



*The **Anti-Racism Coalition of Newfoundland and Labrador** (ARC-NL) is a grass-roots, non-profit coalition of community members whose main objective is to promote and support a culture of anti-racism within the Province of Newfoundland and Labrador (NL). Visit our Facebook page @arcofnl and join our group of almost 3K members for more information on addressing all forms of racism.*

Anti-Racism Coalition NL Submission to All-Party Committee to Modernize the *Elections Act*

February 4, 2022

The Anti-Racism Coalition of Newfoundland and Labrador (ARC-NL) calls on the Government of Newfoundland and Labrador (GNL), Elections NL and the All-Party Committee to Modernize the *Elections Act* to address systemic racism and exclusionary practices present in the provincial electoral process. We recommend a thorough review of the Newfoundland and Labrador *Elections Act, 1991* through an anti-racist lens.

ARC-NL believes that every resident should have the right to engage in the political processes that affect them. All who live in the province of Newfoundland and Labrador (NL) experience the effects of public policy including education, justice, labour and employment, and healthcare. In addition, most residents pay taxes and all people add value to their communities. Therefore, ARC-NL stands firmly on the principle that regardless of citizenship status, the language they speak, or geographical location, every of-age resident should have the right to vote and the opportunity for candidacy.

The GNL and Elections NL must reconsider its engagement of Indigenous, migrant and/or racialized communities, and attend to language and cultural barriers in political processes, including within the electoral system. Language barriers are significant deterrents to democratic participation and the principles of reconciliation with Indigenous Peoples in NL. For this reason, we ask that the Committee address the significant language barriers that exist for many in the province. In addition, we ask that the GNL enhance its public education about the electoral system and voting practices, particularly in relation to Indigenous, racialized and migrant communities.

The 2021 provincial election exposed barriers specific to Indigenous, rural and remote, migrant and/or racialized communities. ARC-NL respectfully submits ten (10) imperative recommendations for change in the *Elections Act, 1991*. We advocate for an equitable electoral system, and the recommendations below offer opportunities to remediate structural racism, bias and exclusion in future provincial elections. We would be happy to discuss our recommendations with you as you undertake this important work.

A. Examine Structural Racism in the Democratic Process in NL

1. Develop and apply an anti-racist lens and framework to all of the work of the All-Party Committee to Modernize the *Elections Act*.

- a. We ask that the work of the Committee explicitly considers the effects of the *Elections Act*, and any changes proposed, on people from Indigenous, migrant and/or racialized communities.

2. Engage in further conversation.

- a. We ask that Elections NL and the GNL create a continuous consultation process during and after the revision of the *Elections Act* with Indigenous leaders and stakeholders, rural and remote communities, ARC-NL and other local anti-racism organizations, and migrant and newcomer communities and that this not be limited to methods dependent on the EngageNL.com portal.

B. Overcome Inequities Based on Citizenship Status

3. Expand the right to vote and eligibility to run as a political candidate in provincial elections among residents of Newfoundland and Labrador, regardless of status.

- a. We call on the GNL to extend voting rights, (currently addressed by Section 23 - Qualified Electors in the *Act*) to all of-age people who are residents of the province, regardless of their citizenship status.
- b. We call on the GNL for an extension of candidate eligibility (currently addressed by Section 67 - Qualifications of Candidates) to all eligible voters as defined in 3(a) above.

4. Examine the rules of residency.

- a. Employ an anti-racism lens in relation to the determination of residency (currently addressed in Section 26 - Ordinarily Resident, Rules of Residency).

C. Overcoming Language Barriers in the Democratic Process

5. Ensure that all voter ballots, information and education be accessible in languages traditionally spoken in Newfoundland (Ktaqmkuk) and Labrador (Nitassinan, Nunatsiavut and NunatuKavut), and translated into additional languages as requested.

- a. We ask that voter information and voter ballots be translated to languages traditionally spoken in Newfoundland (Ktaqmkuk) and Labrador (Nitassinan, Nunatsiavut, and NunatuKavut).
- b. We ask that Elections NL provide for language translation of ballots and voting information, as requested by voters from migrant and newcomer communities.

6. Enhance public education about the electoral system and campaign and voting practices in NL, and especially in Indigenous, migrant and racialized communities, and disseminate it using multiple languages.

- a. We call on Elections NL to provide public education about the electoral system, campaign and voting practices in NL to Indigenous, migrant and racialized communities.
- b. We call on Elections NL to provide public education in languages traditionally spoken in Newfoundland (K'taqmkuk) and Labrador (Nitassinan, Nunatsiavut, and NunatuKavut).
- c. We call on Elections NL to provide public education in languages, as requested by migrant and newcomer communities.

D. Address Discrimination Due to Geographical Location

7. Improve mail-in ballot access.

- a. Elections NL must be aware of the discrepancies of internet access across the province. Voters must be able to request their ballots by phone and online.
- b. Elections NL must work with publicly funded agencies, such as the NL Public Libraries, and/or other local authorities to ensure public internet and/or computer access in support of voters seeking to register to vote within a 100 km drive or less.
- c. The timeline to request a mail-in ballot and the delivery of one's mail-in ballots must be increased to account for the timeline it takes for mail to be delivered to rural communities in NL.
- d. It should be illegal to set deadlines for ballots to be received in a specific location. Rather, submitting mail-in ballots should be limited by a postmark date. With appreciation for weather and geographic limitations in NL (particularly rural and remote communities) adhering to a system that requires a postmark date is the safest way to ensure equal participation.

8. Create additional means of voting.

- a. Continue to evaluate alternative, accessible means of voting (e.g. online, via phone, blended means) which also satisfy the twin tests of voter verifiability and anonymity. Significant research has been done to consider additional voting means in other jurisdictions.

9. Extend the length of voting time.

- a. Increase the minimum number of days where advance polls are available to **at least 3 days**. Extending the period in which people can vote to multiple days, including but not limited to weekdays and weekend days, increases the chances of people participating in elections.

E. Harmonize the Municipal and Provincial Election Acts

10. Efforts should be made to conduct a similar review and harmonize the *Municipal Elections Act* with a modernized (provincial) *Elections Act*.

- a. As proposed above, expanded candidate eligibility; voting rights, means and accommodations; the removal of barriers associated with residency provisions; and the application throughout of the anti-racism lens should all be revisited when a legislative review of Newfoundland and Labrador's *Municipal Election Act* is undertaken. Language and provisions in a modernized *Elections Act* could inform and facilitate that process.