



<b>Protected A</b>
<b>Subject:</b> Bilateral Call with CSIS
<b>Date:</b> January 13, 2020
<b>Notes prepared by</b> Mylène Gigou Director of Investigations
<b>File Number:</b> n/a

Participants for CSIS : CSIS [REDACTED]

Participants for the OCCE: Mylene Gigou (MG), Al Matthews (AL) and Jean-Michel Kalubiaka.

### Overview of discussion

This brief telephone conversation took place at the request of CSIS. [REDACTED]

The question concerned whether the federal leadership party races fall within the CCE's area of responsibility and mandate, and if this was covered by the Canada Elections Act.

Essentially, leadership races are run according to their own party constitution. For some parties, the constitution is accessible online. This dictates, for example, who can vote, how, whether citizenship is required, etc. Very little relating to leadership races is within the Commissioner's mandate. However, rules relating to political contributions and expenses are governed by the Act. For example:

Only **individuals** who are **Canadian citizens or permanent residents** can make political contributions to:

- nomination contestants;
- candidates;
- registered parties;
- leadership contestants; or
- electoral district associations.

Each Canadian citizen or permanent residents can donate a maximum of \$1,625 to a leadership contestant.

The leadership candidates, however, can also donate an additional \$25,000 to his or her own campaigns in contributions, loans, or loan guarantees.

Corporations and unions cannot make political donations.

Prohibitions against circumventing or attempting to circumvent the restriction on the source of contributions, or to hide the identity of the source of a contribution. (ss. 368(1) and (2))

The restrictions on the sources of political contributions apply to the making of monetary contributions as well as to non-monetary (in-kind) contributions.

CSIS [REDACTED] inquired as to vouching, the following was provided by email:

In furtherance of yesterday's call, the provisions of the Act relating to vouching of electors are found at s. 143, 161 and 169 of the Act. The relevant portions of these sections are reproduced below. Normally, in order to vote, an elector must establish their identity and residence by producing a government (or agent of government) ID piece containing their photo, name and address, or two government (or agent of government) ID pieces containing their name and at least one of which contains their address. If an elector cannot establish their identity or residence in this manner, they can be vouched for by another elector having the proper ID. The vouching provisions are underlined. The voucher cannot vouch for more than one person, a vouchee cannot act as voucher, the voucher must personally know the vouchee and the polling divisions in which reside the voucher and the vouchee must be assigned to the same polling station.

#### **1. Elector's name is on the list of elector**

**143 (1)** *Each elector, in order to receive a ballot, shall give his or her name and address to an election officer who is assigned to the polling station, and, on request, to a candidate or a candidate's representative.*

##### ***Proof of identity and residence***

**(2)** *If the election officer determines that the elector's name and address appear on the list of electors or that the elector is allowed to vote under section 146, 147, 148 or 149, then, subject to subsection (3), the elector shall provide the election officer with the following proof of his or her identity and residence:*

**(a)** *one piece of identification issued by a Canadian government, whether federal, provincial or local, or an agency of such a government, that contains a photograph of the elector and his or her name and address; or*

**(b)** *two pieces of identification of a type authorized under subsection (2.1), each of which establishes the elector's name and at least one of which establishes the elector's address.*

##### ***Authorized types of identification***

**(2.1)** *The Chief Electoral Officer may authorize types of identification for the purposes of paragraph (2)(b). For greater certainty, any document may be authorized, regardless of who issued it.*

##### ***Person registered as an Indian***



**(2.2)** For the purposes of paragraph (2)(b), a document issued by the Government of Canada that certifies that a person is registered as an Indian under the Indian Act constitutes an authorized piece of identification.

**Solemn declaration**

**(3)** An elector may instead prove his or her identity and residence by making the solemn declaration referred to in subsection 549.1(1) in writing if he or she is accompanied by another elector whose name appears on the list of electors for the same polling station and who

(a) provides the election officer referred to in subsection (1) with the piece or pieces of identification referred to in paragraph (2)(a) or (b), respectively; and

(b) vouches for the elector by making the solemn declaration referred to in subsection 549.1(2) in writing.

**2. Elector's name is not on the list of electors on polling day**

**161 (1)** An elector whose name is not on the list of electors may register in person on polling day before an election officer if the elector

**(a)** provides as proof of his or her identity and residence the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, the piece or one of those pieces containing an address that proves his or her residence; or

**(b)** proves his or her identity and residence by making the solemn declaration referred to in subsection 549.1(1) in writing and is accompanied by another elector whose name appears on the list of electors for the same polling station and who

(i) provides the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, the piece or one of those pieces containing either an address that proves that other elector's residence or an address that is consistent with information related to that other elector that appears on the list of electors, and

(ii) vouches for the elector by making the solemn declaration referred to in subsection 549.1(2) in writing.



### 3. Elector's name is not on the list of electors on advance poll

**169 (1)** Every elector whose name is not on the revised list of electors may register in person, at the advance polling station where the elector is entitled to vote, before an election officer who is assigned to that advance polling station.

#### **Conditions**

**(2)** An elector shall not be registered unless he or she

**(a)** provides as proof of his or her identity and residence the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, the piece or one of those pieces containing an address that proves his or her residence; or

**(b)** proves his or her identity and residence by making the solemn declaration referred to in subsection 549.1(1) in writing and is accompanied by another elector whose name appears on the list of electors for the same polling station and who

**(i)** provides the piece or pieces of identification referred to in paragraph 143(2)(a) or (b), respectively, the piece or one of those pieces containing either an address that proves that other elector's residence or an address that is consistent with information related to that other elector that appears on the list of electors, and

**(ii)** vouches for the elector by making the solemn declaration referred to in subsection 549.1(2) in writing.

### 4. Others related provisions

#### **Vouching for more than one person**

**282.1 (1)** No person shall vouch for more than one person at an election, except in the cases referred to in subsections 143(3.01), 161(2) and 169(2.01).

#### **Voucher not qualified as elector, etc.**

**(2)** No person shall vouch for another person if

**(a)** the person who vouches is not qualified as an elector;

**(b)** the person who vouches does not personally know the other person; or

**(c)** the person who vouches does not reside in a polling division assigned to the same polling station as the polling division in which the other person resides or, in the cases referred to in subsections 143(3.01), 161(2) and



*169(2.01), in a polling division in the other person's electoral district or an adjacent electoral district.*

***Vouchee acting as voucher***

***(3) No person who has been vouched for at an election shall vouch for another person at that election.***

The following information was also provided by email:

Hyperlink to the draft Leadership Contestants Handbook available on EC website:

<https://www.elections.ca/content.aspx?section=res&dir=gui/pro&document=index&lang=e>

Other handbooks and reference material:

<https://www.elections.ca/content.aspx?section=pol&&document=index&lang=e>

