

**Subject: Access to Public Places and Gated Communities by Candidates
and Their Representatives**

Dear Madam or Sir:

On July 26, 2007, a number of changes to the *Canada Elections Act* came into force. Among these changes are measures aimed at improving the ability of candidates to communicate with electors. The legislation now gives candidates and their representatives a right of access to buildings, land, streets or other places that are open without charge to the public. The new provisions make it an offence for persons in control of public places, such as shopping malls, to prevent candidates and their representatives from campaigning when the premises are open without charge to members of the public. This right of access exists equally for all candidates, irrespective of their political affiliation or the views that they promote. The only exceptions are if the campaigning activities would be incompatible with the function and purpose of the place or inconsistent with public safety. These are narrow exceptions that I expect will find application only in rare circumstances.

Other amendments to the *Canada Elections Act* require that administrators of gated communities provide, between 9:00 a.m. and 9:00 p.m., access to candidates and their representatives.

Persons who contravene these rules are liable to a fine of up to \$2,000 or to imprisonment for a term of up to six months, or to both.

For more information regarding these new rules, see the enclosed relevant provisions of the *Canada Elections Act* or visit www.elections.ca.

Yours truly,



Marc Mayrand
Chief Electoral Officer

Enclosure

**Changes to the *Canada Elections Act*
Regarding Access to Gated Communities and Public Places**

81. (1) No person who is in control of an apartment building, condominium building or other multiple-residence building or a gated community may prevent a candidate or his or her representative from

(a) in the case of an apartment building, condominium building or gated community, canvassing, between 9:00 a.m. and 9:00 p.m., at the doors to the apartments, units or houses, as the case may be; or

(b) in the case of a multiple-residence building, campaigning, between 9:00 a.m. and 9:00 p.m., in a common area in the multiple residence.

(2) Subsection (1) does not apply in respect of a person who is in control of a multiple residence building whose residents' physical or emotional well-being may be harmed as a result of permitting canvassing or campaigning referred to in that subsection.

81.1 (1) No person who is in control of a building, land, street or any other place, any part of which is open without charge to members of the public, whether on a continuous, periodic or occasional basis — including any commercial, business, cultural, historical, educational, religious, governmental, entertainment or recreational place — may prevent a candidate or his or her representative from campaigning in or on that part when it is open without charge to members of the public.

(2) Subsection (1) does not apply in respect of a place if campaigning in or on it would be incompatible with the function and purpose of the place or inconsistent with public safety.

486. [...]

(2) Every person who contravenes subsection 81(1) (refusal to give access to building or gated community) or subsection 81.1(1) (refusal to give access to place open to the public) is guilty of an offence.

500. [...]

(3) Every person who is guilty of an offence under any of subsections 484(2), 486(2), 495(3) and 497(2) is liable on summary conviction to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.