

An open letter to Prime Minister Stephen Harper and the Parliament of Canada:

We the undersigned — over 150 professors at Canadian universities who study the principles and institutions of constitutional democracy — believe that the Fair Elections Act (Bill C-23), if passed, would damage the institution at the heart of our country's democracy: voting in federal elections. We urge the Government to heed calls for wider consultation in vetting this Bill. While we agree that our electoral system needs some reforms, this Bill contains proposals that would seriously damage the fairness and transparency of federal elections and diminish Canadians' political participation. Beyond our specific concerns about the Bill's provisions (see below), we are alarmed at the lack of due process in drafting the Bill and in rushing it through Parliament. We see no justification for introducing legislation of such pivotal importance to our democracy without significant consultation with Elections Canada, opposition parties, and the public at large.

1. Voter identification

a. Voter Information Cards (VICs)

The Bill proposes to dispense with the use of VICs as a piece of identification that voters can use (in tandem with another piece of officially recognized ID) to prove their identity and address. The use of voter cards is especially important for Canadians who lack ID that proves their current address, such as students, senior citizens in long-term care facilities, First Nations citizens, and those who have recently moved. Although not perfect, VICs are more likely to provide an accurate address than most other forms of ID, including drivers' licenses. We believe that the elimination of VICs as a valid form of ID in federal elections would reduce the likelihood of voting by some citizens.

b. Vouching

Currently, Elections Canada protects the right to vote of citizens who lack standard forms of identification by allowing them to take an oath affirming their identity, citizenship, and residence in the polling division, and having a qualified voter from the same polling division vouch for their eligibility. In 2011, approximately 120,000 citizens relied on the vouching provision in order to vote. By eliminating vouching, the Fair Elections Act would disenfranchise many of these citizens.

The Government argues that vouching is an opportunity for voter fraud, citing the finding of the Neufeld Report on Compliance Review that a significant proportion of vouching cases were plagued by "irregularities." In fact, the Neufeld Report did not cite a single case of fraudulent or ineligible voting arising from the vouching system. To the contrary, the Report recommended keeping the vouching system in place as a protection for citizens' right to vote, while working to reduce the need for vouching through enhanced use of the very VICs that Bill C-23 would disqualify.

2. Ensuring fair elections

We are concerned that Bill C-23 would diminish the ability of Elections Canada to protect the fairness of the electoral process. The Bill proposes to remove the enforcement arm of the agency, headed by the Commissioner of Elections, from Elections Canada and move it to the office of the Director of Public Prosecutions. Crucially, the activities of the Commissioner would no longer be reported to Parliament.

The Bill also fails to provide the Commissioner with the powers necessary to properly investigate electoral infractions. For example, the Commissioner would not have the power to compel witness testimony, a major stumbling block during the robocalls investigation. Nor would the Commissioner have the power to require political parties to provide receipts and other documentation about their spending, which makes it

impossible to ensure compliance with spending limits. Sect. 18 would prohibit Elections Canada from communicating with citizens about matters like the robocalls crisis, thereby reducing democratic transparency and accountability.

Bizarrely, the Bill forbids Elections Canada from promoting democratic participation and voting through “get out the vote” campaigns. Elections Canada would even be prevented from publishing its research reports on the electoral process. This gag on Elections Canada would make Canada an outlier among liberal democracies, instead of the global leader it now is.

3. Campaign finance

Bill C-23 would make several changes to campaign finance and expense reporting after elections. Taken separately, these changes may seem minor, but together they increase the influence of money in Canadian politics.

The Bill would increase the amount that citizens can donate to a given campaign from \$1200 per calendar year to \$1500 per calendar year; more troubling is its proposed increase the amount of money an individual can contribute to his or her own campaign from \$1200 to \$5000, creating a bias in favour of those with more personal wealth.

Worse, the Bill distinguishes fundraising from campaigning, and then exempts fundraising costs from campaign spending limits as long as fundraising is targeted at previous donors of more than \$20. This introduces two biases into the campaign finance rules. First, it disadvantages parties whose donors can only contribute small amounts. Second, it favours parties that have built their donor lists over those that have not. Parties with longer lists of donors over the threshold could communicate, free of cost to their campaigns, with a larger number of electors than other parties.

Allowing money to influence electoral outcomes stands at stark odds with principles of political equality and democratic

fairness. In contrast to our neighbour to the south, Canada has consistently recognized that allowing money into the political arena prevents those without financial backing from being heard and discourages participation when citizens perceive that the playing field of politics tilts toward wealth. This feature of Canadian democracy deserves strong protection, not erosion of the sort introduced by Bill C-23.

4. Partisans at polling stations

Section 44 of Bill C-23 requires Elections Canada to appoint central poll supervisors from lists of names provided by the candidate or party that came first in the last election, favouring incumbents and their parties. Currently poll supervisors are appointed by Elections Canada. Their role is to oversee the election in each polling station. Electoral irregularities are often the result of partisan calculations by people working in polling stations. That is why the Neufeld Report suggests that "appointing election officers on any basis other than merit is inconsistent with the principle of administrative neutrality, and contrary to predominant Canadian values ... [and] established international electoral practices."

Government officials have responded by pointing out that the Elections Act already allows for candidates and parties to appoint other polling station officers, but this does not provide a reason for expanding, rather than eliminating, a practice that undermines voter confidence in the electoral process.

Elections Canada reports to Parliament, not the government of the day. This is important because the rules governing elections have special significance in a democracy. The legitimacy of the entire political system depends on the fair and impartial administration of electoral procedures. It is vital that the rules of democracy be debated in an open and transparent way, shielded from partisan calculations.

Canadian citizens' trust in the democratic process relies heavily on Elections Canada as the institution that ensures the fair and impartial administration and enforcement of our electoral laws. Full consideration of its advice and experience is vital to the legitimacy of any major changes to those laws. Especially in view of the sensitive political climate in which allegations of electoral fraud remain unresolved, both prudence and fair play demand that the Bill's proposed changes to the laws of our democracy receive full parliamentary and public debate.

Yours truly,

Monique Deveaux, Professor of Philosophy and Canada
Research Chair in Ethics and Global Social Change, University
of Guelph

Melissa Williams, Professor of Political Science, University of
Toronto

Maxwell Cameron, Professor of Political Science, University of
British Columbia

Yasmin Dawood, Assistant Professor of Law, University of
Toronto

Patti Lenard, Assistant Professor, Graduate School of Public
and International Affairs, University of Ottawa

Genevieve Fuji Johnson, Associate Professor of Political
Science, Simon Fraser University

Additional signatories:

Arash Abizadeh, Associate Professor of Political Science, McGill
University

Yasmeen Abu-Laban, Professor of Political Science, University of Alberta

Cameron Anderson, Associate Professor of Political Science, University of Western Ontario

Christopher G. Anderson, Assistant Professor of Political Science, Wilfrid Laurier University

Lesley Andres, Professor of Education, University of British Columbia

Caroline Andrew, Professor, Centre on Governance, University of Ottawa, and Past President, Canadian Political Science Association

Barbara Arneil, Professor of Political Science, University of British Columbia

Yildiz Atasoy, Professor of Sociology, Simon Fraser University

Chloë G. K. Atkins, Associate Professor of Communication and Culture, University of Calgary

Michael Atkinson, Professor, Johnson-Shoyama Graduate School of Public Policy, University of Saskatchewan, and Past President, Canadian Political Science Association

Gerald Baier, Associate Professor of Political Science, University of British Columbia

Ryan Balot, Professor of Political Science and Classics, University of Toronto

Keith Banting, Professor of Political Studies, Queen's University, and Past President, Canadian Political Science Association

Sylvia Bashevkin, Professor of Political Science, University of Toronto, and Past President, Canadian Political Science Association

Ronald Beiner, Professor of Political Science, University of Toronto

Davina Bhandar, Associate Professor of Canadian Studies, Trent University

Laurence Bheher, Associate Professor of Political Science, Université de Montréal

Antoine Bilodeau, Associate Professor of Political Science, Concordia University

André Blais, Professor of Political Science, Université de Montréal, and Past President, Canadian Political Science Association

Charles Blattberg, Professor of Political Science, Université de Montréal

Pierre Bosset, Professor of Public Law, Université du Québec à Montréal

Sophie Bourgault, Assistant Professor of Political Studies, University of Ottawa

Leah Bradshaw, Professor of Political Science, Brock University

Penny Bryden, Professor of History, University of Victoria

Gillian Calder, Associate Professor of Law, University of Victoria

David Cameron, Professor of Political Science, University of Toronto

Joseph Carens, Professor of Political Science, University of Toronto

Don Carmichael, Associate Professor of Political Science, University of Alberta

Paul R. Carr, Associate Professor of Sociology and Interdisciplinary Studies, Lakehead University

R. Kenneth Carty, Professor Emeritus of Political Science, and Past President, Canadian Political Science Association

Julián Castro-Rea, Associate Professor of Political Science, University of Alberta

Simone Chambers, Professor of Political Science, University of Toronto

Mary Chapman, Associate Professor of English, University of British Columbia

Ryoa Chung, Associate Professor of Philosophy, Université de Montréal

Colin Coates, Professor of Canadian Studies, York University

Marjorie Griffin Cohen, Professor of Political Science, Simon Fraser University

John Courtney, Professor of Political Science, University of Saskatchewan, and Past President, Canadian Political Science Association

Hugo Cyr, Professor of Political Science and Law, Université du Québec à Montréal

Rita Dhamoon, Assistant Professor of Political Science, University of Victoria

Alexandra Dobrowolsky, Professor of Political Science, Saint Mary's University

Stefan Dolgert, Assistant Professor of Political Science, Brock University

Mathieu Doucet, Assistant Professor of Philosophy, University of Waterloo

Janique Dubois, Assistant Professor of Political Science, Brock University

Pascale Dufour, Professor of Political Science, Université de Montréal

Avigail Eisenberg, Professor of Political Science, University of Victoria

Lynda Erickson, Professor Emerita of Political Science, Simon Fraser University

Patrick Fafard, Associate Professor, Graduate School of Public and International Affairs, University of Ottawa

Katherine Fierlbeck, Professor of Political Science, Dalhousie University

Craig Forcese, Associate Professor of Law, University of Ottawa

Cristie Ford, Associate Professor of Law, University of British Columbia

Andrea Geiger, Associate Professor of History, Simon Fraser University

Elisabeth Gidengil, Professor of Political Science, McGill University, and
Past President, Canadian Political Science Association

Pablo Gilabert, Associate Professor of Philosophy, Concordia University

Elizabeth Goodyear-Grant, Associate Professor Political Studies,
Queen's University

Joyce Green, Professor of Political Science, University of Regina

Rodney Haddow, Associate Professor of Political Science, University of
Toronto

Blayne Haggart, Assistant Professor of Political Science, Brock
University

Marc Hanvelt, Adjunct Research Professor of Political Science, Carleton
University

Lois Harder, Professor of Political Science, University of Alberta

Kathryn Harrison, Professor of Political Science, University of British Columbia

Matthew Hayday, Associate Professor of History, University of Guelph

Andrew Heard, Associate Professor of Political Science, Simon Fraser University

Joseph Heath, Professor of Philosophy and School of Public Policy and Governance, University of Toronto

Matthew James, Associate Professor of Political Science, University of Victoria

Laura Janara, Associate Professor of Political Science, University of British Columbia

Nancy Janovicek, Associate Professor of History, University of Calgary

Leslie Jeffrey, Professor of History and Politics, University of New Brunswick, Saint John

Candace Johnson, Associate Professor of Political Science, Guelph University

Rebecca Johnson, Professor of Law, University of Victoria

Richard Johnston, Professor of Political Science, and Past President,
Canadian Political Science Association

Luc Juillet, Associate Professor, Graduate School of Public and
International Affairs, University of Ottawa

Darlene Juschka, Associate Professor of Religious Studies and
Women's Studies, University of Regina

David Kahane, Professor of Political Science, University of Alberta

Willeen Keough, Associate Professor of History, Simon Fraser
University

Loren King, Associate Professor of Political Science, Wilfrid Laurier
University

Rebecca Kingston, Associate Professor of Political Science, University
of Toronto

David Laycock, Professor of Political Science, Simon Fraser University

Patrick Leblond, Associate Professor, Graduate School of Public and
International Affairs, University of Ottawa

Jean Leclair, Professor of Law, Université de Montréal

Lawrence Leduc, Professor Emeritus of Political Science, University of Toronto

Theresa Lee, Associate Professor of Political Science, University of Guelph

Rémi Léger, Assistant Professor of Political Science, Simon Fraser University

Hester Lessard, Professor of Law, University of Victoria

Dominique Leydet, Professor of Philosophy, Université du Québec à Montréal

James Lightbody, Professor of Political Science, University of Alberta

Mary Liston, Assistant Professor of Law, University of British Columbia

Catherine Lu, Associate Professor of Political Science, McGill University

Audrey Macklin, Professor and Chair in Human Rights Law, Faculty of Law, University of Toronto

Colin Macleod, Associate Professor of Philosophy and Law, University of Victoria

Jocelyn Maclure, Professor of Philosophy, Université Laval

Patricia Marino, Associate Professor of Philosophy, University of Waterloo

John McGarry, Professor of Political Science, Queen's University

Michael McGregor, Assistant Professor of Politics and International Studies, Bishop's University

Loralea Michaelis, Associate Professor of Politics and International Relations, Mount Allison University

Éric Montpetit, Professor of Political Science, Université de Montréal

Margaret Moore, Professor of Political Studies, Queen's University

Suzanne Morton, Professor of History and Classical Studies, McGill University

Catherine Murray, Professor of Communication, Simon Fraser University

Christian Nadeau, Associate Professor of Philosophy, Université de Montréal

James Naylor, Associate Professor of History, Brandon University

Jennifer Nedelsky, Professor of Law and Political Science, University of Toronto

Carmen J. Nielson, Associate Professor of History, Mount Royal University

Geneviève Nootens, Professor of Social Sciences, Université du Québec à Chicoutimi

Nancy Olewiler, Professor of Public Policy, Simon Fraser University

Brenda O'Neill, Associate Professor of Political Science, University of Calgary

Michael Orsini, Associate Professor of Political Studies, University of Ottawa

Martin Papillon, Associate Professor of Political Studies, University of Ottawa

Steve Patten, Associate Professor of Political Science, University of Alberta

Omid Payrow Shabani, Professor of Philosophy, University of Guelph

Dennis Pilon, Associate Professor of Political Science, York University

Florence Piron, Professor of Information and
Communication, Université Laval

Pablo Policzer, Associate Professor of Political Science, University of
Calgary

Philip Resnick, Professor Emeritus of Political Science, University of
British Columbia

Kent Roach, Professor of Law, University of Toronto

Douglas A. Ross, Professor of Political Science, Simon Fraser University

Jason Roy, Assistant Professor of Political Science, Wilfrid Laurier
University

Claudia Ruitenberg, Associate Professor of Educational Studies,
University of British Columbia

Peter Russell, Professor Emeritus of Political Science, University of
Toronto, and Past President, Canadian Political Science Association

Paul Saurette, Associate Professor of Political Studies, University of Ottawa

Carol Schick, Associate Professor of Education, University of Regina

David Schneiderman, Professor of Law, University of Toronto

Christa Scholtz, Associate Professor of Political Science, McGill University

Richard Schultz, Professor of Political Science, McGill University

Leslie Seidle, research director, Institute for Research on Public Policy

Ozlem Sensoy, Associate Professor of Education, Simon Fraser University

Grace Skogstad, Professor of Political Science, and Past President, Canadian Political Science Association

David E. Smith, Distinguished Visiting Professor, Department of Politics and Public Administration, Ryerson University, and Past President, Canadian Political Science Association

Jennifer Smith, Professor Emerita of Political Science, Dalhousie University

Miriam Smith, Professor of Law and Society, York University, and Past President, Canadian Political Science Association

Patrick Smith, Professor of Political Science, Simon Fraser University

Robert Sparling, Assistant Professor of Political Science, Université de Montréal

Mark Spooner, Associate Professor, Faculty of Education, University of Regina

Maxime St-Hilaire, Assistant Professor of Law, Université de Sherbrooke

Christine Straehle, Associate Professor, Graduate School of Public and International Affairs, University of Ottawa

Veronica Strong-Boag, Professor Emerita, Institute for Gender, Race, Sexuality and Social Justice/Educational Studies, University of British Columbia, and Past President, Canadian Historical

Association

Lisa Taylor, Professor of Education, Bishop's University

Melanee Thomas, Assistant Professor of Political Science, University of Calgary

Reeta Tremblay, Professor of Political Science, University of Victoria,
and Past President, Canadian Political Science Association

James Tully, Distinguished Professor of Political Science, Law,
Indigenous Governance and Philosophy, University of Victoria

Luc Turgeon, Assistant Professor of Political Studies, University of
Ottawa

Patrick Turmel, Associate Professor of Philosophy, Université Laval

Ian Urquhart, Associate Professor of Political Science, University of
Alberta

Robert Vipond, Professor of Political Science, University of Toronto

Jennifer Wallner, Assistant Professor of Political Studies, University of
Ottawa

Jeremy Webber, Dean of Law, University of Victoria

Mark Warren, Professor of Political Science, University of British
Columbia

Lorraine E. Weinrib, Professor of Law, University of Toronto

Daniel Weinstock, Professor of Law, McGill University

Steven Weldon, Associate Professor of Political Science, Simon Fraser University

Graham White, Professor of Political Science, University of Toronto at Mississauga, and Past President, Canadian Political Science Association

Lisa Young, Professor of Political Science, University of Calgary

Margot Young, Professor of Law, University of British Columbia

Robert Young, Professor of Political Science, University of Western Ontario, and Past President, Canadian Political Science Association