

## Summary of the impact study

### ***An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts ("Act to amend the Canada Elections Act")***

Study by Mark Power

This impact study analyzes the effects of the *Act to amend the Canada Elections Act* on the obligations of federal institutions towards the Francophone and Acadian minority communities in Canada. The author's conclusions are based on doctrinal and jurisprudential research.

The analysis begins with the study of section 7 of the *Act to amend the Canada Elections Act*, which replaces section 18 of the *Election Act* currently in force. This section greatly limits the ability of the Chief Electoral Officer of Canada to communicate with the public and implement public education programs. The amendment limits the areas in which the Chief Electoral Officer may communicate with Canadians to those provided within the wording of the Act. This limits the Officer's ability to communicate with official language minority communities in Canada and to take concrete steps, where necessary, to promote their electoral participation. This would have the effect of increasing their isolation. The review of the provision ends with the challenge its validity under Canada's *Official Languages Act* (OLA) and section 3 of the *Canadian Charter of Rights and Freedoms*.

The author then turns to sections 18, 19 and 21 of the *Act to amend the Canada Elections Act*, which amend the drafting of the list of candidates for positions of election officers. These changes have the effect of strengthening the partisan appointments, already present in the current Act. They push the process to a whole new level, according to Elections Canada, by allowing political entities to propose candidates for election officers. This process would not allow Elections Canada the ability to ensure services in both official languages, all at the expense of Francophone and Acadian minority communities. The latter would also have little chance of being appointed to such positions. Finally, the author questions the validity of these provisions under the OLA and section 20 of the Charter.