

**Session title:** Elections Update

**Moderator/Panelists:**

Jacques Drouin, Chief Electoral Officer of Québec

Kevin Kennedy, Director and General Counsel of the Wisconsin Government  
Accountability

Shipra Verma, Chief Electoral Officer of Manitoba

**Date and time:** Tuesday, December 10 2013, 10:15 am

**Rapporteur:** Isabelle Giroux

**Session Summary**

The purpose of this session was to present the changes made to various election laws in Canada and the United States in 2013. Panelists outlined legislative developments and legal litigations that occurred in their respective countries.

Kevin Kennedy, Director and General Counsel of the Government Accountability Board of the State of Wisconsin, began with a presentation on the situation in the United States. He started by discussing the 1965 Voting Rights Act. Further to the *Shelby County, Alabama v. Holder* case, the Supreme Court ruled that Section 4 of the Act, stipulating which states and local governments must be subject to a requirement for review before making changes to their election laws, violated the guarantees of equality among states spelled out in the U.S. Constitution and that Congress therefore had to come up with a new formula. This case led to the adoption of new legislation in several U.S. states. Among others, North Carolina adopted an important reform of its election act.

Mr. Kennedy also outlined the challenges and disputes related to voter registration, absentee voters and early voting, voter identification, updating voter lists, electoral redistribution, and the use of technology in the electoral process. For example, the *Ortiz v. State of Texas* case established that the law on voter identification violated Section 2 of the Voting Rights Act with respect to ethnic minorities and women, by stipulating that the name on the identification card must exactly match the name on the voter list. In terms of voter registration, online registration has been available in thirteen states since August 2013; six other states have adopted, but not yet enacted, legislation to this effect.

Shipra Verma, Chief Electoral Officer at Elections Manitoba, spoke next about the situation in Canada. She began by outlining some of the changes that have been made to election laws in various provinces: the redrafting of Manitoba's Election Financing Act; changes made to contribution limits in Nova Scotia and Quebec and to the ceiling above which the contributor's name and address is made public in Alberta; regulations related to third parties in Manitoba, Nova Scotia and British Columbia; and fixed-dated elections in Quebec.

Ms. Verma then enumerated various disputes and appeals related to electoral offences, third parties, voting, and election campaign financing. The *McEwing v.*

*Attorney General Canada, Federal Court of Canada* is worth noting. In this case, the appellant attempted to have an election annulled because of fraudulent calls that provided incorrect information on polling stations. Another example worth highlighting is the *Frank & Duong v. Attorney General of Canada Ontario Superior Court of Justice* case, in which the appellant is arguing that Canadian citizens who reside outside Canada should be granted the right to vote, regardless of the number of years of non-residence or their intention to return to Canada.