



**HOUSE OF COMMONS STANDING COMMITTEE ON  
PROCEDURE AND HOUSE AFFAIRS**

**Bill C-23: Fair Elections Act**

April 3, 2014

Thank-you for inviting us to appear here today on unceded Algonquin land. My name is Peter Dinsdale and I am the Acting Chief Executive Officer of the Assembly of First Nations or the AFN. The AFN is the national political advocacy organization representing more than 630 First Nation governments in Canada.

The AFN has identified a number of very specific concerns with the Bill C-23 and the changes it makes to the Canada Elections Act.

The relationship between First Nations and Canada is complex. This is also the case with engagement of First Nation citizens in elections for all levels of government.

Previous to March 31, 1960, Registered Indians were not able to vote in Canadian elections or they would no longer be considered “Indian” under the law and would not be able to live within their communities.

While we do not have precise information on First Nation voting rates, estimates range from 35 – 75% across Canada’s different regions. There are a number of reasons First Nation citizens may not participate in federal elections, but none of them should arise as a result of barriers that are created at the federal level.

The First Nations population is very young – almost half of the population is under 25 – and we have high rates of mobility and high representation among transient groups. There is no question that this subset of First Nation citizens votes at a very low rate.

AFN Resolution 89-2004 *Electoral Reform and Increased First Nation Voter Turnout* directed the AFN to embark on a voter awareness campaign for First Nations given the direct impact that Canadian Parliament has on First Nations rights and interests. Additionally, the resolution directed the AFN to explore options for electoral reform.

In 2005 the AFN and Elections Canada hosted a two-day First Nations Voter Turnout Forum that recommended development of a communications strategy and collaborative public education outreach focused on sharing information with

First Nation voters. The AFN undertook a number of joint activities with Elections Canada to do so including developing information materials on how to vote, hosting a First Nations Voter Kiosk at First Nation gatherings and broadcasting public service announcements featuring former National Chief Fontaine on APTN.

The AFN has also worked in partnership with Elections Canada to provide information to First Nation communities on how to vote.

In 2007, in advance of the General Election in 2008, a number of changes were made to the *Canada Elections Act (CEA)* with respect to ID requirements. These changes required voters to present two pieces of ID – one with a photo and the other to include a *home address* of the voter to prove residency. Many First Nation communities do not use home addresses and are serviced by postal boxes. Additionally, many First Nations citizens living in urban areas, including students, may not have ID that corresponds to their current address at the time of voting.

The AFN contacted First Nation communities directly in both 2008 and 2011 to help ensure that Bands were aware of the ID requirements and options available to resident voters, including:

- the option of having authorized Band officials issue an “attestation of residence”;
- the use of voter information cards (VICs) to establish current residency; or
- the option of “vouching” where someone who is already a registered voter from the same polling division is able to confirm a person’s residence and identity.

Our efforts in 2011 included phoning Band Offices using a series of scripts developed jointly with Elections Canada in 20 Electoral Districts, selected on the basis of their geography (being north of 55), proportion of eligible voters (those deemed to have a “high” proportion), and electoral participation history (those deemed as having “low” participation).

What we found in this work was that there was a clear role for an independent organization to work directly with First Nations to provide information about voting.

While Elections Canada had some materials that could be made available to electors generally, these were assessed as less than optimal for First Nations for a variety of reasons including their legalistic tone and generic approach.

During the election, Returning Officers are responsible for administering the electoral processes in their ridings – through direct contact with First Nations the AFN found that the amount and quality of information that was transmitted to First Nation communities by Returning Officers varied significantly.

There is much more that could be done to enhance First Nations participation in federal elections, and our relationship with Elections Canada has sought to build on this over the past several elections.

It is in this context that we have specific concerns with the changes proposed under Bill C-23:

### **Restrictive ID requirements and disallowance of vouching**

The provisions of Bill C-23 that disallow use of the voter information card as proof of residency will create a new barrier for First Nation citizens wishing to vote – particularly those residing in First Nation communities that do not use home addresses or those who have recently moved.

Further, with the removal of vouching as an option, it is possible that some of these First Nation citizens will have few or no options available to enable them to vote come the next election (for example, a student who has recently moved to attend university).

### **Limits to the communication between the Chief Electoral Officer and voters**

The AFN has worked productively with Elections Canada in a non-partisan capacity over the past 3 federal elections to help ensure that First Nation

voters have information on how to participate in federal elections. Bill C-23 proposes significant changes to the current section 18 of the *Canada Elections Act* (which provides a broad mandate for Elections Canada with respect to public information and engaging with electors) by limiting the ability of the Chief Electoral Officer to communicate with electors or to provide information through “unsolicited calls”. These changes, it would seem, would eliminate our efforts to reach out to Band Offices to provide information for an upcoming election.

The role of Elections Canada has included providing impartial support for fair and accessible elections that enable all eligible voters to exercise their right to vote if they so choose. The changes noted above will limit or prevent this role from being fulfilled. Therefore,

1. The AFN recommends removing from Bill C-23 any amendments to s. 18 so as to retain the current mandate for the Chief Electoral Officer to “implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.”
2. Additionally, the AFN recommends that provisions that remove the ability to use the voter information card as proof of residency and those that disallow vouching be struck from this Bill.

First Nations are determining how they want to interact with their own governments and broadly with the Canadian state. These changes limit their options and ability to be engaged in Canadian electoral democracy and to have equal say in its outcomes. We believe this to be a step backwards.

Thank you very much.