



Compliance and Enforcement Information Bulletin CRTC 2015-110

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Identification requirements for the Voter Contact Registry

Introduction

1. On 19 June 2014, the *Fair Elections Act* received royal assent. The legislation provides for a number of amendments to the *Canada Elections Act* with respect to the way federal elections (including by-elections and referendums) are held in Canada. It also introduced new provisions for the regulation of voter contact calling services through a voter contact registry.
2. As set out in Division 1.1 of Part 16.1 of the *Canada Elections Act*,¹ the Commission is responsible for establishing and maintaining a registry of certain entities that make calls to voters for any purpose related to an election, or that engage others to do so, during a federal election. Documents received from those entities will be stored in the Voter Contact Registry.
3. The Voter Contact Registry is intended to protect Canadians from rogue and misleading telephone calls during federal elections, and help to ensure that those who contact voters during an election do so transparently.
4. The registration process will require the registrant to provide information in a Registration Notice, which, depending on the registrant, may include their name, address, and telephone number. Registrants may be required to make a declaration as to the type of calls being made, and may also be required to provide a copy of a piece of identification authorized by the Commission.²
5. The purpose of this information bulletin is to establish, for those entities that make calls to voters or that engage others to do so during federal election periods, the conditions that must be fulfilled with respect to the piece of identification required for the administration of the Voter Contact Registry
 - a) when filing a Registration Notice with the Commission's Voter Contact Registry; and/or
 - b) when providing identification to a calling service provider (CSP)

¹ Division 1.1 of Part 16.1 of the *Canada Elections Act* comes into force when Parliament is next dissolved.

² See section 348.14 of the *Canada Elections Act*.

- i. before entering into an agreement with the CSP for voter contact calling services, and
 - ii. upon authorizing calls to be made pursuant to an agreement for voter contact calling services, before the first call is made.
6. As required by the *Canada Elections Act*, Registration Notices will be published on the Commission's website as soon as feasible after 30 days following polling day. Copies of identification submitted as part of the registration process will not be published.

Responsibility to register

7. Anyone making calls to voters during a federal election for any purpose related to the election must register if one or more of the following applies:
 - they are making calls using an automatic dialing-announcing device,
 - they are a third party that is a group or corporation making live calls using their internal services,
 - they have entered into an agreement with a CSP for voter contact calling services, or
 - they are a CSP that is providing voter contact calling services in accordance with an agreement.
8. Except for third parties that are groups or corporations, the following entities are not required to register if they are making **live calls** using their **internal services**:
 - political parties,
 - candidates,
 - nomination contestants,
 - electoral district associations, and
 - individuals.
9. Registrations must be filed no later than 48 hours after the first call is made. New registrations must be made for each election period.³
10. It is the registrant's responsibility to ensure that the information they have provided, including the copy of the piece of identification, is accurate to the best of their knowledge.

³ "Election period" is defined under the *Canada Elections Act* as the period beginning with the issue of the writ and ending on polling day or, if the writ is withdrawn under subsection 59(1) or is deemed to be withdrawn under subsection 31(3) of the *Parliament of Canada Act*, on the day the writ is withdrawn or deemed to be withdrawn.

11. Failure to fulfill registration requirements, including the provision of proper identification, constitutes one or more violations under the *Telecommunications Act*,⁴ and may lead to the imposition of administrative monetary penalties of up to \$1,500 for an individual and up to \$15,000 for a corporation for each violation.⁵

Responsibility to provide a piece of identification

12. CSPs do not have to provide a copy of identification upon filing a Registration Notice.

13. However, other registrants must provide a copy of a piece of identification

- a) to the Commission upon registration, and/or
- b) to a CSP
 - i. before entering into an agreement with the CSP for voter contact calling services, and
 - ii. upon authorizing calls to be made pursuant to an agreement for voter contact calling services, before the first call is made.

14. Under the *Canada Elections Act*, the Commission may authorize the types of pieces of identification and of copies of such pieces of identification for the purposes of administering those sections of the *Canada Elections Act* pertaining to the obligation to provide identification in the context of the Voter Contact Registry.

15. In order to provide greater assurances of the authenticity of an identity claim, the Commission requires that the identification be issued from a federal, provincial, or territorial government, or international equivalent, and must contain the registrant's name and photo. Additionally, the copy of identification must be accompanied by an attestation from a notary.

Notarization

16. Notarization is the authentication of a document by a notary; it certifies that the copy of identification in question is a true copy of the original.

17. Canadian notaries may vary slightly from province to province in their roles or powers, but are usually regulated by a governing body, typically under provincial jurisdiction. In Quebec, Commissioners of Oaths (*Commissaires à l'assermentation*) serve to authenticate legal documents.

⁴ See section 72.01 of the *Telecommunications Act*.

⁵ See *Administrative monetary penalties under the Voter Contact Registry*, Compliance and Enforcement Regulatory Policy CRTC 2015-109, 27 March 2015.

18. All copies of identification must be accompanied by an attestation by a notary, or a *Commissaire à l'assermentation* in Quebec (the Attestor). The Attestor should photocopy the document that will be used as identification for the purpose of the Voter Contact Registry, ensure that it is legible, valid (i.e. not expired), and shows the name of the person whose identification is being copied, the identification number, the name of the issuing authority, the date of issue, and a photograph of the person.
19. The Attestor will provide an attestation on this photocopy and date and sign the attestation. The Attestor must provide a statement that he/she certifies that the document is a true copy of the original piece of identification produced. The following is an example of an acceptable statement:

I, the Notary named below, hereby certify that this document is a true copy of a document produced, shown to me, and purporting to be a/an [name of document] dated _____.

I have signed my name and affixed my notarial seal of office to this copy at _____, on _____, 20XX.

Signature of Attestor:

Title or profession of Attestor:

Examples of identification

20. The following is a non-exhaustive list of the types of identification that will be accepted:
- Driver's licence
 - Provincial/territorial identification
 - Canadian passport
 - Provincial health card
 - Secure Certificate of Indian Status (SCIS)
 - Permanent Resident Card (provided by Citizenship and Immigration Canada)
 - Citizenship Certificate prior to 1 February 2012 (provided by Citizenship and Immigration Canada)
 - Foreign passport
 - U.S. Passport Card
 - NEXUS Card
 - Canadian Forces identity card

Secretary General