

ELECTION 2011 AND THE ROBOCALL SCANDAL

Introduction

Focus

This *CBC News in Review* story focuses on the robocall scandal that has raised disturbing questions about whether voters were given misleading information that could have affected the result of the last federal election.

In late February 2012, a potentially damaging scandal broke around Prime Minister Stephen Harper's Conservative government. It focused on allegations that someone in the party may have been involved in giving voters misleading information about the location of polling places during the federal election on May 2, 2011. The affair quickly became known as the robocall scandal because the voters involved had received this erroneous information through automated phone calls, or robocalls, purportedly from Elections Canada. Elections Canada is the non-political body responsible for running elections in Canada. In some cases the calls were received after voters had informed local Conservative canvassers over the phone that they would not be voting for the party. The calls told voters that due to a high turnout, their polling stations had been moved to a different location, but when they went where they were instructed to go, they quickly found that they had been misled. But by whom and for what purpose?

Evidence began to emerge that seemed to prove that the calls had been placed to voters in a significant number of ridings across Canada on Election Day. Many of these ridings had been tight races, and some had only been narrowly won by Conservative

candidates over their Liberal or NDP opponents. To those who alleged that the scandal was a Conservative-instigated attempt at voter suppression, they asked that the results of the election in at least those ridings had to be viewed as invalid and by-elections called immediately.

For its part, the Harper government strongly denied it had been responsible for any wrongdoing and challenged the opposition parties to provide hard evidence to support their claims. It called upon Elections Canada to investigate the whole affair. The Conservatives also charged that both the Liberals and NDP had been responsible for some telephone dirty tricks of their own during the election campaign, including a Guelph Liberal MP who had spread misleading information about his Conservative opponent's position on abortion.

Marc Mayrand, the Chief Electoral Officer of Canada, promised a full investigation, but also cautioned Canadians not to jump to conclusions before all the evidence had been examined. He stated that a thorough probe into the robocall scandal might take a very long time to complete. It remains to be seen whether the attention of Canadian voters will have shifted to another issue by then and what might be the consequences if it turns out that voter fraud did indeed occur.

To Consider

1. a) What does it mean to have fair and impartial elections and are they a crucial aspect of democracy?
b) Is Canada usually associated with fair and impartial elections?
2. Do you think the allegations that voters were misled during the last election warrants a full investigation by Elections Canada? Why or why not?
3. What do you think should happen if significant evidence emerges that some elements in the Conservative Party may have been involved in the robocall scandal?

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Video Review

Pre-viewing Questions

With a partner or in a small group discuss and respond to the following.

1. What do you know about the robocall scandal?

2. If it were true that the Conservative government deliberately misled voters and prevented them from voting, how serious a breach of trust would you consider that action to be?

3. Before the robocall scandal, how fair and secure did you think Canadian elections were? Why?

Viewing Questions

1. What are robocalls? What information did the calls give to some voters during the last federal election, in 2011?

2. Where was the company responsible for making the calls located?

3. How many ridings in Canada could have been potentially targeted by misleading robocalls during the election?

4. Why do some defeated Liberal and NDP candidates feel the robocalls could have cost them the election?

5. What challenge did Prime Minister Stephen Harper make to those who were claiming his party may have been responsible for the misleading robocalls?

6. How did the opposition respond to the Conservatives' position on the issue?

7. Why is the robocall scandal a potentially big problem for the Conservatives?

8. Why do all political parties use robocalls, and what do they use them for?

9. In what way does the Internet make robocalls a cheap and effective way for political parties to communicate with potential supporters?

10. Why does Internet consultant Jesse Hirsh think it may be possible to discover who was behind the whole robocall affair?

11. What evidence is there that some voters received misleading robocalls after informing local Conservative canvassers that they were not supporting the party?

12. What steps is Elections Canada taking to find out who was responsible for the robocall affair?

Post-viewing Questions

1. After watching the video, revisit your responses to the Pre-viewing questions. Did watching the video help you respond to the questions in greater depth? In what way?

2. Based on what you have seen in the video, do you think there is sufficient evidence to prove that some elements in the Conservative Party may have been responsible for the robocall scandal? Why or why not?

3. How do you think events like the robocall scandal affect the way Canadians view elections and the political process in general?

4. Do you think Canadians will ever find out who was really responsible for the robocall scandal? Why or why not?

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Anatomy of a Scandal

Focus for Reading

In your notebooks, create an organizer like the one below. As you read the following information, record key points in your organizer. You should be able to enter at least two or three points in each section. You will be using this information in the activities that follow the text material.

The Scandal Breaks <ul style="list-style-type: none">• Two media outlets reported that voters had received misleading robocalls from Elections Canada on Election Day 2011.• The calls were traced to a fake name but were later linked to a phone company with ties to the Conservative Party.
The Scandal Grows
The Scandal Widens
The Scandal Continues

The Scandal Breaks

In late February 2012 two media outlets—Postmedia News and the *Ottawa Citizen*—broke the story that on May 2, 2011, federal Election Day, misleading automated telephone calls had been placed to voters in at least 14 ridings across Canada. The calls—purportedly from Elections Canada—occurred in some too-close-to-call ridings, including the hotly contested seat of Guelph, Ontario. The calls informed voters that, due to higher than expected voter turnout, the locations of their polling stations had been changed. But when voters in Guelph and other ridings went to the new locations, they found that the information they had been given was not correct, and that no voting was taking place there. Elections Canada made a public statement that it never contacts voters by phone to deliver any information on the location of polling places and that it does not, in fact, keep a record of voters' telephone numbers on the voters' list.

The calls displayed a phone number that was traced to a prepaid cell phone registered to Pierre Poutine of Separatist Street in Joliette, Quebec. Although the name was obviously phony, the person responsible for the calls had also established a PayPal account for an automated telephone company based in Edmonton that works exclusively for the Conservative Party. On Election Day, thousands of people in Guelph were reporting that they had received robocalls from Elections Canada in which an automated female voice directed them to go to a new polling station. At least 150 to 200 people went to the Quebec Street mall on these instructions, only to find that no polling station existed at that location. Some of them tore up their voter registration cards in frustration and ended up not voting at all. In the end, the Liberal incumbent, Frank Valeriote, easily retained the Guelph riding—but this was not the end of the scandal by any means.

Further Research

To learn more about this topic, visit CBC News at www.cbc.ca/news.

The Scandal Grows

In the wake of the initial revelations about questionable Election Day activities in Guelph, a young Conservative organizer, Michael Sona, was linked to the robocalls placed in that riding. Sona was the director of communications for Marty Burke, the local Conservative candidate, and had gained notoriety when he tried to shut down an advance poll at the University of Guelph by grabbing the ballot box. As the allegations broke around him, Sona stepped down from his staff position with Conservative MP Eve Adams, stating that he was innocent of any wrongdoing in the affair, but was resigning because the media coverage of it had made it impossible for him to fulfill his responsibilities.

By early March the robocall scandal had reached the floor of the House of Commons in Ottawa, with government and opposition MPs trading charges and counter-charges relating to the affair. Interim Liberal leader Bob Rae and Winnipeg NDP MP Pat Martin were especially aggressive in their criticisms of the Harper government, alleging that at least some elements in the Conservative Party must have had prior knowledge of, if not actually been involved with, the calls. Their case appeared to be strengthened after a growing number of voters began to report that they had received the misleading calls from Elections Canada shortly after they had identified themselves to local Conservative phone canvassers that they did not intend to vote for that party's candidate.

Rae, Martin, and others were beginning to suspect that an orchestrated campaign of voter suppression had been in effect on Election Day, possibly with the knowledge or even connivance of the Conservative Party. Voter suppression refers to efforts by a political party to

erect barriers for potential voters who are not among its supporters in order to prevent them from voting. In the United States, a number of highly sophisticated techniques of voter suppression have been perfected, frequently directed at low-income or minority voters; but before the robocall scandal broke, the issue had not raised much concern in this country.

In response, Prime Minister Stephen Harper hotly denied that he or his party had any involvement in orchestrating the misleading robocalls. They brushed aside opposition charges as unfounded smears that had no real evidence to substantiate them and challenged the NDP and Liberals to submit proof of Conservative involvement to Elections Canada. They also accused the two opposition parties of having played their own telephone dirty tricks during the election, including calls to voters from Guelph Liberal MP Frank Valeriote misrepresenting his Conservative opponent's position on the abortion issue.

The Scandal Widens

During March 2012, the robocall scandal began to take on a much broader and more troubling dimension. The number of ridings where voters were reporting that they had received misleading calls from Elections Canada grew from the original 14 to almost 100. In addition, it seemed that voters received calls only after identifying themselves as not being Conservative supporters to a phone canvasser. Many of the ridings where such calls had been reported were hotly contested between the Conservatives and either the NDP or Liberals, with Conservative candidates winning by very small margins—in some cases fewer than 100 votes.

Although robocalls remained the main focus of the affair, other accusations of dirty tricks began to emerge from

across the country. For example, Jewish voters in two Toronto-area ridings that switched from Liberal to Conservative reported having received phone calls purportedly on behalf of the Liberal Party at mealtimes during the Sabbath, when telephone use is strictly forbidden on religious grounds. When contacted, the local Liberal campaigns vehemently denied having placed any such calls. In addition, some people reported having received aggressive or even insulting calls in the middle of the night asking for campaign contributions to the Liberal Party. And in the riding of Eglinton-Lawrence, former Liberal MP Joe Volpe commenced a legal challenge of the election results after evidence emerged that thousands of people had been added to the voters' list at the last minute after having given fraudulent addresses as proof of residence.

The Scandal Continues

By late March 2012, a month after it broke, the robocall scandal was still simmering on the back burner of the country's political awareness. Small demonstrations against what some believed to be a Conservative-instigated voter suppression campaign had taken place across Canada, and the opposition in the House of Commons was continuing its pressure on the government on the issue. The Council of Canadians, a left-of-centre advocacy group, announced on March 27 that it was initiating a legal challenge to the election results in seven ridings, all of them won by the Conservatives by narrow margins, where it believed there was enough evidence to overturn the results. And Elections Canada, the non-partisan government body responsible for administering federal elections, was continuing to collect evidence and take testimony from voters across the country

who claimed to have been misled by robocalls on Election Day.

Marc Mayrand, Canada's Chief Electoral Officer, appeared before a parliamentary committee on March 29 to report on the progress of the ongoing Elections Canada investigation into the robocall affair. This meeting was scheduled for the same day as the government's delivery of the federal budget, which was sure to attract far more media and public attention. Mayrand told the MPs that Elections Canada was looking into about 800 complaints concerning robocalls and live calls placed to voters on Election Day, in 200 ridings across the country. While he indicated that he was taking the allegations of electoral fraud very seriously, he was careful not to jump to any premature conclusions concerning who might have been responsible for the calls. He called the robocalls outrageous and praised Canadians for being so concerned about them. But because of the scope and seriousness of the investigation, he advised that it might take Elections Canada a year or more to complete it.

Public opinion polls taken in the wake of the robocall scandal failed to show any significant slump in the Harper government's popular support. And because no smoking gun directly linking the Conservatives to potentially illegal voter suppression activities had yet been found, it appeared possible that the government might be able to weather the storm long enough for public attention to shift to other concerns. But with the NDP and Liberal opposition continuing to smell blood on the issue, and Elections Canada slowly proceeding with its investigation, it appeared highly unlikely that the robocall scandal would completely disappear from the national political radar screen any time soon.

Follow-up

1. With a partner, compare the information in your summary chart. Help each other complete any missing information.
2. Do you think there is enough evidence from the robocall scandal to link the Conservative Party to an organized campaign of voter suppression? Why or why not?
3. Do you think that the robocall scandal will fade from public view, or will Canadians actively await the results of the investigation? Give reasons for your answer.
4. How do you think issues like the robocall scandal affect the way young people view elections and the political process in Canada today?

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Finding Voters

Reading Prompt

As you read this section, make notes on how new developments in information technology have changed the way political parties communicate with voters at election time.

How the Parties Find Voters

The methods political parties use to identify and track potential supporters and donors have become much more sophisticated in recent years. In the past, they relied on door-to-door canvassers to find people likely to vote for them during election campaigns. But in the age of the Internet, it has become possible to compile huge databases of prospective supporters. These are invaluable sources of information, funds, and votes during an election campaign. And with the advent of robocalls as an inexpensive means of communicating with their supporters, the parties can also track who is likely to vote for or donate money to them, and also who may not be so inclined. While all of these methods of contacting voters are completely legal and legitimate, the robocall scandal has drawn attention to how such data might lend themselves to less honorable and possibly even criminal activities.

Voter Identification

Any seasoned political campaign worker will tell you that voter identification is the key to winning an election. Every political party wants to know which voters in any given riding are likely to vote for it and which are not. Armed with this information, the local campaigns can direct their attention at ensuring that their identified supporters turn out to vote on Election Day while ignoring those who have indicated they are not backing that particular political party. This is called pulling the vote, and it can make all the difference between electoral victory

and defeat, especially if the race in a given riding is close. In the past, local constituency organizations maintained paper records of their supporters drawn from the lists of voters they received from Elections Canada. But in today's electronic age it is possible to gather far more accurate, up-to-date, and detailed information using large, computer-generated databases.

The federal Conservative Party was the first to develop such a national database and used it effectively during the 2004 election when it gained 21 seats and reduced Paul Martin's Liberal government to a minority position. In subsequent elections the NDP and Liberals followed suit. From 2004 to 2011 a succession of minority governments and frequent elections made the collection of up-to-date voter information data essential for the parties in plotting their electoral campaigns. Since Elections Canada does not collect voters' telephone numbers, party workers have to match the names and addresses from the voters' list with information taken from telephone directories or direct phone calls. In addition, voters can be contacted electronically via e-mail or through social media networks such as Facebook or Twitter.

Besides their names, addresses, and contact information, other data about prospective supporters are also collected and preserved on the parties' databases. These can include credit card information for potential donors, birthdays or wedding anniversaries for personal greetings, ethnicities

or religious affiliations for special outreach campaigns to specific groups in the area, and even educational and work profiles for targeted messages on issues of concern to people of various socio-economic backgrounds. The databases may also contain information gathered from polling on what positions prospective supporters may hold on issues such as the long-gun registry or the legalization of marijuana, in order to determine whether they parallel those of the party. These can be especially valuable should a given issue emerge as crucial in influencing the way people may vote in an election.

Getting Out the Vote

It is one thing to have a large list of potential supporters preserved in a computer database, but such information is of no value to a political party unless it can be translated into votes placed in the ballot box on Election Day. Since approximately 60 per cent of eligible Canadians exercised their right to vote in the May 2011 federal election, it is absolutely essential for the parties to ensure that their supporters actually make the trip to the polls and cast their ballots.

Political parties employ a number of techniques to make sure their supporters come out to vote and sometimes to ensure that those not backing them do not. At one time, riding campaign offices were equipped with banks of telephones, where volunteers tirelessly called potential supporters, sometimes more than once, reminding them that it was Election Day and urging them to go to the polling station and vote. But with the advent of robocalls it has become far easier, quicker, and cheaper for the parties to reach a larger number of prospective voters. New social media sites such as Facebook and Twitter, along with text messaging, have also been

used to encourage voter participation, especially among young people.

While every political party wants to ensure that 100 per cent of its supporters make their trip to the polling booth, the same cannot be said for those who have indicated another voting intention. Any voters who have been identified as hostile are unlikely to receive a phone call from a political party they do not support reminding them to vote. But what the robocall scandal has unveiled is something entirely different and far more unsavoury—that is, the possibility that a campaign of voter suppression might have been in play on Election Day 2011 designed to confuse voters and make it difficult, if not impossible, for them to cast their ballots, especially if it was known that they would not be supporting a particular political party.

Voter suppression is unfortunately a well-documented phenomenon in the United States, where it may have played a decisive role in determining the results of the 2000 and 2004 presidential elections. There are reported cases of police roadblocks deterring voters in African-American communities from reaching polling stations in Florida, and telephone calls in Virginia telling people that the election had been extended by one day due to a higher-than-expected voter turnout. In the race for governor of Maryland in 2010, the Republican Party placed robocalls to predominantly Democratic-leaning African-American neighbourhoods, informing people that their candidate had already won, and that it was not necessary for them to vote, when the polls were actually still open. Some U.S. states have recently enacted legislation tightening personal identification requirements, a move some believe is especially targeted against low-income and minority voters unlikely to support their Republican legislators. Since the widespread and

systematic denial of voting rights to African-Americans in southern states was a stain on U.S. democracy until the passage of the Voting Rights Act of 1965, voter suppression remains a touchy and controversial issue in U.S. politics to this day, especially after the election of the country's first African-American President, Barack Obama, in 2008.

Prior to the robocall scandal, few Canadians had given any thought to the possibility that voter suppression might be something that could occur in this country's elections. While some American political imports such as negative television attack advertisements had become more common in recent years, receiving a mixed reception among voters, not many would have believed that any political party would

seriously contemplate attempting voter suppression as a means of ensuring victory. Aside from the unethical—to say nothing of the possibly illegal—aspects of such a strategy, there was also the great danger that it might backfire, causing immeasurable damage to the party's credibility and image. But the number of reported suspicious phone calls to voters developing out of the robocall scandal had at least raised the possibility that something very troubling may have occurred during the May 2, 2011, election. As of late March 2012, it remained unclear whether the Elections Canada investigation of the entire affair would discover any concrete evidence that voter suppression had actually taken place.

Follow-up

1. With a partner, share the information you gathered about how information technology has changed the way political parties communicate with voters at election time.
2. What do you consider to be the advantages and the disadvantages of the new technologies of voter identification and getting out the vote?
3. How have these developments in technology opened the door for possible abuses of the electoral process, including voter suppression?
4. Do you think that elections and the political process in general in Canada are becoming more Americanized? If so, do you consider this a positive or a negative development? Why?

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Four Corners Activity: You Be the Judge

The robocall scandal has caused a great deal of debate among politicians and ordinary Canadians alike. Some people have concluded that there is enough evidence to indicate that the Conservative government of Stephen Harper may have been involved in an illegal voter suppression effort, while others are equally sure that there is no concrete proof of any serious wrongdoing on the part of the government.

Your task is to examine the evidence that has emerged so far from media reports and complaints made by voters to Elections Canada. You should also consider the allegations made by Liberal and NDP MPs in Parliament and the Conservative responses to them. Based on this information, and your own point of view, decide whether you agree, disagree, or are undecided about the following statement:

“The Conservative Party was implicated in the robocall scandal and should be held responsible for any voter suppression it caused.”

Go to the section of the classroom that has the sign that best reflects your position on this issue:

- Group 1: Strongly Agree
- Group 2: Somewhat Agree
- Group 3: Somewhat Disagree
- Group 4: Strongly Disagree
- Group 5: Undecided

After taking your place in the group, discuss your viewpoint and the reasons for it with the other group members. Make a list of the main reasons that support your position. Then select a spokesperson to present the group’s arguments to the rest of the class.

After each group has made its presentation, participants can decide whether the arguments they have heard have caused them to reconsider their original positions. Students should then be given the opportunity to move from one group to another based on this reconsideration. Once everyone has taken his/her position, the group that has attracted the most new members may be declared the winner of the contest.

Following the Four Corners Activity, the class may wish to hold a general debriefing session where the main points of the presentations are summarized and a general conclusion or consensus is formed on the issue.