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The Chief Electoral Officer

The Chief Electoral Officer (CEO) of Canada is an agent of Parliament who is directly responsible to that institution and independent from the government of the day. This independence flows from a range of provisions in the *Canada Elections Act* (CEA), notably those related to tenure of the position and the specific process for removal of the incumbent, accountability mechanisms and financial independence.

The current CEO, Stéphane Perrault, was appointed on June 8, 2018. The CEO is appointed by resolution of the House of Commons.

The CEO serves a 10-year term and may be removed only for cause by the Governor General on joint address of the Senate and House of Commons.

The CEO reports to Parliament on the administration of a general election, by-election or referendum and on planned spending and expenditures. The CEO also makes recommendations to Parliament on legislative changes that he considers beneficial. The CEO communicates with the government through the designated Minister responsible for the *Canada Elections Act* (CEA), previously the President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs.

The CEO appears regularly before the House committee responsible for electoral matters—namely, the Standing Committee on Procedure and House Affairs in the House of Commons. The CEO also appears from time to time before the Standing Committee on Legal and Constitutional Affairs in the Senate and any other committee upon request.

The CEO also provides technical advice to committees, upon request, on legislation and any other issue a committee is studying.

The other agents of Parliament perform primarily a "watchdog" function in overseeing the actions of the government of the day. The CEO is unique among them in that the mandate of Elections Canada includes a significant operational aspect—managing the delivery of federal elections, by-elections and referendums, and monitoring political entities rather than the government.

In recent years, the CEO and the other agents of Parliament have worked together to develop a common approach on various matters that impact their independence, such as government policies.

The Office of the CEO

The Office of the CEO is composed of two entities: 1) Elections Canada, the name under which the Office carries out its responsibilities with respect to electoral administration and political financing oversight, and 2) the Commissioner of Canada Elections and staff, who carry out compliance and enforcement activities independently of the CEO and Elections Canada.

The CEO is accountable to Parliament for the operations of the Office of the CEO.

Funding and accountability

The Office of the CEO is funded by and operates under two separate budget authorities.

The first is an annual parliamentary appropriation that covers the salaries for permanent positions. This appropriation can be increased only with the approval of the Treasury Board.

The second budget authority is a statutory authority that draws directly from the Consolidated Revenue Fund. This authority funds all expenditures other than the salaries for permanent positions and is not subject to annual parliamentary approval. The statutory authority serves to recognize the independence of the Office of the CEO from the government. It also ensures that the Office of the CEO has access to the funds required for electoral events, which may occur at any time.

The Commissioner of Canada Elections also has a separate statutory authority, but salaries for the Commissioner's permanent staff are funded under the Office of the CEO's annual parliamentary appropriation.

The Office of the CEO is subject to all federal laws of general application, including the *Access to Information Act*, the *Official Languages Act*, the *Public Service Employment Act*, the *Privacy Act* and the *Financial Administration Act*. Like any other government department or agency, the Office of the CEO participates in the Estimates process. This includes submitting Main Estimates, the Departmental Plan, the Departmental Results Report and the Quarterly Financial Reports.

In addition, the financial statements of the Office of the CEO are subject to annual audits by the Office of the Auditor General. The agency is also subject to the reporting requirements of the Receiver General, including those related to the Public Accounts.

However, because of the Office of the CEO's independence from the government and its statutory mandate, the CEO is exempted from a number of Treasury Board policies and directives. Other policies apply to the CEO, but in a manner that does not impede their independence or ability to carry out their mandate.

Size and governance

The Office of the CEO normally includes some 650 employees (600 at Elections Canada and 50 at Office of the Commissioner of Canada Elections) working in the National Capital Region. This number rises to approximately 1,600 in the lead-up to and following a general election.

For each of the 338 electoral districts, the CEO appoints a returning officer on the basis of merit for a renewable term of 10 years. The CEO also appoints and trains 32 field liaison officers to assist the returning officers. Returning officers are responsible for administering elections within their respective electoral district. They are also responsible for filling more than 215,000 election officer positions for advance and ordinary polls. To fill these positions, returning officers may appoint half of the officers needed to deliver the election at the beginning of the election period. For the remaining half, they must consider names provided by candidates of the registered political parties.

The CEO also appoints the Broadcasting Arbitrator after consulting with the registered political parties. This person is responsible for allocating paid and free broadcasting time to the political parties and resolving disputes about the purchase of advertising time during an election. The current Broadcasting Arbitrator is Y. Monica Song.

Elections Canada

Elections Canada's duties cover matters relating to both electoral operations and regulatory compliance.

Electoral operations

- Administering federal electoral legislation, namely the *Canada Elections Act* (CEA) and the *Referendum Act*.
- Exercising general direction and supervision over the conduct of elections and referendums
- Maintaining the National Register of Electors and the Register of Future Electors
- Ensuring that all election officers act with fairness, impartiality and in compliance with the CEA
- Issuing to election officers the instructions that the CEO considers necessary for the administration of the CEA
- Adapting any provision of the CEA if the CEO considers that an emergency, an unusual or unforeseen circumstance or an error makes an adaptation necessary, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes
- Implementing public education and information programs to inform the general public about the electoral process
- Educating the public about the Canadian electoral process, the right to vote and the right to run in an election
- Carrying out studies on voting, including studies on alternative voting means, and devising and testing new voting processes for use in a future general election or by-election, subject to the approval of House of Commons and Senate committees
- Providing legal, technical, financial and administrative support to the independent commissions responsible for the periodic process of readjusting federal electoral boundaries to ensure that representation conforms to the *Electoral Boundaries Readjustment Act*

Regulatory compliance

- Issuing written opinions, guidelines and interpretation notes (OGIs) on the application of the CEA to political entities
- Registering political entities, including political parties, electoral district associations, leadership contestants, nomination contestants of registered parties, as well as third parties, and providing instructions for the nomination of candidates
- Calculating the amount of election expenses limits for candidates and political parties as well as the expenses limit for nomination contestants
- Disclosing the financial returns of political entities—including candidates, political parties, electoral district associations, leadership contestants, nomination contestants of registered parties and third parties engaged in election advertising—and verifying their compliance
- Reimbursing election expenses to candidates and political parties according to formulas laid out in the CEA

The Commissioner of Canada Elections

The Commissioner of Canada Elections is the independent officer responsible for ensuring that the CEA and the Referendum Act are complied with and enforced. The Commissioner is appointed by the CEO, after consultation with the Director of Public Prosecutions, for a 10-year, non-renewable term.

Yves Côté became Commissioner of Canada Elections in July 2012. Given that Mr. Côté's mandate is coming to an end in 2022, the process to appoint a new Commissioner has begun.

In delivering his mandate, the Commissioner carries out various activities, some of which are complementary and similar in purpose to those of the CEO. These activities include:

- informing and educating political entities about the requirements of the CEA by sending them caution letters or information letters
- ensuring compliance with the CEA by quickly intervening to resolve issues (e.g. missing taglines on election or partisan advertising)
- ensuring compliance with the CEA by negotiating compliance agreements, issuing notices of violation that impose an administrative monetary penalty or accepting undertakings, and
- carrying out investigations that may lead the Commissioner to lay charges for prosecution by the Director of Public Prosecutions.

The Commissioner may launch an investigation on his own initiative or in response to a complaint or a referral made by the CEO.

The Commissioner appoints and oversees permanent and temporary staff to assist him in delivering on his compliance and enforcement mandate. The Commissioner has the status of deputy head of a department for these limited human resources purposes.

Although the Commissioner is located within the Office of the CEO, the CEA expressly states that, in the performance of his compliance and enforcement mandate, the Commissioner must act independently of the CEO. Consequently, the CEO may not interfere in the conduct of any investigation or in the decisions of the Commissioner as they relate to the exercise of the Commissioner's mandate. The CEA specifies, however, that this does not preclude the Commissioner from consulting with the CEO on any matter, if the Commissioner considers it appropriate.

Redistribution of Federal Electoral Districts 2022

The Constitution of Canada requires that the boundaries of federal electoral districts be reviewed after each decennial census to reflect changes and movements in Canada's population. The 2021 decennial census recently took place, and the redistribution process will begin in early 2022. This process is led by independent commissions working separately in each province to establish electoral boundaries. Commissions are not required for Nunavut, the Northwest Territories and Yukon since each territory is a single electoral district.

The CEO plays a number of roles in the federal redistribution process, as provided in the *Electoral Boundaries Readjustment Act* (EBRA). During the process, the CEO must:

- calculate the number of House of Commons seats allocated to each province using the population estimates supplied by Statistics Canada and the formula set out in the Constitution
- provide each commission with the census population numbers and maps showing the distribution of the population in the province
- provide administrative and technical support to the commissions (for example, help commissioners establish offices, provide mapping resources)
- prepare, in collaboration with Natural Resources Canada, paper and electronic maps of all electoral districts as described in the commissions' reports and the finalized maps once redistribution is completed
- process payment of all expenses related to the redistribution process, and
- act as a conduit between Parliament and the electoral boundaries commissions.

The CEO *does not* decide where and how House of Commons seats are distributed within the provinces. That is solely the responsibility of the electoral boundaries commissions. Upon completion of the redistribution process by all ten electoral boundaries commissions, the EBRA requires the CEO to prepare, in accordance with the recommendations contained in the commissions' reports, a draft representation order dividing each of the provinces into electoral districts and describing the boundaries of each such district.

The CEO transmits the draft representation order to the Minister. The EBRA provides that the Governor in Council shall, by proclamation issued within five days after the day on which the Minister receives the representation order from the CEO, declare the representation order to be in force. The new electoral districts become effective on the first dissolution of Parliament that occurs at least seven months after the day on which that proclamation was issued.

Elections Canada's External Engagement

In delivering its mandate, Elections Canada engages a number of stakeholders, including political entities, provincial and territorial electoral management bodies and specific groups of electors for whom access to the electoral system is a concern.

Advisory Committee of Political Parties

The Advisory Committee of Political Parties (ACPP), chaired by the CEO and consisting of two representatives of each registered political party in Canada, is a forum for information, consultation and advice on federal electoral matters. Although its title and purpose were formalized in June 2014, the ACPP has been meeting regularly since it was created in 1998.

The purpose of the ACPP is to provide the CEO with advice and recommendations relating to the conduct of elections and the administration of the political financing regime. It has two main objectives: first, to foster and maintain an open dialogue and working relationship between Elections Canada and registered political parties in order to gain a better understanding of political parties' operational context, and second, to seek a collaborative approach to developing new initiatives.

The CEO meets formally with the ACPP at least once a year. Members are also consulted regularly throughout the year, through either teleconferences or workshops. A steering committee, which includes members of the ACPP, has also been established to help the agency establish priorities for written opinions, guidelines and interpretation notes (OGIs). The steering committee includes one representative from each party and meets at least once a year, usually during the ACPP's annual general meeting.

Advisory Group for Disability Issues

In February 2014, Elections Canada launched an Advisory Group for Disability Issues (AGDI) to provide subject matter expertise and advice on accessibility initiatives for federal elections. The group also helped to identify the best ways to inform people with disabilities about where, when and the ways to register and vote.

AGDI members are leaders of organizations, invited as experts, and they participate in a personal capacity. They are selected based on their cross-disability and policy focus. Elections Canada chairs and serves as a secretariat for the AGDI by convening meetings and targeted consultations on improvements to electoral services.

Civic education and stakeholder mobilization

The *Elections Modernization Act* expanded the CEO's civic education mandate by restoring powers the position held prior to 2014. The CEO may now provide information and education programs to the public at large on a wide range of topics, including the importance of voting. Until very recently, only elementary and high school students could benefit from such programs. In addition, the *Elections Modernization Act* now allows Elections Canada to maintain a Register of Future Electors, which creates new opportunities for proactive civic education. This Register enables young people aged 14 to 17 to pre-register to be included in the National Register of Electors in the future.

For over 20 years, Elections Canada has provided educational resources to primary and secondary school teachers. Elections Canada recently released a new collection of resources as a supplement to proven pedagogical tools in order to better meet current educational needs. These resources were designed to

align with curriculum goals and learning skills in all provinces and territories. The redesigned program is intended to support teachers in preparing future electors and encouraging them to participate in electoral democracy.

Elections Canada is also implementing a public education and information program through the Inspire Democracy initiative. This initiative was conceived in order to better understand why some Canadians do not exercise their democratic right to vote. Studies show that certain communities face tangible barriers to participating in elections, whether registering, voting, working at a polling station or running for office in a federal election. The following groups face these barriers most often:

- First Nations, Inuit and Métis electors
- people with disabilities
- youth
- new Canadians.

The Inspire Democracy program aims to break down barriers by providing tools designed to spark a dialogue with leaders from these communities and the organizations that represent them.

Relationships with electoral management bodies

Elections Canada works in collaboration with its provincial, territorial and international counterparts to address and discuss a wide array of issues, including governance and accountability, legislative trends, best practices and voter services.

Elections Canada has been a member of the Secretariat for Electoral Coordination (SEC) since 2018, and the CEO is a permanent member of the SEC Steering Committee. The SEC's mandate is to facilitate collaboration among federal, provincial and territorial electoral management bodies (EMBs) by coordinating efforts and following up on collaboration opportunities. The SEC creates an ongoing capacity across differing electoral cycles and allows EMBs to tackle challenges by sharing long-term planning information and by supporting efforts to remove barriers to innovative collaboration.

The CEO also chairs the Advisory Committee of Electoral Partners (ACEP), which is composed of provincial and territorial CEOs. Elections Canada maintains data-sharing agreements with Canadian provinces and territories, which regularly provide information to update the National Register of Electors.

International involvement

In accordance with the CEA, Elections Canada has been cooperating with electoral agencies in other countries and international organizations for many years. The goal of its international engagement is to strengthen the independence, impartiality, integrity, transparency and professionalism of electoral management both abroad and in Canada to ensure the conduct of free, fair and inclusive election processes.

Elections Canada actively engages with other electoral management bodies and international electoral organizations to develop and share knowledge on effective electoral management. It strives to be a recognized source of information on electoral administration and improve its own practices by learning from others.

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