



# Voter Contact Registry



Protecting you from  
rogue and misleading calls  
during federal elections

Protecting  
citizens' right  
to privacy

Promoting  
compliance  
with the rules

Holding  
rule breakers  
to account



# 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.

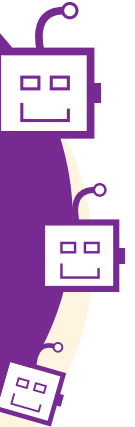
Those seeking office have access to a vast array of communications methods to connect with potential supporters to explain their personal motivation and platforms during election campaigns. However, the desire to connect with voters must be tempered with respect for Canadians' privacy and the protection 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).



As a general principle, political entities such as political parties and candidates are permitted to call voters.

However, certain rules need to be respected, particularly if calls are being made for solicitation purposes or if calls are being made via an automatic dialing-announcing device (ADAD).



## Why is the Voter Contact Registry Needed?

Concerns about fraudulent calls to voters during federal election campaigns prompted Parliament to pass the *Fair Elections Act* in 2014.

Elections Canada received more than 40,000 messages and complaints about so-called robocalls during the 2011 federal election. People reported receiving both automated and live calls from individuals claiming to represent Elections Canada to advise them that their poll location had changed. Even those who did not receive an inappropriate call expressed frustration with calls they considered to be annoying or harassing.

The Chief Electoral Officer reported in 2012 that the number of complaints alleging improper

or fraudulent calls was nearly 800. In 2013, a Federal Court judge determined that fraud was a factor in the robocalls.

The *Fair Elections Act* amends the *Canada Elections Act* to give the CRTC the responsibility to establish, maintain and enforce a voter contact registry, which will **“help protect Canadians from rogue and misleading telephone calls during elections, and to help ensure that those who contact voters during an election do so transparently.”**

This means that individuals and organizations making telephone calls to Canadians during a federal election may need to register with the CRTC if they contact voters for any purpose related to an election.

The *Fair Elections Act* also made changes to the *Telecommunications Act*, which is administered by the CRTC. The Act governs unsolicited telecommunications, including rules related to telemarketing and ADADs. This refers to equipment capable of storing or producing phone numbers and sending a pre-recorded or synthesized voice message – a robocall.

Amendments to the *Telecommunications Act* now provide the CRTC with the additional authority to administer and enforce the rules relating to the new Voter Contact Registry.

## How does the Voter Contact Registry protect Canadians?

- The registry imposes greater transparency and accountability on those who contact voters during federal elections.
- The CRTC can investigate instances where rules regarding the Voter Contact Registry have been violated.
- The CRTC can issue monetary penalties of up to \$1,500 per violation for individuals, and up to \$15,000 per violation for corporations.

## What is the Voter Contact Registry?

- There are new requirements for certain entities who make calls to voters during federal election periods for any purpose related to an election.
- They will need to register with the CRTC within 48 hours after making the first call.
- Registration notices filed with the CRTC will be published on the CRTC website as soon as feasible 30 days after polling day.

## Are there other rules that will apply to callers?

### The Telemarketing Rules apply to political parties and candidates

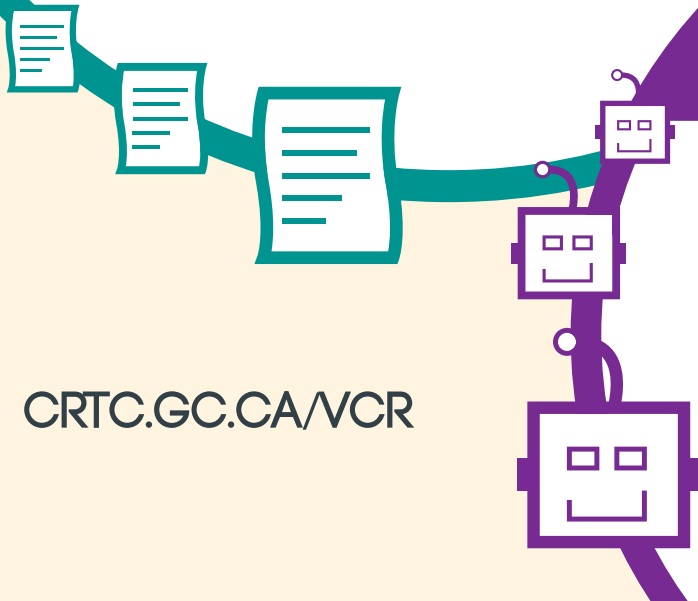
- Certain groups such as political parties and candidates are exempt from the National Do Not Call List (DNCL) rules.
- This means that they are allowed to contact you even if you are on the DNCL.
- However, certain rules must be respected. For example, they must properly identify themselves; you can also ask to be placed on a political party's or a candidate's internal do not call list if you no longer want to receive those calls.
- If they are making calls for solicitation purposes, they must also respect other rules such as respecting curfew hours and avoid making calls to emergency and healthcare facilities.

## What if I receive a robocall or automated call (ADAD)?

### The ADAD Rules apply to political parties and candidates

- Anyone making automated calls to voters
  - must register with the Voter Contact Registry; and
  - must also abide by the ADAD rules.
- Calls for solicitation can't be made via an ADAD unless you have provided your consent to receive these types of calls.

[CRTC.GC.CA/VCR](http://CRTC.GC.CA/VCR)



# Registration information

The CRTC is responsible for receiving and publishing registration notices. While the information contained in these registration notices varies, depending on the person filing the registration, they will generally include information such as:

- The name of the calling service provider;
- The name of the person or group that has entered into an agreement with a calling service provider;
- The name of the person or group who is making calls, in those cases where they are using their internal services to make such calls; and,
- The type of calls being made (live or via an ADAD).

Individuals and groups required to register with the CRTC must do so within 48 hours of making the first call. The CRTC will publish the registration notices as soon as possible after 30 days following election day. Canadians will be able to consult the registration notices on the CRTC's website once they are published.

## Who needs to register?


- 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; and
- A third party group or corporation that uses its internal telephone services to make live calls to voters.

## Who does NOT need to register?

You are one of the following:

- A candidate
- A nomination contestant
- A political party
- An electoral district association
- An individual

**AND** you are using your own internal services to make live calls to voters



The term 'calling service provider' refers to an individual or a group that carries on a business whose activities include making calls for, or on behalf of, another person or group.



# What other CRTC rules must political organizations follow when calling voters?

As part of its overall responsibility for unsolicited telecommunications, the CRTC administers the Telemarketing Rules and the Automatic Dialing-Announcing Device (ADAD) Rules. Some of these rules apply to political entities such as political parties, candidates and organizations that represent the official campaigns of such parties or candidates. When calls involve a request for campaign donations, for example, the Telemarketing Rules apply. In addition, if making calls through an ADAD, these entities also have to respect the ADAD Rules.

In all cases where unsolicited calls are made, these entities must identify themselves and the purpose of their call and must maintain an “internal” do not call list.

Also, if a political entity such as a political party or candidate, or an official campaign representing such a party or candidate, calls voters for the purposes of solicitation or make calls through an ADAD, the following rules must be respected:

Certain political entities such as –political parties, riding associations and candidates – are not subject to the National Do Not Call (DNCL) Rules. These rules prevent most telemarketers from making telemarketing calls to Canadians who have registered their telephone number on the National DNCL List. The exemption means that these political organizations can call 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 their call. This ensures that voters who choose to take their calls have access to information they may desire to make their voting decisions. Calls for the sole purpose of conducting a survey, such as those carried out by market research and polling firms, are also exempt from the National DNCL Rules.

## General Rules:

- 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 provincial legislation specifies more restrictive hours.
- 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.



## Rules that apply to live calls that are made for the purpose of solicitation

- Every telemarketer or its client must maintain an internal do not call list, and refrain from calling anyone who has requested no further calls.
- The call must begin with information identifying the caller and the name of the political entity on whose behalf the call is made.
- The telemarketer must provide a local or toll-free number upon request. This number, when called, must provide access to an employee or another representative of the telemarketer so the caller can ask questions, make comments about the call, or make a do-not-call request. Also, upon request, the name and email or postal address of an employee or another representative of the telemarketer must be provided.
- The screen on the called-person's phone must display a number where the telemarketer can be reached, except where number display is unavailable for technical reasons.
- The contact information must remain valid for a minimum of 60 days.

## Rules that apply to ADAD calls

- Political entities are not allowed to use ADADs for the purpose of solicitation, unless the called person has expressly agreed to receive that specific political entity's ADAD solicitation calls.
- The call must begin with a clear message identifying the person or group on whose behalf the call is being made and briefly describe the purpose of the call.
- The identification message must also include an email address or a postal mailing address and a local or toll-free number where representatives of the organization that sent 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 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 entity can be reached, except where number display is unavailable for technical reasons.
- 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.



# Canada's Anti-Spam Legislation

Telephone calls are just one way political entities can 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 that are also enforced by the CRTC.

Canada's Anti Spam Legislation (CASL), for instance, may apply to certain communications during an election. The legislation has rules regarding commercial electronic messages (CEMs).

The maximum monetary penalties are significantly higher in the case of 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.

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 messages sent via email, SMS text messages and instant messaging.

Political parties and candidates are largely excluded from CASL. Specifically, they do not need consent in order to send a CEM if the primary purpose of the message is to solicit a financial or non-monetary donation.

If you would like further information on CASL and how it may apply to political parties, please consult the CRTC's website at [www.crtc.gc.ca/antispam](http://www.crtc.gc.ca/antispam)

## What to do if you get an unsolicited call during an election period?

If you suspect you have been called by someone who may not have properly registered with the Voter Contact Registry, you can file a complaint with the CRTC at [www.crtc.gc.ca/eng/question.htm](http://www.crtc.gc.ca/eng/question.htm).

If you have received a call that you believe does not comply with the CRTC's Telemarketing Rules or ADAD Rules, you can make a complaint with the CRTC through the National DNCL website at [www.dncl.gc.ca](http://www.dncl.gc.ca).

The CRTC has the authority to investigate complaints regarding potential violations to the Voter Contact Registry and other rules surrounding unsolicited telecommunications. The CRTC's approach to compliance with the Rules on unsolicited communications includes a mix of promotion, investigation and enforcement activities meant to encourage adherence to the law, and it will do so with respect to the Voter Contact Registry. Among the measures at its disposal, the CRTC can send warning letters, issue citations or impose monetary penalties of:

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

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

## Find out more

You can find further information about the Voter Contact Registry at: [www.crtc.gc.ca/vcr](http://www.crtc.gc.ca/vcr)

You can also learn more about the CRTC's Unsolicited Telecommunications Rules at:

[www.crtc.gc.ca/eng/trules-reglest.htm](http://www.crtc.gc.ca/eng/trules-reglest.htm) and how these Rules apply to political entities at: [www.crtc.gc.ca/eng/info\\_sht/t1041.htm](http://www.crtc.gc.ca/eng/info_sht/t1041.htm)

Finally, for more information about Canada's Anti Spam Legislation, you can find additional information at: [www.crtc.gc.ca/antispam](http://www.crtc.gc.ca/antispam) or [www.fightspam.gc.ca](http://www.fightspam.gc.ca)

