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# LIST OF RECOMMENDATIONS



Following are the Commission's recommendations as they appear in volumes 1 and 2 of the Final Report.

## VOLUME 1

### Chapter 2

#### **Recommendation 1.2.1**

We recommend that the *Canada Elections Act* state that the right to vote entails the right to a secret ballot.

#### **Recommendation 1.2.2**

We recommend that all members and officers of the Canada Elections Commission, including the chief electoral officer, be qualified to vote.

#### **Recommendation 1.2.3**

We recommend that returning officers be qualified to vote.

#### **Recommendation 1.2.4**

We recommend that, in the event that an election remains tied after a recount, a special second election involving all candidates be conducted within three weeks of the recount.

#### **Recommendation 1.2.5**

We recommend that judges be qualified to vote.

#### **Recommendation 1.2.6**

We recommend that the following persons not be qualified to vote in federal elections:

- (1) a person subject to a regime established to protect the person or the person's property, pursuant to the law of a province or territory, because the person is totally incapable of understanding the nature and consequences of his or her acts; and
- (2) a person confined to a psychiatric or other institution as a result of being acquitted of an offence under the *Criminal Code* by reason of insanity.

#### **Recommendation 1.2.7**

We recommend that persons convicted of an offence punishable by a maximum of life imprisonment and sentenced for 10 years or more be disqualified from voting during the time they are in prison.

**Recommendation 1.2.8**

We recommend that eligible voters not resident in Canada be qualified to vote in federal elections, provided they certify that they have not voted in a foreign national election since becoming a non-resident.

**Recommendation 1.2.9**

We recommend that the voting age be set at 18 years of age.

**Recommendation 1.2.10**

We recommend that the right to vote extend only to Canadian citizens.

**Recommendation 1.2.11**

We recommend that

- (a) every employee who is a qualified voter have four consecutive hours to vote on election day;
- (b) employers be required to provide whatever time off is necessary to provide for these four consecutive hours at the convenience of the employer;
- (c) employers be required to provide regular pay for time off for voting to a maximum of two hours; and
- (d) this provision not extend to persons working as election officials on election day, Canada Elections Commission employees, or employees who, by reason of their employment, are too far from their polling station to be able to vote on election day during the hours the polling station is open.

**Chapter 3****Recommendation 1.3.1**

We recommend that only qualified voters be eligible to be candidates.

**Recommendation 1.3.2**

We recommend that senators be disqualified as candidates for election to the House of Commons while they hold office.

**Recommendation 1.3.3**

We recommend that judges, including federal, provincial and territorial judges, other than citizenship judges be disqualified as candidates for election to the House of Commons while they hold office.

**Recommendation 1.3.4**

We recommend that election officers, members of the Canada Elections Commission and the Commission's managerial and professional staff be disqualified as candidates for election to the House of Commons while they hold office.

**Recommendation 1.3.5**

We recommend that

- (a) members of provincial legislatures and territorial councils be qualified as candidates for election to the House of Commons but be required to resign their seat in a provincial legislature or on a territorial council if elected; and
- (b) the *Parliament of Canada Act* be amended accordingly.

**Recommendation 1.3.6**

We recommend that

- (a) federal public service employees and members of the boards and staff of commissions, agencies and Crown corporations have the right to a leave of absence, following the issue of the writ, to seek a nomination and to be a candidate in a federal election;
- (b) if the individual is not nominated, this leave of absence expire seven days after the nomination date; if the individual is a candidate, it expire seven days after a candidate has been declared elected;
- (c) public servants on such a leave of absence continue to receive the non-salary benefits to which they are regularly entitled; and
- (d) this not preclude any agreement between the above-noted employees and their employer about a leave of absence before or after the writ period.

**Recommendation 1.3.7**

We recommend that the disqualification from being candidates of voters holding contracts with the government be removed.

**Recommendation 1.3.8**

We recommend that voters who have been legally deprived of the right to manage their property be ineligible to be candidates.

**Recommendation 1.3.9**

We recommend that any voter not a resident of Canada on the date on which her or his nomination is filed be ineligible to be a candidate, unless a member of the Canadian forces on active service as a consequence of war.

**Recommendation 1.3.10**

We recommend that any prisoner who is serving a sentence that includes the period from nomination day to election day be ineligible to be a candidate.

**Recommendation 1.3.11**

We recommend that the *Parliament of Canada Act* be amended to require that any sitting member sentenced to prison for six months or more resign his or her seat.

**Recommendation 1.3.12**

We recommend that the penalties for conviction of serious election offences include the provision that a judge can disqualify a person from being a candidate at the next election.

**Recommendation 1.3.13**

We recommend that

- (a) the *Canada Elections Act* prohibit a person from being a candidate for election in more than one constituency at the same time; and
- (b) the *Parliament of Canada Act* be amended accordingly.

**Recommendation 1.3.14**

We recommend that

- (a) in the case of candidates of registered constituency associations, the signatures of a member of the executive and the official agent of the constituency association be required, certifying that the nomination has been made in accordance with the constitution of the association;
- (b) in all other cases, the number of signatures required for nomination be 250 voters in that constituency, except in remote constituencies, where the number required be 100; and
- (c) the returning officer be permitted to accept, as an original document, nomination papers received via facsimile.

**Recommendation 1.3.15**

We recommend that candidates be required to provide a performance guarantee of \$1000, the guarantee to be cancelled or fully refundable to candidates who meet their obligations to file reporting documents in accordance with the requirements of the *Canada Elections Act*.

**Recommendation 1.3.16**

We recommend that

- (a) the requirement in the *Canada Elections Act* to submit the required reporting documents or lose the right to sit or vote in the House of Commons until the conditions are fulfilled be retained; and
- (b) candidates who have not complied with the *Canada Elections Act* reporting requirements for a previous election by the deadline for filing nominations in a subsequent election be ineligible to be candidates at that election.

### **Recommendation 1.3.17**

We recommend that

- (a) every employer, on receiving written notice, grant a leave of absence following the issue of an election writ to an employee seeking nomination and candidacy in a federal election;
- (b) if the individual is not nominated, this leave of absence expire seven days after the nomination date; if the individual is a candidate, it expire seven days after a candidate has been declared elected;
- (c) employees on such a leave of absence continue to receive the non-salary benefits to which they are regularly entitled; and
- (d) this not preclude any agreement between employees and employers about a leave of absence before or after the writ period.

### **Recommendation 1.3.18**

We recommend that

- (a) the provision pertaining to the issue of a writ for a by-election be deleted from the *Parliament of Canada Act*;
- (b) the *Canada Elections Act* require that a by-election be called and held within 180 days of the day the Speaker of the House of Commons is informed of the vacancy;
- (c) the recommended election period of 40 to 47 days apply to by-elections;
- (d) if a vacancy occurs within six months of the expiration of the time limit for the duration of the House of Commons, the provisions pertaining to the issue of the writ for the by-election not apply; and
- (e) if a writ has been issued ordering a by-election to be held on a date after the dissolution of Parliament, the writ be deemed to have been superseded and withdrawn.

### **Recommendation 1.3.19**

We recommend that limits be set on spending by all persons seeking the nomination of a registered constituency association during the nomination period.

### **Recommendation 1.3.20**

We recommend that contributors to the campaigns of those seeking the nomination of a registered constituency association be eligible for tax receipts issued by an authorized officer of the association.

### **Recommendation 1.3.21**

We recommend that the *Income Tax Act* be amended to include, in the list of activities for which such expenses are tax deductible, child care expenses incurred by the primary caregiver when she or he is seeking the nomination of a registered constituency association during the nomination period or election as a candidate during the writ period.

### **Recommendation 1.3.22**

We recommend that

- (a) the *Income Tax Act* be amended to broaden the definition of attendant care to include the services of a person required to assist a disabled person to perform the functions necessary to seek the nomination of a registered constituency association during the nomination period or to be a candidate during the writ period; and
- (b) candidates who have obtained at least 1 per cent of the vote be reimbursed 75 per cent of their expenses incurred during the election period for assistive devices related to their specific needs in conducting an election campaign, for expenses totalling a maximum of 30 per cent of their overall spending limit.

### **Recommendation 1.3.23**

We recommend that the by-laws and constitutions of registered political parties require the establishment of formal search committees and commit the parties to processes that demonstrably promote the identification and nomination of broadly representative candidates.

## **Chapter 4**

### **Recommendation 1.4.1**

We recommend that section 51 of the *Constitution Act, 1867* be amended to embody the following principles:

- (1) Quebec be assigned 75 seats, and other provinces be assigned seats on the basis of the ratio of their population to the population of Quebec; and
- (2) if necessary, additional seats be assigned to provinces to ensure that
  - (i) the senatorial floor guarantee is respected;
  - (ii) no province loses more than one seat relative to the previous redistribution; and
  - (iii) no province has fewer seats than a province with a smaller population.

### **Recommendation 1.4.2**

We recommend that the use of independent electoral boundaries commissions for each province and the Northwest Territories, as well as the composition and manner of their appointment, be maintained.

### **Recommendation 1.4.3**

We recommend that the boundaries commission for each province establish the boundaries of the constituencies in its province according to the principles that the vote of each voter is of equal weight and that each constituency reflects communities of interest.



#### **Recommendation 1.4.4**

We recommend that

- (a) electoral boundaries commissions be permitted to deviate from their provincial electoral quotient by no more than 15 per cent; and
- (b) the rules for dividing the two constituencies of the Northwest Territories remain different with respect to the population criterion.

#### **Recommendation 1.4.5**

We recommend that the provision be removed whereby boundaries commissions may exceed the permitted variation from their provincial electoral quotient under circumstances they deem extraordinary.

#### **Recommendation 1.4.6**

We recommend that

- (a) electoral boundaries be drawn to represent communities of interest formed on the basis of demographic, sociological and geographic considerations, taking into account the accessibility, shape and ecology of a region, the boundaries of local government and administrative units, as well as treaty areas; and
- (b) electoral boundaries commissions justify their proposals and final decisions with reference to these community of interest considerations and contextual factors.

#### **Recommendation 1.4.7**

We recommend that

- (a) electoral boundaries be redrawn in all provinces after each redistribution on the basis of the number of voters registered for the most recent federal election;
- (b) after each general election the Canada Elections Commission determine the electoral quotient for each province and recommend whether adjustments to boundaries should be undertaken;
- (c) electoral boundaries be redrawn after each general election in any province where 25 per cent or more of the constituencies contain a number of voters deviating from the provincial quotient by more than 15 per cent;
- (d) no boundaries commission be established according to (a) for any province if there was no change to the number of members of the House of Commons assigned to the province and a boundaries commission had been established for the province after the most recent general election according to (b) and (c); and
- (e) no boundaries commission be established for any province after a general election according to (c) during the period commencing on the first day of the year before the year of a decennial census and ending on

the day the final report is completed by the boundaries commission established after the census.

**Recommendation 1.4.8**

We recommend that

- (a) electoral boundaries commissions be established and appointed by the end of September in the year that a decennial census is conducted or within 60 days of the Canada Elections Commission determining that a boundaries adjustment is required in one or more provinces following a general election; and
- (b) electoral boundaries commissions report to the Canada Elections Commission within eight months after they have received from the Canada Elections Commission the official census data or within eight months after the date of establishment of an electoral boundaries commission in a province following a general election, unless a second round of hearings is held, in which case the reporting date shall be extended a further four months.

**Recommendation 1.4.9**

We recommend that

- (a) the representation order issued after a redistribution of seats following a decennial census be effective on the first dissolution of Parliament that occurs at least six months after the day on which the order was issued; and
- (b) a representation order be issued for each province, when following a boundaries readjustment as required after a general election, to be effective on the first dissolution of Parliament that occurs at least six months after the day on which the order was issued.

**Recommendation 1.4.10**

We recommend that

- (a) the present procedure for parliamentary committee hearings on electoral boundaries be discontinued; and
- (b) where revisions to the preliminary report of an electoral boundaries commission are made, the commission invite submissions and hold public hearings on these changes; and that where, in the aggregate, revisions involve the addition to or removal from a constituency of 25 per cent or more of the number of voters in any constituency, the commission invite submissions on these revisions and hold public hearings to consider the submissions.

#### **Recommendation 1.4.11**

We recommend that

- (a) electoral boundaries commissions be encouraged to use other than geographic names to designate constituencies, particularly where this would avoid the use of multiple hyphenation;
- (b) the legislation specify that the name of a constituency not be changed other than during the boundaries readjustment process; and
- (c) the commissions ask the Canadian Permanent Committee on Geographical Names to suggest names for constituencies where changes are required or contemplated and that the designations of these constituencies and the rationale for the choice be presented in the commissions' preliminary reports.

#### **Recommendation 1.4.12**

We recommend that

- (a) the *Canadian Elections Act* provide for the creation of Aboriginal constituencies by electoral boundaries commissions in any province where the number of self-identified Aboriginal voters enrolled on an Aboriginal voters register warrants the establishment of one or more such constituencies in relation to a province's electoral quotient;
- (b) where two or more such constituencies are to be established within a province, the distinct Aboriginal representational needs within that province be the primary basis for drawing the boundaries of these Aboriginal constituencies, on either a province-wide or geographical basis, provided that the province's electoral quotient is respected; and
- (c) the name of Aboriginal constituencies be in an Aboriginal language, reflect the historical link of the community to the land or a historic Aboriginal name or event, and be determined in consultation with the Aboriginal people concerned.

#### **Recommendation 1.4.13**

We recommend that the number of Aboriginal constituencies in a province be equal to such integer as is obtained by dividing the number of voters on the Aboriginal voters register by a number equal to 85 per cent of the electoral quotient for the province.

#### **Recommendation 1.4.14**

We recommend that section 51 of the *Constitution Act, 1867* provide that any province, where the redistribution of seats in the House of Commons calls for the reduction of one seat and the boundaries readjustment for the creation of an Aboriginal constituency, be assigned this additional seat for as long as the province has one or more Aboriginal constituencies.

**Recommendation 1.4.15**

We recommend that the *Canada Elections Act* state that the creation of Aboriginal constituencies not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to Aboriginal peoples.

**Recommendation 1.4.16**

We recommend that

- (a) Aboriginal voters have the right to enrol on the Aboriginal voters register in their province; and
- (b) an Aboriginal voter be defined as a voter who self-identifies as an Aboriginal person, but if an objection is raised, he or she may be required to provide evidence of Aboriginal ancestry or community acceptance, although the burden of proof should rest with those making the challenge.

**Recommendation 1.4.17**

We recommend that

- (a) the registration of Aboriginal voters in each province to determine whether the number of Aboriginal voters warrants the creation of one or more Aboriginal constituencies be undertaken under the general supervision of the Canada Elections Commission;
- (b) the registration process be administered by persons qualified to be registered as Aboriginal voters; and
- (c) the Commission be required to seek the co-operation of Aboriginal organizations and media in conducting Aboriginal voter registration drives.

**Chapter 5****Recommendation 1.5.1**

We recommend that registered political parties, as the primary political organizations formed on the basis of a shared set of ideas and principles for the purposes of:

nominating candidates for election to Parliament; mobilizing electoral support for their candidates; engaging their members in discussion of democratic governance; providing forums for the development of alternative policies and programs; preparing their elected members for their parliamentary responsibilities; and organizing the processes of representative and responsible government,

have constitutions that promote democratic values and practices in their internal affairs and that are consistent with the spirit and intent of the *Canadian Charter of Rights and Freedoms*.

### **Recommendation 1.5.2**

We recommend that

- (a) the democratic constitution of a party and of its registered constituency associations be submitted as part of the registration application to the Canada Elections Commission, and contain the following:
  - (1) provisions that those members who nominate a candidate for election to the House of Commons, select delegates to a leadership convention, or elect the party leader, be voters;
  - (2) clear and consistent rules applying to all aspects of the selection process for candidates, leaders, delegates and party officers, as well as membership requirements;
  - (3) rules and procedures for meetings and proceedings;
  - (4) a rule that a person may vote only once at a meeting and may vote only at one meeting to select a constituency candidate, delegates for a leadership convention, or a leader or to conduct the affairs of a constituency association;
  - (5) provisions for remedies and processes to fairly resolve disputes between party members and the constituent parts of the party; and
  - (6) specific sanctions that would be applied in cases of violation of its constitutions and rules; and
- (b) nothing in the above requirements be construed to imply that a registered political party cannot have provincial associations that may exercise all or part of the responsibilities of the national party; and in such cases, the powers of the provincial associations be delineated in the constitution and by-laws of the party, and the constitution and the by-laws of the provincial associations be consistent with the requirements of the *Canada Elections Act* and filed with the Canada Elections Commission.

### **Recommendation 1.5.3**

We recommend that

- (a) all registered parties, as a condition of registration provide:
  - (1) the full name of the party;
  - (2) the party name or the abbreviated identification and logo, if any, of the party to be shown in any election documents, and that these be distinct from any other party currently or formerly registered or that was represented in the House of Commons;
  - (3) the address of the office where party records are maintained and to which communications may be addressed;
  - (4) the names and addresses of financial institutions where the party's accounts are kept;
  - (5) the name and address of the party leader or designated head, who must be a voter;

- (6) the names and addresses of the officers of the party, who must be voters;
  - (7) the name and address of the person who has been appointed auditor of the party;
  - (8) the name and address of the chief agent of the party;
  - (9) a statement in writing signed by the persons who are identified as the chief agent and auditor of the party stating that each has accepted the appointment; and
  - (10) a recent audited financial statement;
- (b) a political party be allowed to register at any time before the issue of the writs by:
- (1) satisfying the administrative requirements for registration;
  - (2) submitting its constitution and by-laws, which must be in accordance with the requirements of the *Canada Elections Act* and duly adopted by a general meeting of members;
  - (3) undertaking to nominate candidates in at least 50 constituencies for the subsequent federal election; and
  - (4) submitting the declared support of 5000 voters who are members in good standing of the party;
- (c) a political party that has nominated candidates in at least 50 constituencies in the most recent federal election or that is recognized as a parliamentary party under the *Parliament of Canada Act*, qualify automatically as a registered party by:
- (1) filing for registration;
  - (2) satisfying the above administrative requirements for registration; and
  - (3) submitting its constitution and by-laws which must be in accordance with the requirements of the *Canada Elections Act* and duly adopted by a general meeting of members; and
- (d) the Canada Elections Commission not accept the application for registration nor register a political party during the period from the close of nominations to election day.

#### **Recommendation 1.5.4**

We recommend that

- (a) the Canada Elections Commission have the power to suspend the registration of a political party for any period;
- (b) a registered party be subject to suspension when it is determined that it has violated conditions of its registration;
- (c) a registered party be subject to deregistration if the Commission deems the party has violated terms of its constitution or failed to comply with the requirements of the Act;
- (d) a registered party be automatically suspended if it nominates candidates in fewer than 50 constituencies; and

- (e) a registered party, including a parliamentary party recognized under the *Parliament of Canada Act*, be allowed to have its party name placed on the ballot if the party fails to nominate candidates in at least 50 constituencies, but nominates candidates in at least 15 constituencies.

### **Recommendation 1.5.5**

We recommend that

- (a) all constituency associations of registered parties be required to register with the Canada Elections Commission;
- (b) the Commission register only constituency associations of registered parties;
- (c) constituency associations be allowed to issue income tax receipts as long as their registration remains valid and they are in compliance with the requirements of the Act; and
- (d) the Canada Elections Commission register only one association of a registered party in each constituency.

### **Recommendation 1.5.6**

We recommend that

- (a) the application for registration of a constituency association include the following information:
  - (1) the name of the constituency association and the written endorsement of the registered party;
  - (2) the constitution of the constituency association, which must be in accordance with the requirements of the Act and have been adopted by a general meeting of members;
  - (3) the name and address of the president of the constituency association;
  - (4) the name and address of the constituency agent and the auditor of the association;
  - (5) the address where the association's accounting records are kept;
  - (6) the name and address of financial institutions where the association's accounts are kept;
  - (7) a written statement from the constituency agent and auditor stating that each agrees to act; and
  - (8) a statement of the assets, liabilities and any surplus of the constituency association;
- (b) if an application is satisfactory, the information be entered in a registry of constituency associations maintained by the Canada Elections Commission, and both the association and endorsing party be informed that it has been registered; and
- (c) constituency associations be obliged to notify the Canada Elections Commission promptly of any changes to their registration information.

**Recommendation 1.5.7**

We recommend that a constituency association be de-registered when:

- (1) the national party is de-registered;
- (2) the registered party asks for an association to be de-registered;
- (3) the boundaries of the constituency are adjusted so that the association disappears or is merged with one or more other constituency associations; or
- (4) the constituency association violates the terms of its constitution or fails to comply with the requirements of the *Canada Elections Act*.

**Recommendation 1.5.8**

We recommend that a political party be entitled to be identified on a ballot beside the name of its candidates in a general election and any election that follows until the next general election if:

- (1) it satisfies the administrative requirements identified in recommendation 1.5.3;
- (2) the leader of the party is a voter;
- (3) the name of the political party is distinct from any other party currently or formerly registered or represented in the House of Commons; and
- (4) it endorses candidates in at least 15 constituencies in the general election by the close of nominations.

**Recommendation 1.5.9**

We recommend that the candidate nominated by a registered constituency association be selected by an open convention of members held for this express purpose.

**Recommendation 1.5.10**

We recommend that candidates of a registered political party or of a party that has qualified for ballot identification who want to use the party name, logo or abbreviated identification on election documents have the written endorsement of either the party leader, his or her designate or a person designated by the governing body of the party.

**Recommendation 1.5.11**

We recommend that should the overall percentage of women in the House of Commons be below 20 per cent following either of the next two elections, then:

- (1) at the two elections following the next election, the reimbursement of each registered political party with at least 20 per cent female MPs be increased by an amount equivalent to the percentage of its women MPs up to a maximum of 150 per cent;
- (2) this measure be automatically eliminated once the overall percentage of women in the House of Commons has attained 40 per cent; and
- (3) following the third election, if this measure is still in place, the Canada Elections Commission review it and recommend to Parliament whether it should be retained or adjusted.



**Recommendation 1.5.12**

We recommend that, as a condition of registration, the constitution of a party be filed with the Canada Elections Commission and include the following provisions:

- (1) only members residing in the constituency who are in good standing for 30 days before the date set for a meeting to select delegates for a leadership convention be able to vote for delegates;
- (2) for members who reside outside a constituency that is selecting delegates for a leadership convention, only members who are in good standing at least six months before the date set for the meeting be able to vote for the election of delegates;
- (3) only members who are in good standing at least 30 days before the date set for the election of the leader through universal suffrage of party members be able to vote for the election of the party leader; and
- (4) immediately on determination that the process for the selection of a leader will be initiated, specific rules to govern the process be adopted by the relevant party authorities, including
  - (i) obligations for leadership contestants to provide full disclosure of financial activities, including size and source of financial contributions of \$250 or more in the aggregate;
  - (ii) spending limits, which may be less than the 15 per cent of the election expenses permitted the party under the *Canada Elections Act* for the most recent federal general election; and
  - (iii) requirements for a preliminary report by leadership contestants on their expenses and revenues on the day preceding the election of the leader.

**Recommendation 1.5.13**

We recommend that the *Canada Elections Act* be amended to include the following provisions:

- (1) leadership contestants be required to file a report on expenses and revenues to the Canada Elections Commission within three months of the day the vote is held to select the leader;
- (2) spending by individual leadership contestants of registered parties not exceed 15 per cent of the election expenses permitted the party under the *Canada Elections Act* for the most recent federal general election;
- (3) each contestant for the leadership of the party be required to appoint an agent with responsibilities similar to those of the official agent of a candidate;
- (4) the spending limits for leadership campaigns take effect from the time the party sets and announces a date for the election of its leader, and apply to the date when the party leader is elected;
- (5) bona fide contestants for a registered party's leadership, as determined by the party, be eligible to use the tax credit system in fund-raising activities, through a mechanism established by the registered party;
- (6) tax credits for leadership campaigns be issued only by the party, and the total amount of contributions to a leadership contestant for which tax

credits are attributed not exceed the total spending limit established by the party for each leadership contestant; and

(7) any portion of financial surpluses accumulated by leadership contestants that would have qualified for tax credits revert, at the discretion of the leadership contestant, to the registered political party, to the party's registered party foundation or to one of the party's registered constituency associations.

#### **Recommendation 1.5.14**

We recommend that

- (a) each registered party adopt a code of ethics; and
- (b) each party set up an ethics committee to help ensure adherence to and promotion of the code.

#### **Recommendation 1.5.15**

We recommend that

- (a) registered parties be encouraged to create party foundations;
- (b) the purpose of the party foundations be:
  - (1) to provide registered parties with a permanent institutional base for the development and promotion of policy alternatives;
  - (2) to bring together party members to participate in seminars and conferences on public policy issues;
  - (3) to maintain a publication program to promote the education of party members;
  - (4) to serve as a source of policy and research advice to registered parties in their roles as opposition and government parties; and
  - (5) to assist registered parties during transitions from opposition to government, and from government to opposition; and
- (c) to be eligible for direct and/or indirect funding, party foundations be required:
  - (1) to meet the requirements for a non-profit organization established under the *Canada Corporations Act*;
  - (2) to have a constitution separate from their party's, explicitly stating the mission and goals of the organization, outlining procedures for selecting board members and the director, and providing a reasonable degree of autonomy to allow for and encourage the free flow of ideas and debate on important issues;
  - (3) to have a board of directors that represents the constituent parts of the party including, if the party so decides, the party leader or any party officer;
  - (4) to have specific provisions prohibiting the director and other full-time personnel from participating directly in the preparation of election-related material or in the conduct of election campaigns, unless they take unpaid leave from their positions;

- (5) to present annual reports to the Canada Elections Commission on their activities and programs, including full disclosure of all revenues, expenditures and contributions, consistent with the financial disclosure requirements for political parties; and
- (6) to prohibit any transfers of funds from the foundation to the political party other than for specific administrative services provided by the party.

**Recommendation 1.5.16**

We recommend that

- (a) public funding be provided for registered party foundations, subject to the threshold of a registered party having at least 5 per cent of the national vote in the preceding election, in the form of an annual grant of \$0.25 for each vote received by the registered party in the preceding election;
- (b) the application for the creation of a party foundation be presented to the Canada Elections Commission by the registered party;
- (c) a registered party that has not set up a foundation be ineligible for the annual grants;
- (d) if the foundation is set up in any calendar year following a general election, the foundation be entitled to the total annual grant for that year;
- (e) the *Income Tax Act* be amended to provide that contributions to registered party foundations be eligible for a tax credit on the same scale as the credit that now applies to donations to charitable organizations;
- (f) foundations be obliged to comply with the requirements for charitable organizations under the *Income Tax Act*; and
- (g) the composition of the board of directors for the foundations be consistent with the requirements for charitable organizations registered under the *Income Tax Act*.

**Recommendation 1.5.17**

We recommend that

- (a) a registered party that has established a foundation but does not receive 5 per cent of the national vote in the following election be permitted to continue to have its foundation accredited by the Canada Elections Commission;
- (b) any registered party that has been de-registered have its foundation de-registered by the Canada Elections Commission; and
- (c) public funding provisions for party foundations be reviewed after seven years by the Canada Elections Commission and that the Commission report to Parliament on the results of its review.

**Recommendation 1.5.18**

We recommend that the scale of the federal political contribution tax credit not be changed.

**Recommendation 1.5.19**

We recommend that the *Income Tax Act* be amended to specify that receipts allowing taxpayers to claim the political contribution tax credit be issued only for contributions intended to support the activities of a federally registered party, including its registered constituency associations, a candidate during a federal election or a person seeking the nomination as the candidate of a federally registered constituency association or the leadership of a federally registered party.

**Chapter 6****Recommendation 1.6.1**

We recommend that 'election expenses' be defined to include "the cost of any goods or services used during an election:

- (1) to promote or oppose, directly or indirectly, the election of a candidate;
  - (2) to promote or oppose a registered party or the program or policies of a candidate or registered party; or
  - (3) to approve or disapprove a course of action advocated or opposed by a candidate, registered party or leader of a registered party;
- and include an amount equal to any contribution of goods or services used during the election."

**Recommendation 1.6.2**

We recommend that a candidate's 'election expenses' not exceed the aggregate of:

- \$2.00 for each of the first 20 000 registered voters for the constituency;
- \$1.00 for each registered voter between 20 001 and 30 000; and
- \$0.50 for each additional registered voter.

**Recommendation 1.6.3**

We recommend that

- (a) for calculating a candidate's election expenses limit, any constituency where the number of voters is less than 30 000 be deemed to have 30 000 voters; and
- (b) candidates in constituencies with, on average, fewer than 10 voters per square kilometre be allowed to incur additional election expenses of \$0.30 for each square kilometre, but that the additional permitted spending not exceed 50 per cent of the election expenses limit that would otherwise apply.

**Recommendation 1.6.4**

We recommend that a registered party's election expenses not exceed the aggregate of \$0.70 for each registered voter in constituencies where the party has candidates.

**Recommendation 1.6.5**

We recommend that there be no statutory restrictions on the ability of groups, associations, unions and employers to communicate directly and exclusively with their bona fide members, employees or shareholders on election issues.

**Recommendation 1.6.6**

We recommend that

- (a) election expenses incurred by any group or individual independently from registered parties and candidates not exceed \$1000;
- (b) the sponsor be identified on all advertising or distributed promotional material; and
- (c) there be no pooling of funds.

**Recommendation 1.6.7**

We recommend that the blackout period for election advertising at the end of the election period include advertising by groups and individuals.

**Recommendation 1.6.8**

We recommend that

- (a) the Canada Elections Commission annually determine adjustments to the spending limits for candidates, registered parties, individuals and groups;
- (b) the adjustments reflect changes in the costs of major goods and services used in election campaigns; and
- (c) the adjustments be in effect from 1 May each year and apply to any election for which the writ was issued during the following 12 months.

**Recommendation 1.6.9**

We recommend that

- (a) spending by those seeking the nomination of a registered constituency association not exceed 10 per cent of the limit for a candidate's election expenses in that constituency in effect at the time of the nomination meeting, except if the rules of the registered party provide for a lower limit;
- (b) this limit apply during a nomination period of a maximum of 30 days; and

- (c) during an election period, the expenses incurred by the constituency association or registered party for the nomination of a candidate not exceed 10 per cent of a candidate's allowable election expenses in that constituency.

**Recommendation 1.6.10**

We recommend that

- (a) those seeking the nomination of a registered constituency association be required to notify the constituency association agent of their intention to do so, in accordance with the rules in the constitution of the registered party or association;
- (b) each nomination contestant be required to appoint an agent, with responsibilities similar to those of the official agent of a candidate;
- (c) contributions to a nomination contestant's campaign be eligible for income tax receipts issued by the constituency agent, but that once the value of contributions to any contestant for which receipts are issued reaches the amount of the nomination spending limit, no further receipts be issued with respect to this nomination contestant;
- (d) as a condition of registration, a party or constituency association submit to the Canada Elections Commission its by-laws or rules concerning the financial activities of nomination contestants, including an obligation to disclose contributions, spending limits and a requirement that, no later than the day of the nomination meeting, each nomination contestant submit to the association a preliminary report on his or her nomination expenses and contributions;
- (e) no later than a month after the nomination meeting, nomination contestants be required to submit to the Canada Elections Commission a report on their spending and contributions during the nomination period, except if the nomination takes place during the election period, in which case the contestant nominated as the candidate be required to submit the report no later than the date for submission of his or her post-election return; and
- (f) after the first election to which nomination spending limits apply, the Canada Elections Commission report to Parliament on the initial experience with the limits.

**Recommendation 1.6.11**

We recommend that

- (a) registered political parties that receive at least 1 per cent of all the valid votes cast be reimbursed \$0.60 for each vote received but that no party be reimbursed an amount greater than 50 per cent of its election expenses;

- (b) candidates who receive 1 per cent of the valid votes in a constituency be reimbursed \$1.00 for each vote received, except that
  - (1) candidates in constituencies with, on average, fewer than 10 voters per square kilometre be reimbursed \$1.25 for each vote received;
  - (2) candidates in 'remote' constituencies be reimbursed \$1.50 for each vote received; and
  - (3) candidates in constituencies with fewer than 30 000 voters be reimbursed the amount obtained by multiplying their share of the vote by 30 000 times the amount per vote that would otherwise apply; but that no candidate be reimbursed an amount greater than 50 per cent of his or her election expenses;
- (c) after each election, the Canada Elections Commission review the scale of the reimbursements; and
- (d) any adjustments to the scale of the reimbursements be made through a regulation of the Commission.

**Recommendation 1.6.12**

We recommend that

- (a) following an election, the surplus of any candidate other than those nominated by a registered constituency association be held in trust by the Canada Elections Commission; and
- (b) if she or he is a candidate in the subsequent general election or a by-election during the intervening period, the funds be transferred to the financial agent of the candidate; if a constituency association is registered in her or his constituency, the funds be transferred to that constituency association upon the request of the former candidate; and, if not, the funds be transferred to the Receiver General for Canada.

**Recommendation 1.6.13**

We recommend that

- (a) constituency associations of independent Members of Parliament be eligible to register as local associations and be authorized to issue income tax receipts for political contributions;
- (b) any such association be de-registered as soon as the Member of Parliament retires, indicates she or he will not stand for re-election or is defeated, and its funds be held in trust by the Canada Elections Commission; and
- (c) if the former independent Member of Parliament is a candidate at the following general election or at a by-election during that period, the funds held in trust be transferred to the financial agent of the candidate and, if not, the funds be transferred to the Receiver General for Canada.

**Recommendation 1.6.14**

We recommend that

- (a) an advertising period be designated to begin 11 days after the day the writs are issued and to end at midnight on the second day before election day;
- (b) the registered parties and broadcasters seek agreement on the scheduling of paid campaign advertising time by the end of the tenth day after the writs are issued; and
- (c) failing agreement, the Canada Elections Commission establish a schedule.

**Recommendation 1.6.15**

We recommend that only registered parties be eligible to purchase the paid time broadcasters are obliged to make available under the *Canada Elections Act*.

**Recommendation 1.6.16**

We recommend that each broadcaster be required to make 360 minutes available in prime time (or such other time as mutually agreed on) for purchase by registered parties during the advertising period, subject to a maximum of 100 minutes for purchase by any registered party from any broadcaster.

**Recommendation 1.6.17**

We recommend retaining the prohibition in the *Canada Elections Act* against the purchase of time from broadcasting stations outside Canada during an election.

**Recommendation 1.6.18**

We recommend that

- (a) each broadcaster be required to provide time to registered parties at 50 per cent of the most favoured rate at which comparable time is sold to other advertisers;
- (b) notwithstanding any provision in the *Broadcasting Act*, CRTC regulations or conditions of licence, each broadcaster be permitted to classify one-half of the paid political advertising sold during the advertising period as program time, not to be counted against its maximum permitted advertising time; and
- (c) each broadcaster that makes available paid time to individual candidates must do so on an equitable basis and at a rate that does not exceed the lowest rate charged for an equal amount of time on the same facilities to any person at any time in the same period.



**Recommendation 1.6.19**

We recommend that

- (a) the Canada Elections Commission issue directives and guidelines regarding the booking and cancellation of paid time and its fair distribution among parties; these should reflect normal commercial practices, with due regard for the urgent needs of election campaigns and the need to make every effort to accommodate the scheduling requests of parties; and
- (b) the Commission assume the functions currently performed by the broadcasting arbitrator.

**Recommendation 1.6.20**

We recommend that any community broadcaster or provincially operated educational broadcaster that sells advertising time to any registered party or candidate during the election period be automatically subject to the requirements of the *Canada Elections Act*.

**Recommendation 1.6.21**

We recommend that

- (a) broadcasters be explicitly protected from liability for the bumping of commercial advertisements by party advertisements if such occurrence arises from the requirements of the *Canada Elections Act*; and
- (b) broadcasters not be required to accept advertisements from parties in languages other than the language in which they normally broadcast.

**Recommendation 1.6.22**

We recommend that

- (a) the current provision on the free-time political broadcasting system set out in the *Canada Elections Act* be abolished; and
- (b) a free-time broadcasting regime be established, with programs to begin on a date after the writs to be set by the Canada Elections Commission and to end on the second day before election day, with the following characteristics:
  - (1) television and radio network operators, as well as specialty broadcast undertakings presenting primarily general news and public affairs programs, be required to provide to the Canada Elections Commission ten 30-minute free-time broadcasts in prime time (at least 24 minutes of which would be available to parties);
  - (2) networks broadcasting in French whose primary audience is in Quebec and those networks reaching a majority of Canadians outside Quebec whose primary language is French be required to provide to the Canada Elections Commission five 30-minute free-time broadcasts in

prime time (at least 24 minutes of which would be available to parties); and

(3) the specific days and times of these broadcasts be mutually agreed upon by the networks and registered parties, and in the event there is no agreement by the first day of the free-time broadcasting period established by the Canada Elections Commission, the Commission be mandated to establish forthwith the specific days and times for the programs.

### **Recommendation 1.6.23**

We recommend that

- (a) participants in the broadcasts include all registered parties;
- (b) the broadcasts be a magazine show format made up of party segments of approximately four minutes each; and
- (c) the Parliamentary Channels be required to repeat each of the French and English broadcasts a minimum of three times, and broadcasters have the option of repeating these broadcasts except during the blackout period at the end of the election period.

### **Recommendation 1.6.24**

We recommend that

- (a) broadcast time on the free-time programs be allocated as follows:
  - (1) one program segment to all registered parties;
  - (2) one additional segment to all parties registered by the issue of the writs that were registered at the previous general election but received less than 5 per cent of the vote;
  - (3) one additional segment to all registered parties with candidates nominated in more than half the constituencies;
  - (4) one additional segment to any registered party represented in the House of Commons (that is, at least one Member of Parliament) when the writs are issued, if the party was not registered or did not receive more than 5 per cent of the vote in the previous general election; and
  - (5) the remaining segments to be allocated among those registered parties that received more than 5 per cent of the vote in the previous general election, in proportion to the votes each received;
- (b) if the total time allocated to those parties that did not reach the 5 per cent threshold in the previous election exceeds 40 per cent of the total time made available, individual party allocations be reduced proportionately to remain within that cap; and
- (c) for the French networks, the time be allocated to each registered party on a similar basis as for other networks, with due consideration for fairness and the number of candidates endorsed by each party in the area these networks are licensed to serve.

**Recommendation 1.6.25**

We recommend that

- (a) to ensure high production values for free-time broadcasts, the Canada Elections Commission appoint a producer for each official language, after consulting with the registered parties; and
- (b) the producers oversee the programs and assist the parties on request.

**Recommendation 1.6.26**

We recommend that

- (a) the schedule of broadcast for party segments in the free-time broadcasts be decided by negotiation among those parties participating and the producers; and
- (b) if there is no agreement, the schedule be decided forthwith by the Canada Elections Commission.

**Recommendation 1.6.27**

We recommend that

- (a) televised leaders debates not be required by law;
- (b) all matters of organization continue to be negotiated among the networks and the parties, subject to the appropriate CRTC regulations and guidelines;
- (c) parties participating in the debates and networks select a chairperson by the fifth day following the issue of the writs; and
- (d) televised leaders debates be closed-captioned, and sign language also be provided.

**Recommendation 1.6.28**

We recommend that all federal government advertising during the election period be governed by the following rules:

- (a) no department of the government of Canada and no Crown agency or corporation shall during an election period publish or advertise in any manner in the area where the election is held any information concerning the programs or activities of the department or Crown agency or corporation except
  - (1) in continuation of earlier publications or advertisements concerning ongoing programs; or
  - (2) to solicit applications for employment or to solicit tenders for goods and services; or
  - (3) where the publication or advertisement is required by law; or
  - (4) where the publication or advertisement is deemed necessary by the Canada Elections Commission for the administration of an election; and

- (b) on receipt of a complaint, the Canada Elections Commission shall consider the alleged violation of these prohibitions, investigate the matter if it is deemed necessary, and, if it so judges, issue a cease-and-desist order.

## Chapter 7

### Recommendation 1.7.1

We recommend that registered parties and registered constituency associations file an unaudited report of contributions for the first six months of the year and a full audited return on their financial activities for the entire year.

### Recommendation 1.7.2

We recommend that

- (a) no later than three months after the end of the reporting period or the election, all financial reports filed by registered political parties, candidates and registered constituency associations be submitted to the Canada Elections Commission;
- (b) no later than a month after the nomination meeting, nomination contestants be required to submit to the Canada Elections Commission a report on their spending and contributions during the nomination period, except if the nomination takes place during the election period, or if the reporting deadline falls during the election period, in which case the candidate be required to submit the report no later than the date for submission of his or her post-election report; and
- (c) no later than three months after the day of the vote to select the leader of a registered party, leadership contestants be required to submit to the Canada Elections Commission a final return on their spending and revenue.

### Recommendation 1.7.3

We recommend that

- (a) for contributions that must be reported:
  - (1) the contributor's full address (including street address, city/town/municipality, province and postal code) and the date of the contribution be required;
  - (2) numbered corporations be required to disclose one of the following: the name under which the corporation is registered provincially, the name that appears on the corporation's letterhead, or the names of the directors of the corporation as registered with Consumer and Corporate Affairs Canada; and
  - (3) registered parties, registered constituency associations, candidates, nomination contestants and leadership contestants be required to make their best effort to collect this information;

- (b) use of disclosed information for non-election purposes be illegal; and
- (c) to enforce this provision, 'dummy' entries on lists of contributors be permitted.

#### **Recommendation 1.7.4**

We recommend that

- (a) registered parties and registered constituency associations report all contributions from any one source totalling \$250 or more in any year;
- (b) candidates, nomination contestants and leadership contestants report all contributions from any one source totalling \$250 or more in the reporting period; and
- (c) the Canada Elections Commission review this threshold every five years and adjust it accordingly.

#### **Recommendation 1.7.5**

We recommend that as part of any returns they are required to file under the *Canada Elections Act*, registered political parties, registered constituency associations, candidates and leadership contestants submit financial statements prepared according to generally accepted accounting principles and audited according to generally accepted auditing standards.

#### **Recommendation 1.7.6**

We recommend that

- (a) contribution information be available in computerized format and accessible in machine-readable form, and in its printed form be arranged alphabetically by category of contributor and by province; and
- (b) the Canada Elections Commission implement procedures for computerized filing of financial returns.

#### **Recommendation 1.7.7**

We recommend that the Canada Elections Commission develop and publish, annually and after every general election, an analysis and summary of party and election finance information and include contextual information in publications to enhance their utility to users.

#### **Recommendation 1.7.8**

We recommend that the *Parliament of Canada Act* be amended to require Members of Parliament to disclose any contribution received in a manner and format that conforms to the requirements in the *Canada Elections Act* for contributions to registered parties and registered constituency associations.

**Recommendation 1.7.9**

We recommend that

- (a) in training sessions and guides or manuals for candidates, agents and executive officers, political parties explain sections 119 and 121 (and successor sections) of the *Criminal Code* relating to bribery and fraudulent payments, as well as the relevant penalties for offenders; and
- (b) sections 119 and 121 of the *Criminal Code* be included in the code of ethics of each political party.

**Recommendation 1.7.10**

We recommend that the *Canada Elections Act* not impose limits on the size of contributions to registered political parties, registered constituency associations, candidates, nomination contestants and leadership contestants.

**Recommendation 1.7.11**

We recommend that the *Canada Elections Act* not impose a ban on political contributions from business, trade unions or other organizations, except as noted in recommendation 1.7.12.

**Recommendation 1.7.12**

We recommend that

- (a) political contributions from foreign sources be banned and that foreign sources be defined as:
  - (1) any individual who is not a Canadian citizen, permanent resident or landed immigrant;
  - (2) any corporation that is foreign controlled, and that a corporation be considered foreign controlled if a majority of its voting shares are held by residents of foreign countries or by corporations that are foreign controlled;
  - (3) any trade union that does not hold bargaining rights for employees in Canada; and
  - (4) any foreign political party or government;
- (b) the law provide that recipients of a contribution must show due diligence in seeking to ensure that a contribution is not from a foreign source; and
- (c) if it is determined that a contribution was from a foreign source, the recipient be required to return it; if this is not possible, the contribution be remitted to the Receiver General for Canada.

**Recommendation 1.7.13**

We recommend that

- (a) individual taxpayers be allowed to make a political contribution not exceeding \$100 to a registered political party when filing their federal income tax returns and to claim the tax credit for that fiscal year; and

- (b) the Receiver General forward to each registered political party an amount equal to the political contributions made under this procedure without revealing the names of the individual contributors.

**Recommendation 1.7.14**

We recommend that the publication or announcement of opinion polls be prohibited from midnight the day preceding election day until the close of all polls on election day.

**Recommendation 1.7.15**

We recommend that any news organization that sponsors, purchases or acquires any opinion poll and is the first to publish or announce its results in Canada during an election campaign be required to include in that report technical information on the methodology of the poll, including

- the name of the polling organization,
- the sponsor who paid for the poll,
- dates of the interviewing period,
- the method of collection (for example, telephone, in person, mail questionnaire),
- the population from which the sample was drawn,
- number of respondents (completed interviews),
- the refusal rate (%),
- margin of error,
- the exact wording of each question for which data are reported, and
- the size, description and margin of error for any sub-samples used in the report.

**Recommendation 1.7.16**

We recommend that any news organization that is the first to publish or announce in Canada any opinion poll that it has sponsored, purchased or acquired during a campaign be required to make available to any person, for the cost of duplication and within 24 hours of publication, a full report on the results of questions published, including the results on which the publication or announcement is based and the following technical information:

- the name and address of the polling organization,
- the sponsor who paid for the poll,
- dates and times of interviewing,
- the method of collection (for example, telephone, in person, mail questionnaire),
- the population from which the sample was drawn,
- the sampling method,
- the size of the initial sample,
- the number of ineligible respondents,
- number of respondents (completed interviews),
- the refusal rate (%),
- the response rate (%),

- the margin of error,
- weighting factors/normalization procedures (if any),
- the exact wording of each question for which data are reported,
- the size, description and margin of error for any sub-samples used in the report, and
- the method used to recalculate percentages when those with no opinion or who did not answer a question are left out.

**Recommendation 1.7.17**

We recommend that reports in the news media of polls done privately or by other news organizations, when presented for the first time in Canada in a manner similar to formal reports of media polls, be subject to the same disclosure rules as noted in recommendation 1.7.15.

**Recommendation 1.7.18**

We recommend that

- (a) polling organizations engaged in election campaign polling for publication develop a professional code of conduct and an association to promote adherence to it; and
- (b) polling organizations work with the media to improve the standards of poll reporting.

**Recommendation 1.7.19**

We recommend that the current end-of-campaign blackout provisions in the *Canada Elections Act* remain.

**Recommendation 1.7.20**

We recommend that the Canadian Advertising Foundation establish a working group with the registered political parties and the media to develop standards and compliance procedures for campaign advertising.

**Recommendation 1.7.21**

We recommend that broadcasters retain legal liability for the content of partisan advertising.

**Recommendation 1.7.22**

We recommend that the *Canada Elections Act* not be construed as requiring broadcasters to place partisan advertising sponsored by registered parties in news and public affairs programs.

**Recommendation 1.7.23**

We recommend that

- (a) press and broadcast councils develop standards for campaign coverage and procedures for dealing with complaints about it;



- (b) organizations such as the Canadian Association of Journalists and the Fédération professionnelle des journalistes du Québec continue to hold post-election evaluations of coverage and that other industry organizations institute them; and
- (c) organizations such as the Canadian Daily Newspapers Association or the new Canadian Journalism Foundation set up regular seminars on campaign coverage.

**Recommendation 1.7.24**

We recommend that

- (a) a commission be established to be known as the Canada Elections Commission consisting of seven members appointed by a two-thirds vote of the House of Commons;
- (b) the House of Commons designate a member of the Commission to be the chief electoral officer who will chair the Commission and be its chief executive officer;
- (c) the House of Commons designate two members of the Commission to be vice-chairs;
- (d) the chief electoral officer/chair of the Commission be appointed for a seven-year term or until a successor is appointed;
- (e) other members of the Commission be appointed for a five-year term or until a successor is appointed;
- (f) when the Commission is established, three of its first six members be appointed for seven years to ensure continuity;
- (g) the terms of the chief electoral officer and commissioners be renewable;
- (h) (1) a majority of commissioners be permitted to request the Canadian Judicial Council to inquire into whether a commissioner should be removed from office for any of the reasons set out in paragraph 65 (2) (a) to (d) of the *Judges Act*;  
(2) the Council's recommendation be made to the Speaker of the House of Commons; and  
(3) commissioners be removed only on a two-thirds majority address of the House of Commons;
- (i) during their terms in office, the chief electoral officer and commissioners not hold office in or be employed in any capacity by a political party, not be members of a political party and not make political contributions or contributions to a party foundation; and
- (j) the chief electoral officer/chair of the Commission be paid a salary equal to that of the Chief Justice of the Federal Court of Canada; the two vice-chairs be paid a salary equal to that of the justices of that court; and the remuneration of the other members of the Commission be fixed by the Governor in Council.

**Recommendation 1.7.25**

We further recommend that the powers of the Canada Elections Commission include the following:

- (1) to formulate policy and direct the chief electoral officer on policy implementation;
- (2) to issue policy statements to registered political parties, candidates, agents and other interested individuals or groups;
- (3) to review decisions by election officials when requests have been filed by citizens, candidates, parties and their agents;
- (4) to conduct public hearings on regulations, policies and guidelines;
- (5) to respond to requests for advance rulings or interpretation bulletins from registered political parties, candidates or agents;
- (6) to recommend changes to legislation;
- (7) to make regulations that are submitted directly to the Speaker of the House of Commons and deemed approved if not referred for debate or to a committee within 15 sitting days after being tabled;
- (8) to exercise the functions of the current broadcasting arbitrator;
- (9) to submit its annual operating budget to the Treasury Board;
- (10) to submit an annual report to Parliament on elections administration and enforcement; and
- (11) to maintain a register of political parties, constituency associations and party foundations.

**Recommendation 1.7.26**

We recommend that

- (a) when a case is referred to the Commission for adjudication, the chair, or in her or his absence a vice-chair, designate the panel to hear the case;
- (b) a panel consist of any number of commissioners; and
- (c) the quorum for meetings of the Commission be two members.

**Recommendation 1.7.27**

We recommend that

- (a) a deputy chief electoral officer be appointed by the Canada Elections Commission;
- (b) the deputy chief electoral officer be deemed to be employed in the federal public service; and
- (c) a vice-chair be designated to act as chair in the absence of the chair.

**Recommendation 1.7.28**

We recommend that election violations be brought before the Commission or prosecuted before provincial criminal courts, depending on the nature and gravity of the alleged violation.

**Recommendation 1.7.29**

We recommend that

- (a) the Canada Elections Commission be constituted as an administrative tribunal to adjudicate infractions under the *Canada Elections Act* with the powers, rights and privileges vested in a superior court of record, but that the Commission not participate in decisions related to investigation and prosecution, which would be the responsibility of the director of enforcement;
- (b) the Commission be empowered to issue mandatory injunctions and cease-and-desist orders when required to protect the integrity of the electoral process, provided that the person or party affected by such an order has the right to appear before the Commission before the order is handed down, except in cases deemed to be emergencies;
- (c) the Commission provide written reasons for its decisions;
- (d) the Commission be empowered to rescind or vary any decision or order it has made at its own initiative or pursuant to a request made before it; and
- (e) any person or party have the right to seek review of a decision of the Commission to the Federal Court of Canada within 30 days of the decision upon any question involving the jurisdiction of the Commission.

**Recommendation 1.7.30**

We recommend that

- (a) the Governor in Council appoint a director of enforcement who will hold office for a five-year term during which she or he may be removed only for cause and with the unanimous approval of the Commission, and the mandate of the director of enforcement be renewable;
- (b) the office of the director of enforcement be an independent office responsible for investigation and prosecution of offences before the Commission and the courts; and
- (c) the director of enforcement have exclusive authority over the investigative and prosecutorial staff of her or his office.

**Recommendation 1.7.31**

We recommend that

- (a) where regulations are provided for under the *Canada Elections Act*, they be made by the Canada Elections Commission and submitted directly to the Speaker of the House of Commons, who must table them forthwith;
- (b) regulations be deemed to be approved if not referred for debate or to a committee within 15 sitting days after they have been submitted to the House;

- (c) if a regulation made by the Commission has been referred for debate or to a committee of the House of Commons, it require approval by the House of Commons to take effect; and
- (d) the initial set of regulations required to implement the new *Canada Elections Act* take effect immediately and remain in force for six months, then be approved or rejected by the House of Commons.

#### **Recommendation 1.7.32**

We recommend that

- (a) the Commission be empowered to issue policy statements; and
- (b) the chief electoral officer be empowered to issue interpretation bulletins as a guide to the law and be required to respond within a reasonable time to requests for advance rulings on its interpretation of election law and regulations.

#### **Recommendation 1.7.33**

We recommend that the Canada Elections Commission be responsible for all matters relating to broadcasting as found in the *Canada Elections Act*.

#### **Recommendation 1.7.34**

We recommend that the Commission's non-statutory budget estimates, as submitted by the Commission, continue to be subject to Treasury Board approval prior to their submission to Parliament.

#### **Recommendation 1.7.35**

We recommend that

- (a) the Canada Elections Commission report annually to the House of Commons on its activities and on recommended changes in legislation and election practice; and
- (b) the Committee responsible for election matters respond to the Commission's annual report and meet with the chief electoral officer and members of the Commission at least once a year.

#### **Recommendation 1.7.36**

We recommend that during their terms of office, returning officers, assistant returning officers and the management and professional staff of the Canada Elections Commission not hold office in or be employed in any capacity by a political party and not be members of a political party or contributors to a political party or candidate.

#### **Recommendation 1.7.37**

We recommend that the *Public Service Staff Relations Act* be amended to allow for the designation of all staff of the Canada Elections Commission as excluded from the right to strike.

### **Recommendation 1.7.38**

We recommend that

- (a) the Canada Elections Commission be given a mandate to provide materiel and professional and technical assistance to other countries, provided that all such requests be approved by a House of Commons committee; and
- (b) the expenditures required be allocated from the non-allocated consolidated fund or assumed by the sponsoring department or agency.

## **VOLUME 2**

### **Chapter 1**

#### **Recommendation 2.1.1**

We recommend that

- (a) returning officers be required to
  - (1) request names of enumerators from all registered constituency associations;
  - (2) appoint enumerators as soon as possible after the writ is issued with due regard to the standings in the previous election of the candidates of registered constituency associations that have submitted names;
  - (3) consult with community organizations and shelters to recruit potential enumerators; and
- (b) measures be taken to provide voters from ethno-cultural communities with information and assistance on the enumeration and voter registration process.

#### **Recommendation 2.1.2**

We recommend that every person appointed enumerator be a Canadian citizen and at least 16 years of age.

#### **Recommendation 2.1.3**

We recommend that one enumerator be appointed for each polling division, except where it is deemed prudent or advisable to appoint two.

#### **Recommendation 2.1.4**

We recommend that returning officers be authorized by the chief electoral officer to appoint supervisory enumerators to assist in managing the enumeration process.

**Recommendation 2.1.5**

We recommend that

- (a) enumerators submit completed enumeration forms with the names and addresses of voters to the office of the returning officer as directed by the supervisory enumerator or returning officer for entry on the voters lists; and
  - (b) one copy of the preliminary list for each polling division in each constituency be made available in machine-readable form or printed format to the candidates in each constituency two days after the enumeration ends.
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**Recommendation 2.1.6**

We recommend that, on request, the address of the office of the returning officer be given as a voter's address for all lists made available to candidates.

**Recommendation 2.1.7**

We recommend that returning officers determine the methods and hours of enumeration to be used by enumerators in their constituencies.

**Recommendation 2.1.8**

We recommend that every enumerator, upon producing proper identification and during reasonable hours, be given free access to the entrance door to each dwelling unit in any multiple residence building in order to conduct an enumeration of voters.

**Recommendation 2.1.9**

We recommend that homeless voters be permitted to give the address of a shelter, soup kitchen, Indian band office or Métis friendship centre as their place of residence.

**Recommendation 2.1.10**

We recommend that

- (a) voters not contacted by enumerators be left a numbered mail-in enumeration card, containing the phone number of the returning officer and the Canada Elections Commission's logo, with which they can register by listing the name and address of all qualified voters at their residence, certifying that the information on the card is correct, and returning the card by mail or in person to the returning officer's office or sub-office, provided that the card is received by 6 p.m. on the fifth day before election day; and
- (b) in provinces with Aboriginal constituencies, mail-in enumeration cards (1) contain information pertaining to the right of Aboriginal voters to register to vote in an Aboriginal constituency or a general constituency;

- (2) provide a place for voters to mark that it be forwarded to the returning officer for the Aboriginal constituency, if applicable, when dropped off in an area predominantly populated by non-Aboriginal people; and
- (3) provide a place for voters to mark that it be forwarded to the returning officer for the general constituency, if applicable, when dropped off in an area predominantly populated by Aboriginal people.

**Recommendation 2.1.11**

We recommend that enumerators be paid according to a fee structure based on the number of visits made, as indicated by the number of names of voters collected, addresses without voters, and addresses at which mail-in enumeration cards were left.

**Recommendation 2.1.12**

We recommend that

- (a) the length of the enumeration period for each province and territory be designated by the Canada Elections Commission immediately following the issue of writs;
- (b) the length of the enumeration period be designated the same for all constituencies in a province or territory;
- (c) the chief electoral officer be authorized to extend the enumeration period for one or more constituencies or one or more polling divisions as deemed necessary; and
- (d) where the chief electoral officer deems it necessary to extend the period of enumeration in one or more constituencies or one or more polling divisions, the candidates and voters in these constituencies be informed.

**Recommendation 2.1.13**

We recommend that

- (a) returning officers appoint revising officers in revision divisions approved by the chief electoral officer and revising agents for the constituency;
- (b) revising officers (or returning officers and assistant returning officers) enter the names of voters on the voters lists as requested by voters at the office(s) of the returning officer or revising officer, at the residence of voters, or after receiving mail-in enumeration cards;
- (c) revising officers direct revising agents, who shall work in pairs and not represent the same political interest, to visit residences that were not visited by the enumerators;
- (d) revising officers, when so directed by the returning officer, conduct an enumeration, in lieu of revision, in any area where the returning officer deems this to be necessary; and
- (e) revising officers make corrections to the voters list when requested by a voter to revise the names or addresses of a voter or voters; and delete

the name of a voter when requested to do so by the voter in question or by a member of the immediate family in the case of a deceased voter.

**Recommendation 2.1.14**

We recommend that voters be able to register, with identification, or to register voters of their immediate family or those living at the same residence provided that they present identification for these voters, at their returning officer's office (or sub-office) up to 6 p.m., the fifth day before election day.

**Recommendation 2.1.15**

We recommend that

- 
- (a) any voter be permitted to object to the inclusion of a person on a preliminary voters list on the ground that the person does not have the right to vote in the polling division for which he or she is registered;
  - (b) a voter who objects to a person on a preliminary voters list be required to send a written objection to the returning officer no later than the seventeenth day before election day;
  - (c) the written objection state the name, address and phone number of the person making the objection, the name of the person being objected to, and the grounds for the objection, and be dated and signed by the person making the objection;
  - (d) any person objecting to the inclusion of a person on a preliminary voters list have the burden of proving that the person should be removed from the list;
  - (e) the returning officer, on receipt of an objection, be required to inform the person being objected to and each candidate in the constituency of the receipt of the objection, their right to attend a hearing and make presentations, and the place and time of the hearing; and
  - (f) each revising officer conduct a hearing on the twelfth day before election day to hear presentations, and decide on any objections.

**Recommendation 2.1.16**

We recommend that

- (a) following the close of registration on the fifth day before election day, the returning officer prepare a list of all voters added to the certified preliminary voters list and, on the fourth day before election day, make this list available to any candidate who requests it; and
- (b) each revising officer, before noon constituency time on the fourth day before election day, meet with candidates or candidates' representatives to review this list of voters and, where an objection cannot be resolved, make a reasonable effort to inform those objected to that they may be challenged at their polling station when they appear to vote.



### **Recommendation 2.1.17**

We recommend that

- (a) voters be permitted to register on election day provided they present prescribed identification, including confirmation of their address, and swear an oath or make an affirmation that they are a qualified voter and reside in the polling division;
- (b) the provision whereby a voter may be vouched for by another registered voter from the same polling division be removed from the *Canada Elections Act*; and
- (c) returning officers appoint revising officers at central polling locations to provide for an efficient election-day registration that does not hamper the conduct of the vote.

### **Recommendation 2.1.18**

We recommend that

- (a) Voter Information cards be given to those enumerated, given to those registered by revising officers or at the office(s) of the returning officer and mailed to voters registered by means other than visits to residences; and
- (b) Voter Information cards provide information on the location of the voter's regular polling station and the availability of barrier-free access (using the international symbol for such access), the location of the voter's advance polling station, the hours of the voter's mobile polling station where appropriate, and the phone number and location of the office and sub-office(s), if any, of the constituency returning officer.

### **Recommendation 2.1.19**

We recommend that a voter's home constituency be one of the following as selected by the voter: the constituency that includes the voter's ordinary place of residence, the voter's last place of residence before assuming a residence elsewhere, or the residence of a voter's spouse, dependant or next of kin.

### **Recommendation 2.1.20**

We recommend that

- (a) the Canada Elections Commission maintain a voter register of Canadian voters living abroad;
- (b) voters living abroad register by mail by sending a completed registration form to the Commission;
- (c) Canadian forces voters abroad be on the list of voters abroad maintained by the Department of National Defence on behalf of the Commission and be provided to the Commission at the time the writ is issued;

- (d) applications contain a signature, Social Insurance Number, identification as prescribed by the Commission, the last address in Canada or the Canadian address of the spouse, dependant or next of kin, and the voter's current address;
  - (e) each registered voter be assigned a unique voter registration number;
  - (f) the *Canada Elections Act* authorize the use of Social Insurance Numbers to provide voter registration numbers;
  - (g) this registration be for three years and renewable, provided that the voter remains qualified by not voting in a foreign national election since taking up residence abroad; and
  - (h) following the issue of the writ, the Commission make available to candidates the list of voters (name and address only) from their constituency on the register.
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#### **Recommendation 2.1.21**

We recommend that

- (a) voters away from their home constituency be permitted to register and apply for a special ballot at any office, including any temporary office, of any returning officer in Canada, at designated Canadian government offices in Canada or abroad;
- (b) all such voters apply in person, provide a signature, present identification as prescribed by the Commission, provide their address in their home constituency and sign a declaration that they will vote only once in the election;
- (c) the election official or agent who registers every such voter certify on the application form for registration and the special ballot that the prescribed identification was presented and that a special ballot was given to the voter, and record the number of the certificate envelope;
- (d) the completed application be forwarded forthwith by mail or facsimile by the official or agent who registers the voter to the returning officer in the home constituency of the voter;
- (e) on receipt of a completed and certified application, the returning officer enter the name of the voter on the voters list for the appropriate polling division, note that the voter has received a special ballot and the number of the certificate envelope; and
- (f) registration be accepted only if received by the office of the returning officer in the home constituency of the voter by 6 p.m. eastern time on the fifth day before election day.

#### **Recommendation 2.1.22**

We recommend that returning officers in whose constituency are located major clusters of voters who must vote by special ballot, including inmates in provincial and local prisons, full-time students at post-secondary institutions, workers at temporary worksites and Canadian forces personnel on

training, make provisions, as the chief electoral officer deems appropriate, for registration and the provision of special ballots.

**Recommendation 2.1.23**

We recommend that

- (a) Correctional Service Canada provide the Canada Elections Commission with a list of all qualified voters who are inmates in federal institutions at the time of the issue of the writs;
- (b) this list contain the names of the home constituencies of each such voter; and
- (c) the Canada Elections Commission designate an election agent in each federal institution to register and accept applications for special ballots for any inmates in these institutions who are qualified voters and who were not on the list provided to the Canada Elections Commission.

**Recommendation 2.1.24**

We recommend that voters in hospital on election day be permitted to register and vote by special ballot in their hospital.

**Chapter 2**

**Recommendation 2.2.1**

We recommend that

- (a) the basic process of ordinary voting on election day be retained, with the improvements recommended in this report; and
- (b) voting on election day continue to take place at polling stations serving a defined group of voters in a limited geographic area.

**Recommendation 2.2.2**

We recommend that each voter be allowed to deposit his or her own ballot in the ballot box after the deputy returning officer has checked the initials and serial number.

**Recommendation 2.2.3**

We recommend that

- (a) mobile polls be established where they will make voting more accessible for groups of voters who would have difficulty going to an ordinary polling station;
- (b) with the exception of the hours of voting, voting procedures and the right of candidates to be represented at mobile polls be the same as at ordinary polls;

- (c) mobile polls not be required to remain open for the same period as ordinary polling stations on election day, provided that voting at any mobile poll end no later than voting at ordinary polling stations in the constituency;
- (d) mobile polls be permitted to move to several locations on election day, provided that the schedule of opening hours and locations be made available in advance to candidates and voters in that mobile poll;
- (e) voting in mobile polls be organized in co-operation with the appropriate authorities of any institution, such as hospitals, shelters, soup kitchens or Aboriginal community centres, where a mobile poll is located;
- (f) when a residence or institution has been designated to be served by a mobile poll, the people living there be registered for the mobile poll and not for the ordinary polling division where the institution is located;
- (g) ballots from mobile polls be counted at the same time as the ordinary polls are counted; and
- (h) the count take place at the returning officer's office or at another location approved by the returning officer, with prior notification to candidates.

#### **Recommendation 2.2.4**

We recommend that

- (a) every voter who would find it more convenient to vote at an advance poll than at an ordinary polling station be eligible to do so;
- (b) there be two days of advance polling in areas of more than 5000 voters; in areas with fewer than 5000 voters, the returning officer have the flexibility to determine whether an advance poll is warranted;
- (c) a mobile advance poll be provided during the nine days preceding election day to serve any community of fewer than 5000 voters where they would not otherwise have reasonable access to an advance poll;
- (d) the days set aside for advance polling be the Sunday of the second weekend before election day and the Saturday immediately before election day;
- (e) the hours for advance polling be noon to 8 p.m. on Sunday and 9 a.m. to 6 p.m. on Saturday; and
- (f) the plan for advance polling in each constituency be made available to the candidates and registered parties and subject to review by the chief electoral officer on the request of any candidate or registered party.

#### **Recommendation 2.2.5**

We recommend that

- (a) every voter who would find it more convenient to vote by special ballot be eligible to do so;
- (b) three separate envelopes be issued with each special ballot: the first to preserve the secrecy of the ballot, the second to allow election officials

- to identify the voter and verify the voter's eligibility, and the third to allow delivery of the special ballot;
- (c) special ballots take the form of blank ballots on which voters mark the name of a candidate or party;
  - (d) the Special Voting Rules be deleted from the Act; and
  - (e) the proxy vote be abolished.

### **Recommendation 2.2.6**

We recommend that

- (a) voters be required to apply in person for a special ballot at any returning officer's office or at other designated government offices in Canada or abroad;
- (b) if a voter is unable to go to an election office because of illness or disability, the returning officer be allowed to accept a signed application from the voter with suitable identification delivered by a member of the immediate family or to send an election official to the voter's home to allow the voter to apply for and tender a special ballot;
- (c) where a voter is unable to provide a signature and indicate his or her voting choice on the special ballot, a witnessed mark constitute an acceptable signature, the witness be allowed to complete the special ballot on the voter's instruction and the witness be sworn to secrecy;
- (d) to qualify for a special ballot, voters be required to provide satisfactory identification, as determined by the Canada Elections Commission, and a signature, and attest that they will not vote more than once; in addition, Canadians abroad be required to certify that they have not voted in a foreign national election since taking residence abroad;
- (e) any election official or agent designated by the returning officer or the Canada Elections Commission be authorized to receive and process applications for special ballots and thereafter issue special ballots;
- (f) special ballots be available as soon as the returning officer's offices open at the beginning of an election campaign;
- (g) voters be allowed to apply for a special ballot at any office of the returning officer in their own constituency or designated government offices in remote areas up to 6 p.m. on the fifth day before election day;
- (h) voters away from their home constituency be allowed to apply for a special ballot at an office of any returning officer or at embassies or other Canadian government offices abroad provided that their application is received at the office of the returning officer in their home constituency by 6 p.m. eastern time on the fifth day before election day;
- (i) the role of parties and candidates be limited to providing information about the special ballot; and
- (j) the exercise of undue influence or violation of the secrecy of the vote be an offence under the *Canada Elections Act*.

**Recommendation 2.2.7**

We recommend that

- (a) voters who receive special ballots be responsible for ensuring that the ballot is delivered to the appropriate election office by the closing of the polls on election day for a special ballot sent directly to the voter's constituency and 6 p.m. eastern time for a special ballot sent to the Canada Elections Commission;
  - (b) voters who apply for a special ballot in their home constituency be able to tender a special ballot at any office of the returning officer in that constituency by delivering it in person; and
  - (c) any special ballot received after the deadline on election day not be opened, counted or considered valid, regardless of why it was not received on time.
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**Recommendation 2.2.8**

We recommend that

- (a) a special ballot be invalid if the voter does not register by the deadline for the special ballot in the constituency in which the vote is cast, if the signature on the certificate envelope does not match the signature on the voter's application, or if the special ballot is not received by the deadline;
- (b) a person who seeks to vote on election day and whose name is on the list as having applied for a special ballot be allowed to vote upon production of satisfactory identification as prescribed by the Canada Elections Commission and upon signing a declaration promising not to vote more than once; in the absence of satisfactory identification, the voter be required to swear an oath or make an affirmation as to his or her identity and sign a declaration promising not to vote more than once; the DRO be required to notify the RO of that voter's name and the special ballot issued in that name be invalidated;
- (c) certificate envelopes containing special ballots not be opened until 30 minutes after the close of polls on election day, so that any special ballots that duplicate votes cast in person on election day can be invalidated;
- (d) if more than one special ballot is cast in the name of a voter, all these special ballots be ruled invalid;
- (e) candidates be permitted to have scrutineers present on election day to validate special ballot envelopes and ensure that the count of special ballots is carried out fairly and accurately;
- (f) votes by special ballot be recorded separately from ordinary votes in the returns for each constituency; and

- (g) it be an offence to exercise undue pressure on someone casting a vote by special ballot or to violate the secrecy of a vote by special ballot.

**Recommendation 2.2.9**

We recommend that the use of special ballots replace the present procedures for voting in the returning officer's office.

**Recommendation 2.2.10**

We recommend that

- (a) voters living abroad vote in their home constituency using the special ballot;
- (b) special ballots be mailed to voters on the Commission's register of non-resident voters shortly after the writ is issued;
- (c) ballots be returned to the Commission, verified and counted centrally and the results transmitted to home constituency returning officers;
- (d) the chief electoral officer invite each registered party to appoint scrutineers for the count of special ballots;
- (e) counting of special ballots begin on a date to be fixed by the chief electoral officer, at the earliest on the fifth day before election day; and
- (f) special ballot envelopes sent from abroad be verified by comparing the unique voter number on the certificate envelope against the number on the voter's registration; and that, in cases where the voter's signature is missing or the envelope is received after 6 p.m. on election day, the certificate envelope be put aside unopened.

**Recommendation 2.2.11**

We recommend that

- (a) votes cast by Canadians who are away from their home constituency, whether in Canada or abroad, be returned to the returning officer's office in their home constituency and be counted along with the other special ballots cast in that constituency, except for votes cast by inmates registered on the list provided to the Canada Elections Commission by Correctional Service Canada;
- (b) voters away from their home constituency be responsible for delivering the ballot back to the home constituency by the close of the polls on election day; and
- (c) ballots cast by inmates in federal prisons who are registered on the central list provided to the Commission by Correctional Service Canada be returned to the Canada Elections Commission by 6 p.m. on election day and be counted centrally by the Commission and the results reported to each constituency along with the votes of Canadians registered with the Commission as non-resident voters.

**Recommendation 2.2.12**

We recommend that

- (a) the training of returning officers and election officials include training on how to serve voters with special needs; and
- (b) enumerators be instructed to report whether there are voters with special needs who have asked to use specific voting provisions.

**Recommendation 2.2.13**

We recommend that

- (a) the Canada Elections Commission be responsible, along with local returning officers, for ensuring access to the vote for voters with physical disabilities;
- (b) barrier-free access be available at all ordinary polling stations and their polling booths except where no suitable premises exist and ramps cannot be built; and that barrier-free access be available to the returning officer's office and sub-offices and all advance polling stations and their polling booths;
- (c) if barrier-free access is not provided at a polling station, the returning officer be required to justify his or her decision to locate the poll at that place;
- (d) the voter information card given to voters indicate whether their ordinary polling station has barrier-free access and provide the telephone number of the returning officer, in both cases using international symbols;
- (e) if barrier-free access is not provided at a polling station, voters be able to transfer their names to the voters list for a polling station that is accessible, through a simple request to the enumerator or to the returning officer;
- (f) the system of transfer certificates be abolished; and
- (g) election officials be permitted to take the ballot box to a voter outside the polling station if barrier-free access is not available.

**Recommendation 2.2.14**

We recommend that

- (a) the Canada Elections Commission publicize its logo and use it prominently during election periods to assist people in identifying election offices and polling stations;
- (b) the ballot include a party's initials or logo next to the name of each candidate representing a party that is registered or allowed to be identified on the ballot;
- (c) parties' initials or logos used on ballots be in a standard form for each party and subject to approval by the Commission;
- (d) logos not appear beside the names of independent candidates;
- (e) a poster in the form of a ballot be displayed at every polling station, advance poll, and returning officer's office showing the name and



photograph of candidates in the constituency and the name and logo (or initials) of their parties (if authorized to be identified on the ballot); and

- (f) candidates who wish their photograph to be used on the poster be required to submit it upon filing their nomination documents.

**Recommendation 2.2.15**

We recommend that where polling divisions have a concentration of voters from a language group other than English or French, the returning officer assign to the polling stations election-day officials able to speak that language, or when that is not possible, interpreters be used.

**Recommendation 2.2.16**

We recommend that

- (a) voters not be required to swear an oath to obtain assistance to vote;
- (b) a friend or relative who assists a voter be required to sign a declaration, in the form established by the Commission, to keep the ballot secret and not to coerce the voter and have her or his name recorded in the poll book;
- (c) no person assist more than one voter at an election, except for an election official or a person assisting members of his or her immediate family; and
- (d) a voter be entitled to have the assistance of a deputy returning officer in the presence of the poll clerk only.

**Recommendation 2.2.17**

We recommend that

- (a) returning officers ensure that voting procedures are accessible in any hospital or institution where people may have difficulty getting out to vote at an ordinary polling station;
- (b) mobile polling stations be used in hospitals and similar institutions and be open long enough that everyone in the institution who wishes to vote can do so;
- (c) bedside voting continue to be permitted in any institution served by a regular or mobile poll;
- (d) arrangements for voting in hospitals and institutions be worked out in advance between the returning officer for the area and the institution's administration;
- (e) voters in a hospital not in their constituency on election day be permitted to register and vote by special ballot on election day;
- (f) returning officers establish adequate polling facilities for each hospital in their constituency for registering and providing special ballots to voters;
- (g) persons voting in this manner tender their ballots to the deputy returning officer in charge of the polling station; and

- (h) the vote be counted at this polling station at the close of the poll and the results be transmitted to the Canada Elections Commission, which will communicate them to the constituency.

**Recommendation 2.2.18**

We recommend that the Act provide for the use of a template at every polling station for voting by persons with visual impairments.

**Recommendation 2.2.19**

We recommend that returning officers work with groups representing deaf and hearing-impaired persons in their constituency to establish whether and how sign-language interpreters should be provided to help with voting or to provide other assistance that may be required by voters with hearing impairments where warranted.

**Recommendation 2.2.20**

We recommend that remote constituencies where special provisions for voting apply be designated in an appendix to the *Canada Elections Act* but be subject to change by regulation.

**Recommendation 2.2.21**

We recommend that

- (a) voters in remote constituencies and in other remote areas designated by the Canada Elections Commission be able to obtain a special ballot through local election officials or through a designated government office in their area;
- (b) if it would be difficult to deliver a special ballot to the election office by election day, voters in remote constituencies be permitted to tender ballots to the deputy returning officer so that they can be counted with the votes for that poll on election day; and
- (c) a returning officer be able to take a voter's vote or authorize the deputy returning officer to do so by telephone, radio or facsimile and to register it as a special ballot if there are no other means of taking the vote and if the returning officer is satisfied as to the voter's identity; and that a record of such a vote be entered in the poll book.

**Recommendation 2.2.22**

We recommend that

- (a) returning officers in remote areas be allowed to distribute election documents by facsimile where this is required to serve polling stations in isolated areas; and

- (b) returning officers be allowed to designate polling stations in isolated areas as mobile polls and to vary the hours of voting at these polls, provided that voters and candidates are told in advance.

### **Recommendation 2.2.23**

We recommend that the *Canada Elections Act* authorize the Canada Elections Commission to introduce new means of communicating election documents as these means become available and that such changes be introduced through regulation.

## **Chapter 3**

### **Recommendation 2.3.1**

We recommend that

- (a) the minimum election period be 40 days and the maximum 47 days; and
- (b) the deadline for official nominations be 21 days before election day.

### **Recommendation 2.3.2**

We recommend that election day be a Monday.

### **Recommendation 2.3.3**

We recommend that

- (a) the voting day be extended from 11 hours to 12 hours; and
- (b) local voting hours be from 9:30 a.m. to 9:30 p.m. in Newfoundland, Prince Edward Island, Quebec, New Brunswick, Nova Scotia and Ontario; 8:30 a.m. to 8:30 p.m. in Manitoba and Saskatchewan; 8 a.m. to 8 p.m. in Alberta and the Northwest Territories; and 7 a.m. to 7 p.m. in British Columbia and the Yukon.

### **Recommendation 2.3.4**

We recommend that

- (a) if a nominated candidate of a registered party dies during the last 21 days prior to the close of the polls on election day, the election in that constituency be postponed;
- (b) a new nomination day for the postponed election be set for the second Monday after the death of the candidate, and that election day be 21 days after the new nomination day;
- (c) in the case of a postponed election, the nominations of the remaining candidates stand;
- (d) the revision period of the voters list be extended; and

- (e) any special ballots received be destroyed and the returning officer be required to send a new special ballot to all voters who had applied for a special ballot, accompanied by a statement of when the postponed election will be held; further, if the candidate dies after the day of the advance poll, these ballots be destroyed.

### **Recommendation 2.3.5**

We recommend that

- (a) candidates be allowed to withdraw up to 6 p.m. on the day before election day; and
- (b) if a candidate withdraws after the close of nominations, the withdrawal be final and no replacement candidate be allowed.

### **Recommendation 2.3.6**

We recommend that

- (a) returning officers be appointed by the Governor in Council;
- (b) if the Governor in Council does not nominate someone to fill a returning officer position within 90 days of the position becoming vacant, the Canada Elections Commission have the authority to make the appointment;
- (c) returning officers be appointed for a term of seven years by the Governor in Council, renewable for seven years upon the recommendation of the Commission;
- (d) the chief electoral officer be permitted to retain a returning officer whose constituency has been altered by boundaries readjustment if the boundaries remain substantially the same and the returning officer lives in the new constituency;
- (e) the Canada Elections Commission have the power, on the advice of the chief electoral officer, to dismiss a returning officer for incompetence, incapacity, insubordination or lack of satisfactory performance;
- (f) as a condition of office, returning officers be required to refrain from membership in a political party, from making a political contribution, from engaging in partisan political activity, and from demonstrating partisan bias in carrying out their duties;
- (g) returning officers be engaged by the CEO between elections as necessary to prepare for the next election and to conduct outreach activities on behalf of the Canada Elections Commission; and
- (h) greater attention be given to hiring returning officers capable of serving the needs of voters who do not speak French or English in constituencies where there is a significant community of such voters.

### **Recommendation 2.3.7**

We recommend that

- (a) deputy returning officers and poll clerks be appointed on the recommendation of the candidates whose parties stood first and second respectively in the constituency at the previous election;
- (b) returning officers appoint deputy returning officers and poll clerks if candidates have not nominated enough qualified persons to fill the positions available by two weeks before election day;
- (c) deputy returning officers, poll clerks and constables be required to be eligible voters in the constituency;
- (d) poll clerks and constables be trained so that they can take over the responsibilities of the deputy returning officer in the event that a person appointed to that position is unavailable on election day or at an advance poll; and
- (e) a supervisory deputy returning officer be appointed to all central polling places with five or more polling stations and a deputy returning officer be designated to take supervisory responsibility in all other central polling places.

### **Recommendation 2.3.8**

We recommend that

- (a) the Canada Elections Commission designate bilingual for election purposes constituencies where 3 per cent or more of the population is from an official language minority and be required to provide bilingual services to voters in these constituencies;
- (b) the present policy of providing bilingual services in other constituencies through a toll-free telephone service and the use of bilingual officials to serve small pockets of people from the official language minority be continued;
- (c) all constituencies in any province officially bilingual according to its own legislation and in the national capital region be designated bilingual for election purposes;
- (d) returning officers appointed to bilingual constituencies be bilingual or appoint a bilingual assistant returning officer; and
- (e) specific standards for providing bilingual services in bilingual constituencies be established by the Canada Elections Commission.

### **Recommendation 2.3.9**

We recommend that

- (a) candidates be allowed to have one representative at each regular, advance and mobile poll; and

- (b) on election day candidates be allowed to designate a person for each place where polling stations are established and give the person power of attorney to collect a list of the persons who have already voted.

### **Recommendation 2.3.10**

We recommend that

- (a) the number of voters per polling division be kept at a level that ensures that most voters live only a short distance from the polling station; and
- (b) returning officers have the right to require that space for a polling place be made available in federal buildings, federally funded institutions and buildings containing 100 dwelling units or more.

### **Recommendation 2.3.11**

We recommend that

- (a) the display of emblems, signs or other partisan material be prohibited within a radius of 50 metres of any entrance to a polling place, as well as in or on the polling place, on election day or any day of advance voting; and
- (b) these restrictions also apply to the returning officer's office.

### **Recommendation 2.3.12**

We recommend that

- (a) the use of the poll book to record the names of voters voting at ordinary polling stations on election day be discontinued, but the poll book still be used to note extraordinary transactions, such as voting by voters registering on election day, challenges by scrutineers or election officials, and removal of the ballot box to permit a voter to vote outside the polling station;
- (b) records continue to be kept in the poll book of the names of people voting at an advance poll; and
- (c) poll clerks use a list of voter numbers to assist parties and candidates in keeping track of who has voted on election day.

### **Recommendation 2.3.13**

We recommend that

- (a) the current procedure, allowing people to vote on election day by giving their name and address, be maintained;
- (b) voters whose names are on the voters list and who are challenged at an ordinary poll be required to provide satisfactory identification or, if they cannot do so, to swear an oath or make an affirmation; and

- (c) the Canada Elections Commission prescribe what constitutes satisfactory identification.

**Recommendation 2.3.14**

We recommend that the Act allow ballots marked with any kind of pen or pencil to be accepted so long as they clearly signal the intention of the voter and do not contain any unusual mark that could identify the voter.

**Recommendation 2.3.15**

We recommend that

- (a) votes from advance polls begin to be counted at the same time as votes from ordinary polls and counting of an advance poll be permitted at any regular polling station or at the returning officer's office pursuant to an advance notice to the candidates;
- (b) a team or teams consisting of a deputy returning officer and a poll clerk be appointed to verify and count special ballots on election day in the office of the returning officer in each constituency;
- (c) candidates be invited to send representatives to the count of special ballots on the same basis as they have scrutineers at ordinary polling divisions;
- (d) votes from Canadians on the register of non-resident voters and prisoners in federal penitentiaries on the list provided to the Canada Elections Commission by Correctional Service Canada be counted at Commission headquarters or some other central place and the results communicated to the returning officer's office in each constituency one-half hour after the count begins in ordinary polling stations in each time zone; and
- (e) the poll book and election records for each polling division not be sealed but be deposited with the Canada Elections Commission at the time of the return of the writ or as soon as possible thereafter; and the Commission allow candidates' or registered parties' representatives to inspect them if it is satisfied as to the legitimacy of the request.

**Recommendation 2.3.16**

We recommend that

- (a) the period allowed for the official count be set at a maximum of seven days and the process be made simpler as described in this report;
- (b) the returning officer be permitted to certify a final result even if some written returns are missing; and
- (c) the period allowed to seek a recount be reduced to three days, allowing all candidates to be declared elected by the second Friday after election day except where a recount was allowed.

**Recommendation 2.3.17**

We recommend that

- (a) a recount be automatic if fewer than 35 votes separate the two leading candidates and no costs be charged to any of the candidates;
- (b) only candidates in the constituency have the right to ask for a partial or total recount; the Canada Elections Commission have the right to refuse a recount if it judges that there is insufficient evidence to suggest that a recount may alter the outcome of the vote;
- (c) the recount be carried out by a person appointed by the Canada Elections Commission;
- (d) the candidate requesting the recount be allowed to specify a total or partial recount and forfeit the \$500 deposit if the margin between the two leading candidates is 35 votes or more following the recount; and
- (e) if an election is tied after a recount, the Canada Elections Commission declare a new voting day for the constituency to take place three weeks after the recount; in such cases the rules for delayed or postponed elections shall apply.

**Recommendation 2.3.18**

We recommend that the *Controverted Elections Act* be repealed and the following provisions added to the *Canada Elections Act*:

- (1) contested election results be adjudicated by the Federal Court of Canada;
- (2) the grounds for contesting election results continue to be that the result in a constituency was affected by irregularities in the vote or by election fraud;
- (3) complaints contesting election results and the grounds for the complaint be submitted to the Federal Court of Canada within 30 days after the election result for the constituency has been announced in *The Canada Gazette*, or 30 days after a conviction of election fraud involving that constituency;
- (4) any candidate or voter be permitted to file a complaint contesting a constituency election result;
- (5) a deposit of \$1000 be required to file a complaint contesting an election result, and the deposit be refunded if the complaint was justified or the deposit go toward the costs of the other party, if the complaint was not justified;
- (6) the judge hearing the complaint be empowered to dismiss it prior to or during the hearing if the complaint appears frivolous or unfounded;
- (7) the judge adjudicating a contested election be empowered to reject the complaint, to annul the election, or to declare another candidate elected;
- (8) a Federal Court decision on a contested election be subject to appeal within seven days of the judgement to the Federal Court of Appeal, whose decision shall be final; and
- (9) the Federal Court of Appeal be required to hold an appeal hearing within 14 days of the appeal being made and to deliver its decision as soon as possible after the hearing.



### **Recommendation 2.3.19**

We recommend that the restriction on sales of alcohol be deleted from the *Canada Elections Act* and it be left to individual provinces to establish any rules with respect to the sale of alcohol on election day.

## **Chapter 4**

### **Recommendation 2.4.1**

We recommend that the Canada Elections Commission enter into agreements with the provinces of British Columbia and Ontario to acquire preliminary voters lists for the next federal election.

### **Recommendation 2.4.2**

We recommend that the Canada Elections Commission develop and use the computer technology and software that would allow federal voters lists to be produced from provincial and territorial data bases established as voters registers, as well as from provincial voters lists prepared through enumeration.

### **Recommendation 2.4.3**

We recommend that the Canada Elections Commission enter into an agreement with each province and territory to acquire from either provincial voters registers or provincial voters lists the information to generate preliminary voters lists for federal polling divisions.

## **Chapter 5**

### **Recommendation 2.5.1**

We recommend that the Canada Elections Commission, in consultation with Indian bands and Aboriginal organizations, develop standards for the provision of Aboriginal language services in Aboriginal constituencies.

### **Recommendation 2.5.2**

We recommend that

- (a) all Aboriginal voters in Aboriginal constituencies be enumerated in areas where there are concentrations of Aboriginal people;
- (b) in co-operation with the returning officer for a general constituency, a joint enumeration be conducted in those polls with concentrations of both Aboriginal and non-Aboriginal voters; and
- (c) eligible Aboriginal voters be permitted to register by mail using a registration form published in newspapers.

### **Recommendation 2.5.3**

We recommend that a revising officer and two other voters, appointed by the Canada Elections Commission from a list of elders and other voters in

consultation with Indian bands and Aboriginal organizations, constitute Aboriginal voter eligibility panels to decide on objections to the right of a voter to be registered on an Aboriginal voters list on the grounds of his or her Aboriginal status.

**Recommendation 2.5.4**

We recommend that the *Canada Elections Act* designate Aboriginal constituencies as remote constituencies.

**Recommendation 2.5.5**

We recommend that the limit for the election expenses of a candidate in an Aboriginal constituency be calculated based on the formula for sparsely populated general constituencies.

**Recommendation 2.5.6**

We recommend that candidates in Aboriginal constituencies be reimbursed according to the same provisions that apply to candidates in sparsely populated general constituencies.

**Recommendation 2.5.7**

We recommend that

- (a) during the period between the close of nominations and the seventh day before election day, the Aboriginal constituency returning officer mail to each person on the Aboriginal voters list a booklet with a statement from and a photograph of each candidate who wishes to participate;
- (b) the returning officer distribute the booklet as widely as possible; and
- (c) the Canada Elections Commission cover the costs of producing and distributing the booklet.

**Recommendation 2.5.8**

We recommend that the Canada Elections Commission establish a voter registration office in each province where Aboriginal constituencies could be created to register eligible Aboriginal voters who wished to vote in an Aboriginal constituency.

**Recommendation 2.5.9**

We recommend that for the purposes of registering Aboriginal voters to determine whether one or more Aboriginal constituencies would be created in a province:

- (a) an enumeration of voters be conducted in areas where there are concentrations of Aboriginal persons;
- (b) eligible voters be permitted to register by mail;

- (c) the voter registration office undertake an active search for eligible voters; and
- (d) the Aboriginal voter registration office organize a final registration-day drive.

#### **Recommendation 2.5.10**

We recommend that

- (a) a registered voter be permitted to give the address of an Indian band office, Métis local or friendship centre or the Aboriginal voter registration office in place of her or his actual place of residence to ensure that individual's privacy; and
- (b) the register of Aboriginal voters be open for inspection by registered Aboriginal voters at the provincial registration office.

#### **Recommendation 2.5.11**

We recommend that

- (a) Aboriginal voter eligibility panels, chaired by the provincial registration officer, or her or his designate, decide on objections to a voter on the register of Aboriginal voters; and
- (b) each panel include two registered Aboriginal voters appointed by the Canada Elections Commission from a list of elders and other qualified men and women drawn up in consultation with Indian bands and Aboriginal organizations in the province.

#### **Recommendation 2.5.12**

We recommend that a decision of an Aboriginal voter eligibility panel be subject to review by the Federal Court of Canada.

#### **Recommendation 2.5.13**

We recommend that where more than one Aboriginal constituency is to be created in a province, a special boundaries commission be created, composed of the chairperson of the boundaries commission for the province, who shall also act as chair for this special commission, plus two Aboriginal voters appointed by the Speaker of the House of Commons, with the mandate to determine the boundaries and names of the Aboriginal constituencies.

### **Chapter 6**

#### **Recommendation 2.6.1**

We recommend that the *Canada Elections Act* provide for the following exclusions from the election spending limits:

- (1) expenses incurred by or on behalf of a candidate in seeking nomination;
- (2) a candidate's performance guarantee;

- (3) expenses incurred in holding a fund-raising function, except if a deficit is incurred, in which case the deficit be counted against the limit;
- (4) transfers of funds to a candidate, a registered party or a registered constituency association;
- (5) expenses incurred exclusively for the ongoing administration of the registered party or registered constituency association;
- (6) expenses incurred for post-election parties held and thank-you advertising published after the close of the polls;
- (7) professional fees or labour required to help comply with the Act;
- (8) the costs of communications addressed exclusively to members of the registered party or registered constituency association;
- (9) interest accrued during the election on any loan lawfully granted to a candidate or official agent for election expenses; and
- (10) the personal expenses of a candidate, meaning only the reasonable expenses incurred by or on behalf of the candidate during the election for
  - (i) the cost of care paid on behalf of a child or other family member for whom the candidate is normally directly responsible;
  - (ii) travelling costs to and within the constituency;
  - (iii) the cost of rental of the candidate's temporary residence necessary for the election;
  - (iv) the cost of lodging, meals and incidental charges while travelling to and within the constituency;
  - (v) expenses that result directly from a candidate's physical disability, including the services of a person required to assist a candidate to perform the functions necessary to seeking election; and
  - (vi) other expenses the Canada Elections Commission determines from time to time are personal expenses of a candidate.

### **Recommendation 2.6.2**

We recommend that candidates and registered parties be required to report all election expenses but that spending on items 1 to 10 listed in recommendation 2.6.1 be excluded from the relevant spending limit.

### **Recommendation 2.6.3**

We recommend that the *Canada Elections Act* stipulate that a contribution of goods or services is:

- (1) a contribution by way of donation, advance, deposit, discount or otherwise of any tangible personal property, except money, or of services of any description, whether industrial, trade, professional or otherwise; but not
- (2) any goods produced or services performed by volunteer labour or goods or services that have a commercial value, in the aggregate and during any reporting period, of less than \$250; the value of any broadcasting time provided on a regular or public affairs program; free advertising space in a newspaper, periodical or printed matter provided that it is made available on an equitable basis to all participants; editorials, news, interviews, columns,

letters to the editor, commentaries or public affairs programs as part of a bona fide publication in a periodical or a broadcast by a radio or television station; or books produced, promoted and distributed at fair market value that were planned to be put on sale regardless of the election.

**Recommendation 2.6.4**

We recommend that 'volunteer labour' be defined in the *Canada Elections Act* as any labour provided by an individual for which no remuneration or direct material benefit is received either during an election or otherwise, but does not include labour provided by:

- (1) a person who is self-employed if the goods produced or services performed are normally sold or otherwise charged for by that person; or
- (2) a person whose services are made available by an employer.

**Recommendation 2.6.5**

We recommend that the *Canada Elections Act* stipulate that commercial value in relation to goods or services means the lowest price charged for an equivalent amount of the same goods or services in the market area at the relevant time.

**Recommendation 2.6.6**

We recommend that

- (a) the *Canada Post Corporation Act* be amended to disallow outgoing Members of Parliament from mailing printed material free of charge to their constituents as of midnight the day Parliament is dissolved; and
- (b) such material be defined as any printed matter without further address than 'householder', 'boxholder', 'occupant' or 'resident' (as in paragraph 35(3) of the *Canada Post Corporation Act*).

**Recommendation 2.6.7**

We recommend that the *Canada Elections Act* permit an individual or a corporate body to act as the official agent of a political party, candidate, constituency association, nomination contestant or leadership contestant.

**Recommendation 2.6.8**

We recommend that the Canada Elections Commission

- (a) develop new guidelines for official agents and candidates, constituency agents, nomination contestants and political parties; and
- (b) hold public hearings on these guidelines before putting them into effect.

**Recommendation 2.6.9**

We recommend that the Canada Elections Commission provide an opportunity for official agents to attend a training session on the relevant aspects of the *Canada Elections Act* as soon as possible after an election is called; and

that training sessions be provided for agents of constituency associations and nomination contestants.

**Recommendation 2.6.10**

We recommend that every printed advertisement, handbill, placard or poster related to an election that is published, displayed or distributed during an election indicate the name of its sponsor, whether an agent of a registered political party or registered constituency association, the official agent of a candidate or any other person, and that it was authorized by the sponsor.

**Recommendation 2.6.11**

We recommend that the *Canada Elections Act* require sponsor identification of all broadcast political advertising during an election.

**Recommendation 2.6.12**

We recommend that contributions to registered parties, registered constituency associations, candidates, party leadership contestants and nomination contestants be reported according to the following categories:

- individuals;
- corporations;
- unincorporated organizations or associations engaged in business or commercial activity;
- trade unions;
- not-for-profit organizations or associations;
- governments; and
- other contributors.

**Recommendation 2.6.13**

We recommend that the agent of a registered constituency association be required to submit audited returns of the association's financial activities for the following reporting periods:

- (1) if no election is held within a year, for the year;
- (2) if an election is held during a year, for the period from 1 January to election day and for the period from the day after election day until 31 December;
- (3) if election day falls between 1 November and 31 December, the two returns referred to in (2) be combined; and
- (4) if part of an election period falls in the year following the year when the writs for the election were issued, for the period from 1 January of the year the writs were issued to election day.

**Recommendation 2.6.14**

We recommend that

- (a) reports on the financial activities of registered constituency associations include the following:

- the assets, liabilities and surplus as of the end of the reporting period;
  - the income received and expenses incurred during the reporting period;
  - all required information respecting contributions received during the reporting period;
  - notes on the statements as necessary; and
  - any other information prescribed by the Canada Elections Commission; and
- (b) where the income and expenses of the registered constituency association are both less than \$5000 during a reporting period, a short-form return, as prescribed by the Canada Elections Commission, may be filed, but the Commission have the power to request a full return.

### **Recommendation 2.6.15**

We recommend that

- (a) the post-election returns of candidates submitted by the official agent include the following:
- the assets, liabilities and surplus at the date the return was prepared;
  - all election expenses, including those not subject to limitation;
  - all information required to be disclosed on contributions received from the date a writ is issued to the date the return is prepared;
  - notes on these statements; and
  - any other information prescribed by the Canada Elections Commission;
- (b) where a candidate's campaign organization uses the fixed assets of a registered constituency association, the following be considered election expenses of the candidate: for fixed assets except real estate and fixtures, 10 per cent of the depreciated value; for real estate and fixtures, the fair market value of premises equivalent to those owned by the constituency association; and
- (c) where the income and expenses of the candidate are both less than \$5000, a short-form return, as prescribed by the Canada Elections Commission, may be filed, but the Commission have the authority to request a full return.

### **Recommendation 2.6.16**

We recommend that, for the purposes of the *Canada Elections Act*, 'auditor' be defined as "a professional member in good standing of an institute, society or association of accountants incorporated by or under an act of the legislature of a province, whose normal professional activities include the performance of independent audits of financial statements, and shall include a firm of accountants that has such persons as partners or shareholders."

**Recommendation 2.6.17**

We recommend that returns of the financial activities of registered parties, registered constituency associations and leadership contestants, and candidates' post-election returns be subject to audit unless the income and expenses during a reporting period are both less than \$5000, but that the Canada Elections Commission, after reviewing any such report or return, may require that it be audited.

**Recommendation 2.6.18**

We recommend that no person or firm acting as the agent of a candidate, registered party, registered constituency association or leadership contestant be appointed as the auditor of the same candidate, registered party, registered constituency association or leadership contestant, as the case may be.

**Recommendation 2.6.19**

We recommend that the auditor of the return of a candidate, registered constituency association, registered party or leadership contestant receive a payment from public funds equal to the lesser of \$1000 and the amount of the auditor's fee.

**Recommendation 2.6.20**

We recommend that

- (a) the limit for the election expenses of a candidate in a by-election be the same as for a general election;
- (b) the limit for the election expenses of a registered party on behalf of a candidate in a by-election or on behalf of candidates in by-elections held on the same day be equal to the limit per voter that would apply in a general election times the number of voters on the final voters lists in the constituency or constituencies;
- (c) within three months of a by-election, a registered party with a candidate in the by-election submit a return of its election expenses on the candidate's behalf;
- (d) where more than one by-election is held on the same day, a registered party with candidates in more than one of the constituencies submit a single return on its election expenses on behalf of the candidates; and
- (e) where the election periods for more than one by-election overlap, a registered party with candidates in more than one of the constituencies submit a single return of its election expenses on behalf of the candidates within three months of the last of the by-elections.



### **Recommendation 2.6.21**

We recommend that

- (a) if a postponed election is held because of the death of a candidate, the limit for the election expenses of any new candidate be equal to the limit that would otherwise apply and, if the candidate receives 1 per cent or more of the valid votes, he or she be reimbursed the same amount that would otherwise be reimbursed;
- (b) if a postponed election is held because of the death of a candidate, the limit for the election expenses of the continuing candidates be equal to 150 per cent of the limit that would otherwise apply, and all such candidates who qualify be reimbursed 150 per cent of the amount that would otherwise be reimbursed; and
- (c) if a postponed election is held because of a tied result, the limit for all candidates be equal to 150 per cent of the limit that would otherwise apply, and candidates in such an election who receive 1 per cent or more of the valid votes be reimbursed 150 per cent of the amount that would otherwise be reimbursed.

### **Recommendation 2.6.22**

We recommend that

- (a) when a constituency association is de-registered, all funds of the constituency association be paid over to the registered party and held in trust for the association;
- (b) when a constituency association is de-registered as a result of the deregistration of a registered party, all funds of the association be paid over to the Canada Elections Commission and held in trust;
- (c) funds held in trust under (a) or (b), together with any accumulated interest, be disposed of as follows:
  - (1) if the association or a successor association of the same registered party becomes registered by the time the writs for the next general election are issued, the funds be paid to the association;
  - (2) if the association or a successor association of the same registered party is not registered by the time the writs for the next general election are issued, and the party has remained registered or has re-registered, the funds be paid to the party;
  - (3) if the party that had endorsed the association is no longer registered by the time the writs for the next general election are issued, the funds of any de-registered association revert to the Receiver General for Canada;
- (d) when an association of an independent Member of Parliament is de-registered, all funds be paid over to the Canada Elections Commission and held in trust;
- (e) with reference to (d), if the former independent Member of Parliament is a candidate at the following general election or at a by-election

- during that period, the funds held in trust be returned to the candidate; if not, the funds be transferred to the Receiver General;
- (f) when an association is de-registered following a boundaries readjustment, its assets be held in trust by the registered party and transferred to the appropriate successor constituency associations following their registration;
  - (g) the registered party have the power to determine, if necessary, how the funds of constituency associations de-registered under (f) are to be distributed; and
  - (h) the Canada Elections Commission determine the date when the deregistration of any constituency association is to take effect.

**Recommendation 2.6.23**

We recommend that

- (a) if a registered party is de-registered, all the funds of the party be paid to the Canada Elections Commission and held in trust;
- (b) if the party becomes registered by the time the writs for the next general election are issued, the funds be returned to the party; and
- (c) if the party does not become registered by the time the writs for the next general election are issued, the funds revert to the Receiver General for Canada.

**Recommendation 2.6.24**

We recommend that:

- (a) when a party foundation is de-registered, all funds of the party foundation be paid over to the registered party and held in trust for the foundation;
- (b) when a party foundation is de-registered as a result of the deregistration of the registered party with which it is associated, all funds of the foundation be paid over to the Canada Elections Commission and held in trust;
- (c) funds held in trust under (a) or (b), together with any accumulated interest, be disposed of as follows:
  - (1) if the foundation becomes registered no later than six months after the next general election, the funds be paid to the foundation;
  - (2) if the foundation is not registered by six months after the next general election and the party has remained registered or has re-registered, the funds be paid to the party; and
  - (3) if the party is no longer registered by the time the writs for the next general election are issued, the funds of the foundation revert to the Receiver General for Canada; and
- (d) when a party foundation is de-registered, it be allowed to keep all funds that would otherwise be paid over to the registered party or the Canada Elections Commission provided the foundation complies with the requirements for charitable organizations under the *Income Tax Act*.

## Chapter 7

### Recommendation 2.7.1

We recommend that

- (a) specialty cable services be subject to the same rules regarding paid political party broadcast time that apply to other broadcasters (subject to their conditions of licence); and
- (b) specialty cable services devoted primarily to news and public affairs programming, such as CBC Newsworld, that are available to a majority of cable subscribers whose primary language is the same as the language in which the service provides programming be required to provide free time on the same basis as licensed networks.

### Recommendation 2.7.2

We recommend that

- (a) the Parliamentary Channels be made available to the Canada Elections Commission for informational programming during election campaigns; and
- (b) the Parliamentary Channels be given a mandate to repeat free-time political party broadcasts and leaders debates and be encouraged to broadcast other election debates.

### Recommendation 2.7.3

We recommend that some of the voting information provided by the Canada Elections Commission on the English and French Parliamentary Channels be transmitted in the other official language.

### Recommendation 2.7.4

We recommend that

- (a) cable companies that operate community channels be required to provide a minimum of 60 minutes of free time per day during the election advertising period in prime time for coverage of or broadcasts by candidates, to be allocated among them equitably; and
- (b) coverage of all-candidates debates – whether organized by the cable service or others – be counted toward fulfilling the time requirement.

### Recommendation 2.7.5

We recommend that community channels be required to repeat these broadcasts at least once.

**Recommendation 2.7.6**

We recommend that

- (a) cable companies whose community channels serve more than one constituency must allocate time in 30-minute segments equally among the constituencies in which they serve a majority of voters; and
- (b) where more than one cable company serves a constituency, each must provide time in proportion to the percentage of voters served.

**Recommendation 2.7.7**

We recommend that no paid time be permitted on cable community channels as long as the current regulatory framework applies.

**Recommendation 2.7.8**

We recommend that as now provided by the *Canada Elections Act*, during the period allowed for election advertising, the print media be prohibited from charging a candidate or political party a rate that exceeds the lowest rate charged for an equal amount of equivalent advertising space in the same or other issue thereof published or distributed during that period.

**Recommendation 2.7.9**

We recommend that

- (a) a private organization such as the Canadian Daily Newspaper Association or the Canadian Journalism Foundation establish election workshops for smaller media; and
- (b) the Canada Elections Commission expand existing programs for the media to prepare and distribute information packages on the electoral process, with specific information for each constituency.

**Recommendation 2.7.10**

We recommend that with respect to the constituencies in its primary area of coverage, the CBC Northern Service:

- (1) provide 60 minutes of free time for each candidate in each of these constituencies, with such allocations being in addition to those that the parties are entitled to on a national basis;
- (2) make available up to 20 minutes of paid time to each candidate to be broadcast on a regional basis, with such paid-time allocations being in addition to those that the parties are entitled to on a national basis;
- (3) inform the northern candidates of their right to free and paid time; and
- (4) designate a representative to negotiate the times with the returning officer, the registered parties and the candidates for each of these constituencies.

**Recommendation 2.7.11**

We recommend that the CBC Northern Service

- (a) provide more election campaign coverage in all of the languages used in the North, including English and French; and
- (b) organize one televised all-candidates debate in each of the constituencies in the Service's primary area of coverage.

**Recommendation 2.7.12**

We recommend that the *Canada Elections Act* give the following mandate to the Canada Elections Commission:

- (1) to promote public awareness of the electoral process through information programs; and
- (2) to co-operate with provincial and territorial electoral authorities in the conduct of joint education and information programs on the electoral process, particularly for segments of Canadian society with special needs.

**Recommendation 2.7.13**

We recommend that

- (a) the Canada Elections Commission establish specific public educational programs about the electoral process to which those interested in supporting these activities may make financial contributions;
- (b) contributions to this fund be eligible for the same tax credit as applies to gifts to the Crown; and
- (c) those who provide financial support be involved in overseeing the development and management of these programs.

**Recommendation 2.7.14**

We recommend that

- (a) the Canada Elections Commission provide voters with special needs essential election information in other formats, including Braille and audio cassette, and establish special telephone services to provide election information to people with impaired hearing and reading difficulties;
- (b) closed captions be used on all broadcasts and advertising by the parties and by the Canada Elections Commission during an election period, including material broadcast on the Parliamentary Channels;
- (c) sign language be used for information provided by the Canada Elections Commission and broadcast on the Parliamentary Channels during an election period;
- (d) broadcasters be encouraged to use closed captions and sign language for televised leaders debates and other election programming; and
- (e) an 800 number for both telephone and facsimile be available for voters who wish to communicate with the returning officer.

**Recommendation 2.7.15**

We recommend that

- (a) the Canada Elections Commission explore with the networks and news services the possibility of creating a system for compiling and distributing, on a cost-recovery basis, unofficial voting results on election night; and
- (b) the Canada Elections Commission meet annually with representatives of the networks and news services to discuss ways and means of facilitating the reporting of unofficial voting results on election night and other possible information services.

**Chapter 8****Recommendation 2.8.1**

We recommend that

- (a) most violations of the *Canada Elections Act* be classified as strict liability infractions, which do not require proof of intent but are subject to a due diligence defence, and that these infractions be prosecuted before the Canada Elections Commission; and
- (b) persons who wilfully violate the *Canada Elections Act* to influence or vary the outcome of an election or commit other election offences be liable to penalties that include imprisonment, loss of the right to sit in the House of Commons or loss of the right to be a candidate at the next election, and that these offences be prosecuted before the provincial courts.

**Recommendation 2.8.2**

We recommend that imprisonment be available as a penalty only for election offences that are prosecuted before the courts.

**Recommendation 2.8.3**

We recommend that

- (a) the concepts of illegal acts and of corrupt practices, and the corresponding penalties, be removed from the *Canada Elections Act*;
- (b) the penalties of loss of candidacy and loss of the right to sit in the House of Commons be retained in the *Canada Elections Act*, but that these penalties apply only for one federal election and only for cases prosecuted before the courts; and
- (c) no person lose the right to vote for having committed an election violation.

**Recommendation 2.8.4**

We recommend that

- (a) the deadline for complaints of election violations remain at six months after the commission of the violation but the deadline for the commencement of prosecution of an election violation be shortened to one year after a complaint is filed or evidence of a violation becomes available; and
- (b) the director of enforcement consider all complaints for activities regulated by the *Canada Elections Act*, decide whether to initiate an investigation, and if a complaint is not investigated, inform the complainant of the decision with reasons.

**Recommendation 2.8.5**

We recommend that

- (a) the director of enforcement be granted full powers to investigate violations of the *Canada Elections Act*, and investigators of the Canada Elections Commission be given powers of search and seizure, subject to prior authorization from a judge;
- (b) the director of enforcement request assistance from a law enforcement agency only in investigations involving the most serious violations, where the director of enforcement may lack particular experience or expertise;
- (c) the director of enforcement not be required to act on anonymous complaints but be permitted to initiate investigations based on reasonable information from staff and other sources;
- (d) the subject of a complaint be notified before or during the investigation of the complaint, unless the director of enforcement believes that notification would compromise or impede the investigation; and
- (e) a person or party who will be prosecuted before the Commission or the courts be notified of all information from the investigation that the director of enforcement intends to use before the matter proceeds before the Commission or the courts.

**Recommendation 2.8.6**

We recommend that

- (a) for election infractions, the director of enforcement have the authority to negotiate an agreement in the form of a voluntary compliance agreement, which would be subject to the approval of one commissioner of the Canada Elections Commission;
- (b) the person accused of the infraction be notified of the voluntary compliance procedure;

- (c) the chair appoint a commissioner to review the proposed negotiated settlement;
- (d) if the commissioner confirms the voluntary compliance agreement, the name of the individual and party concerned and the nature of the infraction and the penalty be published, where applicable; and the agreement be enforced as if it were an order of the Commission;
- (e) if the commissioner rejects the agreement, it be referred to the Commission for adjudication; and
- (f) any commissioner who assesses an agreement not be allowed to sit on any panel hearing the case.

**Recommendation 2.8.7**

We recommend that

- (a) the director of enforcement have the authority to determine whether a complaint warrants further action, either in the form of a voluntary compliance agreement or prosecution before the Commission or the courts;
- (b) when a voluntary compliance agreement cannot be reached or is not appropriate, the director of enforcement proceed with prosecution either before the Commission or the courts; and
- (c) when the director of enforcement proceeds with prosecution before the Commission, the chair of the Commission appoint a panel of at least one commissioner to sit as a tribunal; and if more than one commissioner is appointed, the chair of the tribunal be appointed by the chair of the Canada Elections Commission.

**Recommendation 2.8.8**

We recommend that complaints and investigations be kept confidential unless they have been brought before the Commission or courts for adjudication, resolved by a voluntary compliance agreement, or unless requested by the person or party that is the subject of the complaint.

**Chapter 9****Recommendation 2.9.1**

We recommend that referendums not be held simultaneously with federal general elections.

**Recommendation 2.9.2**

We recommend that the statutory recall of Members of Parliament not be adopted.