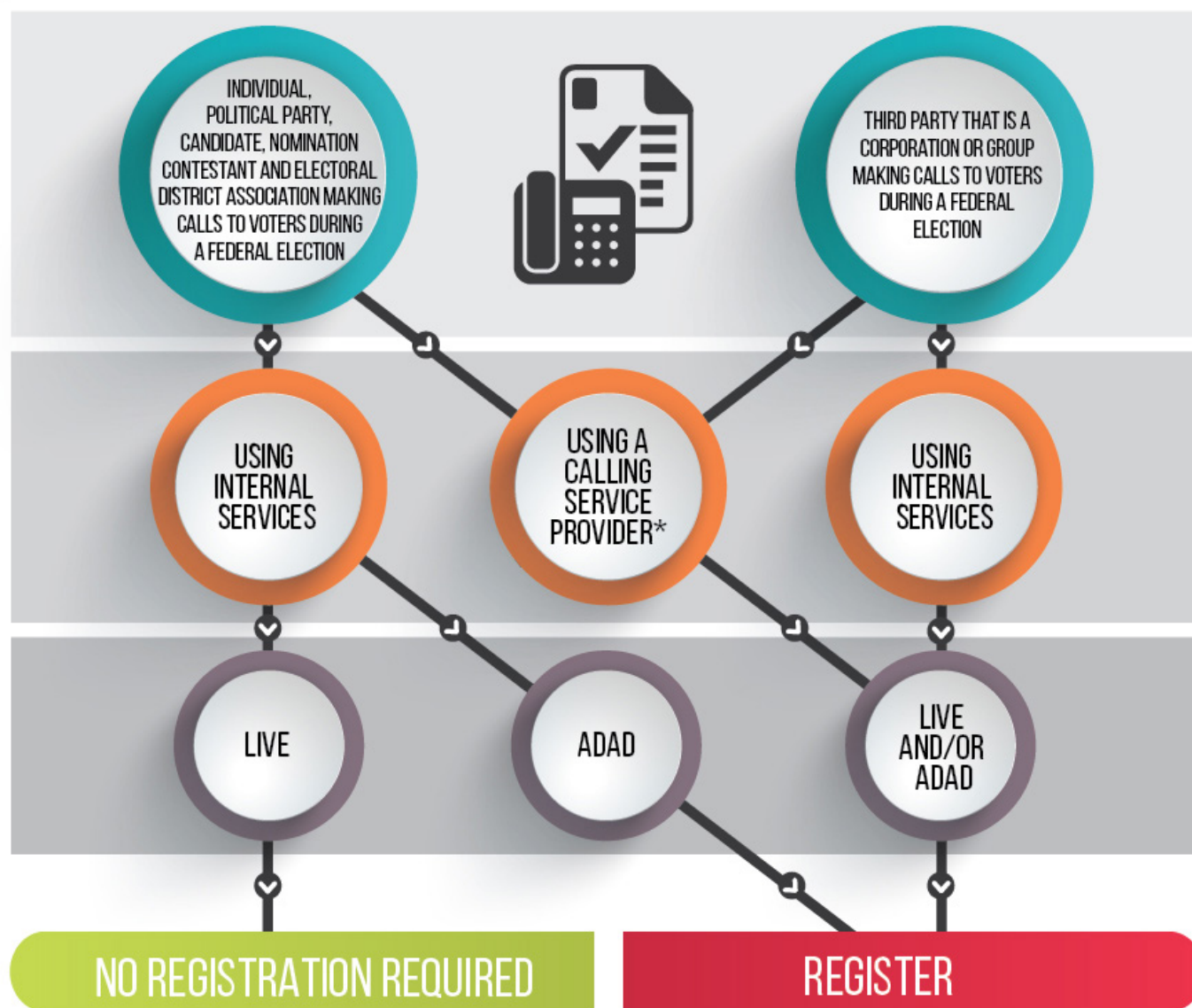
- promoting or opposing a registered party, its leader, a candidate or a nomination contestant or any position on an issue with which such a party or person is associated;
- encouraging electors to vote or to refrain from voting;
- providing information about the election, including information about voting hours and the location of polling stations;
- gathering information about how electors voted in past elections or will vote in the election, or their views on a registered party, its leader, a candidate or a nomination contestant or any other issue associated with a party or person; and,
- raising funds for a registered party, a registered association, a candidate or a nomination contestant.

Third Party – a person or a group, other than a registered party, registered association, candidate or nomination contestant.

WHO NEEDS TO REGISTER?

If you are making calls to Canadians during a federal election period for any purpose related to an election, you may have to register with the CRTC within 48 hours of making the first call.

WHO NEEDS TO REGISTER WITH THE VOTER CONTACT REGISTRY?



ADAD = AUTOMATIC DIALING-ANNOUNCING DEVICES

* CALLING SERVICE PROVIDERS MUST ALSO REGISTER

WHO NEEDS TO REGISTER?	WHO DOES NOT NEED TO REGISTER?
<ul style="list-style-type: none"> • Anyone using ADADs to make robocalls to contact voters. • Anyone using a calling service provider to contact voters. • Calling service providers who contact voters on behalf of someone else. • A third-party group or corporation that uses its internal telephone services to make live calls to voters. 	<p>You are one of the following:</p> <ul style="list-style-type: none"> • A candidate • A nomination contestant • A political party • An electoral district association • An individual <p><u>AND</u> you are using your own internal services to make <u>live calls</u> to voters.</p>

HOW TO REGISTER

Those required to register with the **Voter Contact Registry** can do so online with the CRTC once a federal election is called at www.crtc.gc.ca/vcr. Registrants must do so within 48 hours of making the first call.

All registrants must have login credentials.

You can either:

- Log in with a Sign-In Partner User Identification (ID) and password you may already use, such as for online banking; or,
- Log in with GCKey (Government of Canada User ID and password).

If you do not already have a GCKey, you will be able to create one once you begin the registration process.

Registration involves two components:

- Information necessary to file a registration notice
- ID requirements

INFORMATION NECESSARY TO REGISTER

All registrants must provide the following:

- First and last name
- Title
- Email address
- Phone number
- Mailing address
- Type of calls being made (live, by ADAD or both)

If you have entered into an agreement with, or you are a calling service provider, you will need to provide additional information:

- Name of the calling service provider
- First and last name of the person or name of the group that has entered into an agreement with the calling service provider

IDENTIFICATION REQUIREMENTS

Calling service providers do not have to provide a copy of identification when filing a Registration Notice.

All other registrants must provide a copy of a valid piece of identification issued by a federal, provincial or territorial government, or international equivalent. It must include the registrant's name and photo, and be accompanied by an attestation from a notary (or a Commissioner of Oaths in Quebec) certifying that the reproduction of identification in question is a true copy of the original.

Acceptable types of ID include:

- Driver's licence
- Provincial health card
- Secure Certificate of Indian Status
- Canadian Forces identity card
- Permanent residency card
- Valid Canadian or foreign passport
- NEXUS card

Please see <http://www.crtc.gc.ca/eng/archive/2015/2015-110.htm> for more information on ID requirements for the **Voter Contact Registry**.

The copy of your identification and attestation must be in one of the following file formats:



The maximum size allowed for each file is 5Mb.

PUBLISHING REGISTRATION NOTICES

The CRTC will publish the Registration Notices as soon as possible after 30 days following election day.

KEEPING RECORDS

You have an obligation to keep copies of any scripts used for live calls as well as recordings of each message conveyed by an ADAD device. A record must also be kept of every date the script or message was used.

If you are a calling service provider, you must maintain copies of the scripts for three years following an election. Everyone else must keep the scripts for one full year after the end of the election.

Political entities such as political parties, riding associations and candidates are not subject to the National Do Not Call (DNCL) Rules. This means that they can make calls to individuals who are registered on the National DNCL, provided they maintain and respect their internal do not call list and identify themselves and the purpose of the call.

RULES FOR UNSOLICITED TELECOMMUNICATIONS MADE BY OR ON BEHALF OF POLITICAL ENTITIES

When making unsolicited calls, there are rules regarding unsolicited telecommunications that need to be followed. The rules are covered under the Telemarketing Rules and the ADAD Rules. Some of these rules apply to political parties or candidates, or organizations that represent such parties or candidates.

TELEMARKETING RULES

The Telemarketing Rules apply to calls that are made for the purpose of solicitation¹.

For example, certain rules apply when a political party or candidate, or an organization representing such a party or candidate, calls people to request campaign donations.

However, if a political party, a candidate or an organization representing such a party or candidate calls people to learn about voter preferences or to inform people about the location of polling stations, the rules do not apply.

¹ Solicitation means the selling or promoting of a product or service, or the soliciting of money or money's worth, whether directly or indirectly and whether on behalf of another person. This includes solicitation of donations by or on behalf of charitable organizations.

What are my obligations under the Telemarketing Rules?

- The call must begin with a clear message identifying: (1) the name of the individual making the call, (2) the name of the telemarketer and (3) the name of the political organization on whose behalf the call is made if it is different from the telemarketer's name.
- Telemarketers must provide a local or toll-free number, when requested, where citizens can access an employee or another representative of the telemarketer to ask questions, offer comments about the call or make a do-not-call request. The name and email or postal address of an employee or another telemarketer representative must be provided, upon request. The contact information must remain valid for a minimum of 60 days.
- The screen on the called-person's phone must display a number where the telemarketer can be reached, unless number display is unavailable for technical reasons. The contact information must remain valid for a minimum of 60 days.
- Every telemarketer or its client must maintain an internal do-not-call list, and refrain from calling anyone who has requested no further calls. Telemarketers must process do-not-call requests immediately. Telemarketers or their clients must update their internal do-not-call lists within 14 days of consumers' do-not-call requests and keep numbers on the lists for three years.
- Sequential dialing, which involves calling every possible phone number in a telephone exchange drawn from a computer-generated list of numbers, is prohibited.
- Calls must not be made to emergency lines or healthcare facilities.

ADAD RULES

Calls made by or on behalf of certain political entities such as political parties, candidates or nomination contestants and their official campaigns are not allowed to use ADADs for the purpose of solicitation. The only exception to this rule is if the person being called has expressly agreed to receive that specific political entity's ADAD solicitation calls.

ADADs can be used to make calls that are not to solicit donations, but certain rules apply to these calls.

What are my obligations under the ADAD Rules?

- ADAD calls must begin with a clear message identifying the person or group on whose behalf the call is being made. The message must also:
 - briefly describe the purpose of the call.
 - include an email address or a postal mailing address and a local or toll-free number where representatives of the organization sending the message can be reached. The numbers and addresses must be valid for at least 60 days after the call has been made.
- If the ADAD message is longer than 60 seconds, the identification information must be repeated at the end of the call.
- The screen on the called-person's phone must display the originating calling number or an alternate number where the political organization can be reached, except where number display is unavailable for technical reasons. This contact information must remain valid for 60 days.

- Anyone initiating automated calls must make all reasonable efforts to ensure that the equipment disconnects within 10 seconds after the person receiving the call hangs up.
- Calls can only be made from 9:00 a.m. to 9:30 p.m. on weekdays (Monday to Friday) and 10:00 a.m. to 6:00 p.m. on weekends (Saturday and Sunday) unless individual provinces or territories impose more restrictive hours.
- Sequential dialing is prohibited.
- Calls must not be made to emergency lines or healthcare facilities.

CANADA'S ANTI-SPAM LEGISLATION

Telephone calls are just one way to reach out to potential voters. A wide array of technological tools are available to individual candidates and political organizations – some of which are subject to specific rules enforced by the CRTC.

Canada's Anti Spam Legislation (CASL), for instance, may apply to some communications that might be undertaken during an election. CASL has rules regarding commercial electronic messages (CEMs). A CEM is a message that encourages participation in a commercial activity, including, but not limited to offering, advertising or promoting a product, a service or a person.

Examples include:

- Email
- SMS text message
- Instant messaging

Political parties and candidates are largely excluded from CASL. CEMs sent by or on behalf of a political party or a person who is a candidate for publicly elected office, are excluded from CASL, if the primary purpose of the CEM is to solicit a financial donation or non-monetary contribution.

If you are sending a CEM to an electronic address, and the primary purpose of the message is not to solicit a contribution/donation, then you need to comply with three requirements. You need to:

- (1) obtain consent;
- (2) provide identification information; and,
- (3) provide an unsubscribe mechanism.

Further information on CASL and how it may apply to political parties and candidates can be found at www.crtc.gc.ca/antispam.

WHAT HAPPENS IF YOU VIOLATE THESE OBLIGATIONS?

An important part of the CRTC's strategy to encourage compliance with the rules is ensuring that political entities such as political parties and candidates have the information they need to understand their obligations. The CRTC's goal is to promote compliance in the most efficient way possible while preventing violations.

When the rules are broken, the CRTC has a number of tools at its disposal to make sure that the obligations governing communications with Canadians during elections are respected and their rights protected.

Investigators use their discretion in selecting and applying the enforcement response most appropriate to the circumstances at hand.

POSSIBLE ENFORCEMENT RESPONSES INCLUDE:

- A **Warning Letter**, to bring to the attention of the individual or organization an alleged violation in order for corrective action to be taken;
- A **Citation**, which identifies alleged violations and sets out the specific corrective action to be taken within a certain time frame. The names of individuals and organizations that receive a Citation are published on the CRTC's website;
- A **Notice of Violation**, which is an enforcement measure issued for more serious violations. It may carry with it an administrative monetary penalty. The Notice is published on the CRTC's website; and,
- A **Negotiated Settlement or Undertaking**. When an investigation identifies violations and specific actions by a business or individual are required to restore compliance, CRTC staff may contact the affected party to discuss and negotiate a settlement. As part of the agreement, the individual or organization is usually required to admit liability, stop violating the rules and develop a compliance program. Negotiated Settlements in relation to the Unsolicited Telecommunications Rules also usually involve the individual or organization accepting the issuance of a Notice of Violation along with an administrative monetary penalty. Negotiated settlements can be an effective option for organizations that have breached the rules, as they save time and reduce costs while achieving compliance.

Monetary penalties vary depending on the nature and scope of the violation. Under the *Telecommunications Act*, for violations of the Unsolicited Telecommunications Rules and/or the Voter Contact Registry requirements, the CRTC has the authority to impose:

- Up to \$1,500 per violation for individuals
- Up to \$15,000 per violation for a corporation

The maximum administrative monetary penalties are significantly higher in the case of a CASL violations. The CRTC has the authority to impose a maximum penalty of \$1,000,000 per violation in the case of an individual and \$10,000,000 per violation in the case of a corporation or any other person.

For violations under the **Voter Contact Registry**, the following factors will be taken into consideration when determining the amount of a fine:

- The nature and scope of the violation;
- Any benefit that the person obtained from the commission of the violation;
- The person's ability to pay the penalty;
- The person's history of compliance with the requirements of the Voter Contact Registry and any relevant history of compliance with the Rules; and
- Any other relevant factor.

The total amount of the financial penalties can add up quickly. For instance, each day of non-compliance may constitute a separate violation.

Please refer to Compliance and Enforcement Regulatory Policy CRTC 2015-109, <http://www.crtc.gc.ca/eng/archive/2015/2015-109.htm> for further detail.

FIND OUT MORE

If you are looking for information about how to register with the Voter Contact Registry or how to make sure you comply with the rules, you can find helpful information at:

www.crtc.gc.ca/vcr

You can also get information on the other obligations that may apply to political organizations during election periods at these links:

Telemarketing and ADAD Rules

www.crtc.gc.ca/eng/info_sht/t1041.htm

Canada's Anti Spam Legislation

www.crtc.gc.ca/antispam

or

www.fightspam.gc.ca

