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## Fair Elections Act: Slow it down, Mr. Poilievre (4)

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‘Because amendments to the Canada Elections Act affect the fundamental rights of all Canadians,’ Chief Electoral Officer Marc Mayrand told a parliamentary committee last week, “such amendments” must “be based on a broad consensus as well as solid evidence.” And yet much of Bill C-23, the Conservative government’s Fair Elections Act, is supported by neither evidence nor public consensus. Instead, evidence and expert opinion have cast ballots overwhelmingly against the legislation.

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On Monday, we criticized a part of the bill that will prevent some eligible voters from voting. On Tuesday, we looked at a provision in the legislation that creates a giant campaign-spending loophole, which just happens to favour the Conservative Party. Yesterday’s subject was the section of the bill that would give the winning political party in each riding the power to name certain key election officials – taking that authority out of the hands of non-partisan Elections Canada.

Today, let’s consider how the legislation restricts Elections Canada’s ability to investigate electoral wrongdoing.

Introducing Bill C-23 last month, Democratic Reform Minister Pierre Poilievre said that he wanted to “empower law enforcement with sharper teeth, a longer reach and a freer hand.” The principles are right. But some of the bill’s fine print is of a different spirit. For example, though the bill introduces new offences and increases fines, it also reduces the investigatory powers of Elections Canada, an independent organization that reports to Parliament.

The bill would take one of its arms – the commissioner – and move him into a branch of

government, the Office of the Director of Public Prosecutions. It's hard to see how this division of what is now a single investigative authority improves the current situation, and it's not difficult to imagine how it might end up doing the opposite, impeding the pursuit of wrongdoers. Under the proposed rules, Mr. Mayrand says both he and the commissioner would be restricted in terms of how they communicate with one another and with Canadians, including what they could tell the public about matters or persons under investigation.

The stated goal of the legislation was to strengthen the law, the better to go after a future robocalls scandal. Some of Bill C-23 does that. But these other elements, building walls between parts of Elections Canada and between investigations and the public, make no sense.

The bill takes some welcome steps to fix what's broken in Canada's mostly excellent system of electoral oversight. But it more than compensates for that good turn by breaking parts of the system that were long ago fixed. The bill needs to be stopped, and given a major rewrite.

Tomorrow, we'll continue our look at the limits the bill places on the chief electoral officer, including restricting his ability to encourage Canadians to vote.