



## Summary Report

**Author:** Marc Mayrand, Former Chief Electoral Officer of Canada

**Panel Theme:** Electoral Integrity: Nomination Contests and Leadership Contests

### Key Issues

Overall, participants discussed the nature of political parties and Electoral District Associations in Canada. They agreed that these are essentially organic, fluid organizations with no specific legal status. Associations are made up of volunteers, who vary considerably in number based on the electoral cycles and on their success in the elections. Historically, Parliament has shown little inclination to intervene and regulate the internal governance of political entities. The financing of political entities is the only exception to this hands-off approach—a relatively recent development when considering the history of political entities in Canada.

Another major consideration regarding regulation is the widespread view that government intervention in party affairs can have unintended consequences on the very vitality of political entities. Many are concerned that imposing a regulatory regime could shift the scarce resources of political parties towards administrative and compliance tasks, reducing their involvement in public affairs. They believe that such interventions would make it even more difficult to recruit candidates and members, and would lead not only to a decline in commitment to political parties, but to lower voter turnout.

With this in mind, participants identified a number of vulnerabilities in nomination and leadership contests. Specifically, they cited the right to vote, the lack of transparency in candidate and leader selection processes, and the fact that the rules governing selection processes are difficult to understand or simply non-existent. Lastly, participants discussed the technological vulnerability of political parties, particularly with regard to foreign entities.

### Right to Vote in Nomination and Leadership Contests

*Summary:* Many consider it unusual that parties allow minors and non-citizens to vote in nomination and leadership contests. This could be considered a gaping breach in the



integrity of the selection process, which foreign entities might be tempted to exploit in order to materially influence nomination and leadership contests. Others have expressed concern that a rule restricting voting rights in nomination and leadership contests to members eligible to vote in an election would have a negative effect on membership and civic engagement. It should be noted that members not eligible to vote in nomination contests could continue to participate in all of the party's civic activities.

*Recommendations:* a) Without restricting the membership of registered political parties, limit voting rights in nomination and leadership contests to members qualified to vote in general elections.

b) Allow parties to use Elections Canada's lists of electors to confirm the eligibility of members seeking to vote.

### **Transparency: Self-regulation or Statutory Regulation for Political Parties?**

*Summary:* Many have noted the lack of transparency and the apparently improvised nature of the candidate and leader selection process. This makes political entities vulnerable to misinformation and disinformation, allowing rumours to grow out of proportion in the absence of quickly and easily accessible rules to govern these processes.

Historically, political parties have favoured self-regulation. This has allowed them to adopt rules more suited to their own situation, and has helped them respond to current issues in a timely manner and gain acceptance from party members. Statutory regulations are often perceived as being too rigid, difficult to modernize in the dynamic and rapidly evolving context of political parties, and above all unable to reflect the diverse nature of parties, not only from one to the next but within each one.

It should be noted that, within the Canadian parliamentary system, the legislative agenda is essentially controlled by the governing party. It is highly unlikely that this governing party would introduce regulations that would make it less competitive on the electoral scene. Whether right or wrong, opposition parties will tend to perceive legislation proposed by the government as interference in their internal affairs. This dynamic makes it difficult for parties represented in the House of Commons to cooperate, and for any major reforms to be adopted unless there is a serious crisis of confidence among the public that might encourage parties to cooperate more closely. Right now, it is difficult to say whether public distrust regarding foreign interference will lead to greater cooperation among the parties represented in the House of Commons on issues related to electoral integrity.



It might therefore be preferable to maintain a self-regulatory system that adheres to generic standards prescribed by law. Thus, without legislating a detailed voting process, it would be up to the political parties to set up such processes and ensure that they meet transparency standards. At the very least, the selection processes adopted by political parties should cover qualifications for candidacy, conditions for voting, deadlines for each contest, voting methods used, technologies used for voting, applicable integrity measures, whether candidates or their representatives are present to observe all aspects of the voting process, dispute resolution mechanisms and so on. These processes should be made public and be updated regularly.

Such an approach would likely increase the confidence of members, voters and the general public, without unduly discouraging the participation of smaller parties or the emergence of new parties that could adopt specific processes based on their own situation. Under this kind of regulatory model, the media would act primarily as the watchdog, and public opinion—as ultimately expressed during elections—as the controller.

Under such a system, Elections Canada would exercise no control other than to identify cases in which parties fail to implement processes required by law, and then to impose the applicable sanction. Elections Canada could also provide advice and guidance to parties seeking information regarding the development of candidate and leader selection processes.

*Recommendation:* Strengthen regulation of nomination and leadership contests by requiring parties to have candidate and leader selection processes in place and to ensure these processes are accessible to the public at all times.

### **Technological Vulnerability**

*Summary:* The risk of digital piracy persists, although the specific risk associated with each political party is difficult to quantify without assessing the technologies being used and the robustness of the protection measures in place. The more affluent parties maintain large databases with extensive information on voters, party donors, historical trends, constituency scores and even the granularity of polling divisions. Using what are known in electoral jargon as “bingo cards,” parties can record who has voted, the time of day they voted, the location, electoral district and polling division, and over time can determine whether they vote regularly or sporadically from one election to the next. Along with the lists of electors and data from other available sources, this information allows parties to draw up fairly detailed profiles of each voter. A foreign entity could very well be tempted to hack into this information for the purposes of interference, or simply to create a crisis of



confidence. If this data were to become accessible to scammers, it could seriously disrupt the voting process.

This data must therefore be protected with the highest level of care. It is crucial that parties with these types of databases implement cutting-edge IT security measures and demonstrate that they are implementing best practices in technological security.

On another front, the party leader selection process has evolved, and parties have gradually abandoned the tradition of large-scale conventions where locally selected delegates would gather in convention centres for several days to discuss public policy and, most importantly, vote for a party leader. This shift has made parties more likely to expand the right to vote in leadership contests, and to consider alternative voting methods to facilitate remote voting while also using compilation methods that limit the number of voting rounds. Parties are increasingly turning to new technologies for this purpose, and as with any technology, there are risks of foreign interference and manipulation.

To counter foreign or other interference, it would be useful for parties to regularly carry out risk assessments for the technologies they use, and to seek independent advice regarding the robustness of their security measures. This would show diligence on the part of the parties, while helping gain and maintain public trust.

*Recommendation:* a) Require political parties to undergo regular independent certification that they meet best-practice standards for IT security.

b) Allow IT security-related costs incurred over the electoral cycle to be claimed as campaign expenses.

## Conclusion

The round table was an opportunity for participants to report on how political parties have evolved and to discuss their overall vulnerability. Participants were able to identify a certain level of exposure to potential acts of foreign interference, but were reluctant to formulate overly restrictive recommendations without further information. Information made public to date does not allow for any definitive conclusions on the nature and impact of foreign interference in nomination or leadership contests. The few situations that have been reported, particularly one in connection with a nomination contest, are unfortunately not unique within the history of elections, nor are they specific to foreign interference. There are controls in place to prevent this type of interference. It is important to know whether



these controls were applied in the case reported in the media, and if so, whether they failed to perform the task.

The Commission undoubtedly possesses other relevant information in connection with nomination and leadership contests; only it can determine whether the above-mentioned recommendations are appropriate and whether they can successfully deter entities from maliciously interfering in the choice of candidates and political party leaders.