



Think the Unfair Elections Act Is a Done Deal? **Think again.**

People across the country joined rallies to oppose the “Unfair” Elections Act this past spring. While changes have been made to the bill, several key parts remain undemocratic.



by **Dylan Penner**

The federal Conservatives’ so-called “Fair” Elections Act passed a final vote and became law this past June, but the fight to stop it isn’t over. The Council of Canadians and the Canadian Federation of Students (CFS) have joined forces to launch a legal challenge under the Charter of Rights and Freedoms, seeking to have key provisions in the law struck down before the next federal election.

Why a Charter challenge?

The Council of Canadians, along with many organizations and individuals, campaigned against the “Fair” Elections Act in the House of Commons, in the Senate, and in the streets.

As a result of the political pressure, the government amended the bill to remove some of the worst elements. This was a major achievement. However, there are still problems with the legislation. If they are not overturned, the next federal election will be significantly less democratic.

The legal challenge will target central provisions of the act: the prohibition of the use of a Voter Information Card to prove residency (which would disenfranchise thousands of voters), and the muzzling of the Chief Electoral Officer (including restrictions on educating and engaging voters about the electoral process, and the ability to notify the public about suspected election fraud).

We will argue both of these “reforms” infringe on the constitutional right to vote guaranteed under Section 3 of the Charter and would be impossible for the government to justify as a reasonable limit on that fundamental democratic right.

Legalizing voter suppression

By banning the use of Voter Information Cards, the “Fair” Elections Act has the potential to disenfranchise thousands of voters who may not have identification that proves their residency, including post-secondary students, Indigenous people, seniors and others.

The Chief Electoral Officer’s ability to educate the public about democracy and voting is restricted by the law and Elections Canada will be prevented from providing civic education programs for young people between the ages of 18 and 35. In an era of dwindling voter turnout, engaging citizens in the electoral process is vitally important.

These contentious elements of the act not only undermine people’s democratic rights, they stack the deck in favour of the Conservative government. Students, Indigenous people and others who will be disenfranchised are also far less likely to vote for the Conservative Party.

Nothing to prevent election fraud

The act also fails to address the widespread election fraud that occurred in the last federal election, which was the original reason Parliament called for changes that would make elections fairer.

The Federal Court ruling from the 2011 election fraud legal challenge concluded that there was a widespread campaign of calls misdirecting voters – not just in the riding of Guelph but in many others – that it was targeted at non-Conservative voters, and that the most likely source of the data used to make the fraudulent calls was the Conservatives’ CIMS database. Reports from Elections Canada in 2011-12 were

a major reason the campaign of voter fraud came to light.

The new law also makes it easier to get away with election fraud in the future. The “Fair” Elections Act muzzles the Chief Electoral Officer, preventing that officer from notifying voters about instances of fraud in future elections.

While of the Commissioner of Elections’ investigation report into the 2011 election fraud has been used by the Harper government to claim there was no campaign of voter suppression, the report is fatally flawed, according to an analysis prepared by lawyer and Council of Canadians Board member Steven Shrybman.

What’s at stake?

The right to vote in free and fair elections is arguably our most fundamental democratic right. The new election law severely diminishes that right.

If we succeed in the Charter challenge, we will protect the right to vote of thousands and undermine Prime Minister Stephen Harper’s attempt to rig the result of the next federal election in his party’s favour.

Both the Liberals and the NDP have committed to repealing the law if they form government after the next election. But if the “Fair” Elections Act goes unchallenged, there is a real possibility that the next federal election could be marred by decreased voter turnout and clandestine election fraud.

We can’t let that happen.

Everyone has the right to vote. And we have a responsibility to defend that right. That’s why we need your support to ensure we can make the strongest case possible to defeat this affront to democracy.

To learn more visit our website at www.canadians.org/election.

Dylan Penner is the Democracy Campaigner for the Council of Canadians.

“Every citizen of Canada has the right to vote...”

Nine simple words in the Charter of Rights and Freedoms lay the foundation of Canada’s democracy. And this constitutional right that we’re all guaranteed must be upheld with laws and institutions that vigorously protect it.

That’s why on the very day the “Fair” Elections Act became law, the Council of Canadians and the Canadian Federation of Students announced we are filing a Charter challenge to strike down key sections in court.

We’re preparing potent evidence that the Harper Conservatives’ electoral reforms undermine the Charter and our right to vote.

We need to act quickly to ensure these anti-democratic rules won’t be in effect for the 2015 federal election and stack the deck in favour of the Harper Conservatives.

Thousands of people have added their voice and their support to this important legal challenge. Add your voice too, by making a donation online today at www.canadians.org/election or by mailing it to:

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Together, we can sustain effective people-powered action to protect Canada’s democracy and demand truly fair elections.