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CANADA ELECTIONS ACT

Bill to Amend—Third Reading of Bill C-23—
Motions in Amendment Negatived—Vote Deferred

Speech by:

The Honourable Claudette Tardif

Wednesday, June 11, 2014

THE SENATE

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[Translation]

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING—MOTIONS IN AMENDMENT NEGATIVED—VOTE DEFERRED

Hon. Claudette Tardif: Honourable senators, Bill C-23 has stirred up a great deal of controversy over the past few months, and there is still disagreement on a number of measures.

During their interventions, the Honourable senators Moore and Jaffer shed light on many of the flaws in this bill. I don't want to repeat all the points they mentioned, but it is worth recapping some that I consider to be important.

First, the bill proposes to establish stricter rules on voter ID and the right to vote.

It abolishes the use of voter cards as valid ID even though Elections Canada will continue to distribute these cards to voters.

• (1740)

What is more, the bill gets rid of the vouching system for voters who don't have the required ID. To justify that measure, the government cited the risk of electoral fraud, even though there are no known cases of fraud related to this practice.

The vouching system is a mechanism that protects the right to vote of citizens who do not have officially recognized forms of identification. What will replace this system? Nearly 120,000 people used the vouching system during the 2011 general election. According to the Chief Electoral Officer, getting rid of this mechanism will have a disproportionate impact on the right to vote of individuals who are already quite marginalized in the electoral system, such as young people, Aboriginal people and the less fortunate.

The measures that limit Elections Canada's powers instead of making it easier for that agency to conduct its investigations are another aspect of this bill that gives cause for concern. Elections Canada has been calling for changes to the legislation for a very long time, including stricter rules on robo-calls and broader investigative powers.

Investigations conducted by Elections Canada over the past few years have been hindered by the agency's inability to compel the production of documents and testimony in a timely fashion. It is important to give the Commissioner of Canada Elections the power to apply to a court for an order to compel witnesses to provide evidence in an investigation. There is nothing of the sort in the bill. Instead of providing the commissioner with the powers he is seeking, the bill proposes to completely eliminate Elections Canada's power to compel and transfer it to the Office of the Director of Public Prosecutions.

I agree with my honourable colleagues, Senators Jaffer and Moore, who said that we should do everything we can to encourage as many Canadians as possible to exercise their right to

vote. That is why I would like to raise a point that was not adequately addressed during the examination of Bill C-23. I would like to talk about upholding the spirit of the Official Languages Act.

The government does not seem to have evaluated the repercussions this bill could have on official language minority communities. Therefore, I would like to mention two concerns pertaining to francophones in minority situations.

The first concern is related to provisions in the bill governing the appointment of election officers, as set out in clauses 18, 19, 21 and 44. Currently, under the Canada Elections Act, deputy returning officers and poll clerks are appointed from lists provided by candidates whose party came first or second in that riding during the previous election. As the president of the Fédération des communautés francophones et acadienne du Canada said when she appeared before the House of Commons Standing Committee on Procedure and House Affairs, these provisions are already very problematic for francophone citizens who wish to receive services in the official language of their choice at polling stations.

Unfortunately, the changes proposed in clauses 18, 19, 21 and 44 extend this process to other positions, including that of central poll supervisor. They also add registered riding associations and political parties to the list of bodies that can recommend candidates for these positions. Neither the candidates, nor the party associations, nor the political parties themselves have any obligations under the Official Languages Act. Consequently, as the president of the Fédération des communautés francophones et acadienne du Canada pointed out, Bill C-23 could potentially strip Elections Canada of the means it has to ensure that candidates on those lists for election officers' positions would be able to meet their obligations under the Official Languages Act. In other words, if Elections Canada cannot guarantee that its election officers are able to offer services in both official languages, we are concerned that francophones in minority situations may not exercise their democratic right.

Clause 13 in the bill regarding field liaison officers being appointed by the Chief Electoral Officer of Canada could be one way for francophones to be involved in the electoral process. Unfortunately, as you know, our communities do not have the critical mass required for such a measure to be effective.

Furthermore, there are many problems with clause 7, which has to do with the Chief Electoral Officer providing information to the public. With this proposal that the Chief Electoral Officer no longer be able to inform the public about the electoral process, the CEO will no longer be able to develop French-language information programs to encourage Canadians living in minority situations to vote.

With the proposed amendments, political parties would have to take on the educational and civic role, and they are not subject to the Official Languages Act. What will happen in regions where francophones are spread out or are a very small minority? What will happen in regions where anglophones are spread out or are a very small minority? How will we encourage francophones to get

out and vote? How will we encourage anglophones in Quebec to get out and vote? I see some potential barriers to full participation in the electoral process for Canadians who want access to services and information in the official language of the minority.

The proposed amendment violates the spirit of Part VII of the Official Languages Act, which states that:

The Government of Canada is committed to . . . enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and . . . fostering the full recognition and use of both English and French in Canadian society.

By limiting access to essential sources of information, clause 7 of Bill C-23 could create a situation in which Canadians are not all treated equally. In the United Kingdom, Australia and New Zealand, electoral commissions are mandated to promote and inform their linguistic and cultural minorities through programs that educate and encourage civic engagement. The Canada Elections Act should strengthen the role of the Chief Electoral Officer in order to promote civic engagement in these communities and encourage people to exercise their democratic rights.

I lament the fact that Elections Canada's educational role will be limited to elementary and high school students.

• (1750)

Honourable senators, the 150th anniversary of Confederation gives us an opportunity to get all Canadians involved, to reaffirm our commitment to our shared values and proudly assert our democratic values and the originality of our country, our culture and our linguistic duality, which must be preserved and promoted across the country. This bill, however, is out of step with the spirit of one of the pillars of Canadian duality, Part VII of the Official Languages Act.

Honourable senators, I will conclude with a reminder that the principle that should guide our evaluation of any electoral system reform is the guarantee that every Canadian has the right to vote, a right protected by the Canadian Charter of Rights and Freedoms. Currently, that right and our electoral system are threatened by the falling voter turnout rates of the last few years. To strengthen our electoral system, we have to look at measures that will encourage Canadians to get involved in the democratic process. For one thing, we have to make it as easy as possible for people to exercise their right to vote. Unfortunately, this bill includes measures that run counter to that principle.

I therefore invite all senators to support the amendments proposed by Senator Moore and Senator Jaffer to fix these problems and protect the integrity of our electoral system for the greater benefit of Canada and all of its citizens.
