

Comments on the Fair Elections Act (Bill C-23)

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Thank you very much for inviting the Canadian Centre for Policy Alternatives to speak to the Committee this evening. I am Assistant Professor of applied ethics at the University of Ottawa's Graduate School of Public and International Affairs and I am a research associate with the CCPA.

I am also a co-author of an open letter concerning Bill C-23, co-authored with several Canadian professors, published in the National Post in March. I do not represent the views of my co-authors, or the 180 signatories to that letter, in my statement today.

Of the many difficulties presented by the Fair Elections Act, I'd like to focus on just one: the way in which it would undermine political equality in Canada, by making the right to vote more difficult to access in general, and most particularly, for vulnerable Canadians. It does this by proposing to eliminate vouching and by imposing stricter voter identification requirements.

Let me begin by pointing out that Canada's voter ID requirements are already more restrictive than in many countries. Indeed, in leading Westminster democracies, including the UK, Australia and Denmark, all that is required is that one be on the voter registry; no identification is required. In other democracies, vulnerable citizens are exempt from identification requirements. According to international best practices, states that require identification should ensure that these are provided to citizens free of cost, as with the VICs that this bill would disallow.

The purpose of beginning here is simply to highlight that the proposals to eliminate vouching and to impose stricter voter identification requirements will move us away from widely accepted international practices by which states protect the right to vote of their citizens.

In Canada, the right to vote is protected in Article 3 of the Canadian Charter of Rights and Freedoms. The constitutional protection of this right imposes a duty on all of us, particularly our government, to protect that right for each and every one of us.

The proposed Fair Elections Act is anything but. It risks excluding some of Canada's most vulnerable citizens, including seniors and students, First Nations citizens, low-income Canadians, and homeless Canadians. We know from Elections Canada that these groups relied on vouching most frequently in recent elections. It should go without saying that in our Constitution, these citizens' right to vote is no less important than that of any other Canadian. Regrettably this Bill makes it necessary to underline this point.

In its recent decision in the Etobicoke Centre Case, the Supreme Court acknowledged the multiple values at stake in elections, including integrity, transparency, efficiency, but then gave pride of place to the constitutionally protected right to vote. I quote from the decision: "the Act

seeks to enfranchise all entitled persons, including those without paper documentation, and to encourage them to come forward to vote on Election Day, regardless of prior enumeration. The system strives to achieve accessibility for all voters, making special provision for those without identification to vote by vouching...The goal of accessibility can only be achieved if we are prepared to accept some degree of uncertainty that all who voted were entitled to do so.” In other words, our electoral system relies on a certain amount of trust in our fellow citizens not to abuse our most basic democratic right. This Bill rests on the false premise that we should distrust one another.

Bill C-23 will effectively take away the right to vote from some Canadians. How then can Canada claim to be democratic? The right to vote is not something the government grants us permission to do, like driving, or hunting, or practicing medicine. It belongs to each of us, in virtue of our citizenship status. The job of a truly democratic government is to protect our right to vote by securing the conditions that make it possible. This Act does the opposite.

The government’s reason for restricting the right to vote rests on the importance of eliminating fraud from our electoral system. As has been said repeatedly in the media and before this committee, there is no evidence of fraud, only of irregularities which can be dealt with in ways that do not threaten the integrity of Canada’s democracy.

Let there be no mistake: the government proposes to protect against *imaginary* dangers by creating *real and significant* harms. There is something gravely wrong when we *actually* turn away citizens at the voting booth because we *imagine* that they are trying to cheat the system. There is something wrong with a policy that slanders hundreds of thousands of Canadian citizens as potential fraudsters because they are vulnerable in ways that make it difficult to get a driver’s license or to have a stable address.

The so-called Fair Elections Act is inconsistent with a commitment to political equality – the equal right of every citizen to cast a vote – on which Canada’s democracy is built. Bill C-23 should be rejected.