



House of Commons  
CANADA

# Standing Committee on Procedure and House Affairs

---

PROC • NUMBER 005 • 1st SESSION • 38th PARLIAMENT

---

EVIDENCE

**Tuesday, October 26, 2004**

—  
**Chair**

**The Honourable Don Boudria**

All parliamentary publications are available on the  
"Parliamentary Internet Parlementaire" at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Procedure and House Affairs

Tuesday, October 26, 2004

•(1110)

[English]

**The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)):** Order, please.

Colleagues, we have a witness this morning.

Before we deal with that I would like to ask two things of the committee. One of them is just a clarification that we have delegated to the subcommittee the issue of the Commissioner of Ethics questionnaire.

Just for greater clarification, it is my belief—unless someone communicates otherwise—that we informed them about having a discussion with the ethics commissioner about issuing an interpretive bulletin to be annexed to the questionnaire for greater clarity. It was not, at least in my belief, to say that they had to return to the main committee for this. They met this morning, and they arrived, seemingly, at an agreement with the commissioner's office. They'll proceed with that. Otherwise, if we bring it back to this committee it will delay it at least another week and there will be no benefit whatsoever.

So my suggestion is that we're all represented on this subcommittee. They're not issuing new rules. They're not issuing a new questionnaire. It's only a matter of how the questionnaire is interpreted.

Is it agreed that this was our intention and that whatever it is they agree to is okay with us? I believe that is what we had said initially anyway, but I think it needed to be clarified.

Madam Redman.

**Hon. Karen Redman (Kitchener Centre, Lib.):** I would agree with that interpretation, Mr. Chair, and I assume we'll all get a copy for information purposes this afternoon.

**The Chair:** This afternoon I understand they will send that interpretation bulletin to every MP. Of course, it will be of greater use for the ones who have not yet filed. For the others, the ones who have already filed, I suppose it won't be of much help. But if they've already filed, presumably they didn't have much problem interpreting the questionnaire that was there, so maybe it's less relevant for those people anyway.

All right, that's the interpretation.

With that, I would like to ask colleagues if we could have maybe five minutes at the end of the meeting. There are a couple of things left over from the last meeting that we haven't dealt with, and there's some urgency. So maybe when we're done listening to our witness

today we could have five minutes to dispose of those items, if that's agreeable.

With us today we have from the Office of the Chief Electoral Officer, the Chief Electoral Officer himself, Mr. Jean-Pierre Kingsley.

Mr. Kingsley, we will ask you to introduce the other guests from your office who are with you.

[Translation]

You have the floor, Mr. Kingsley.

**Mr. Jean-Pierre Kingsley (Chief Electoral Officer of Canada, Office of the Chief Electoral Officer):** Thank you. I wish to start by thanking the committee, and the Chair, the Honourable Don Boudria, for this opportunity to present my report on the 38<sup>th</sup> general election, which took place on June 28, 2004.

I am accompanied by Diane Davidson, Deputy Chief Electoral Officer and Chief Legal Counsel, Janice Vézina, Senior Director of Election Financing and Corporate Services, Rennie Molnar, Senior Director of Register and Geography and Luc Dumont, Director of Operations.

I hope my remarks today will not be longer than 10 minutes, Mr. Chairman.

Early in the new year, I will submit my recommendations to Parliament on suggested improvements to the Canada Elections Act. They will focus on three areas to improve the efficiency of the electoral process: the lists of electors, the nomination process for candidates and the appointment of returning officers. I want to make it clear that since June 28, I have given no media interviews on the election since the election. I wanted to present my report here first. After that, I will deal with the media, or they will deal with me.

Before I begin, I wish to inform the committee that the Auditor General recently completed an audit of the transactions and financial statements of my office as of March 31, 2004. I have attached as an annex to my speaking notes, for your information, a copy of the audit report, which was addressed to the Speaker. The Auditor General is currently conducting, at my invitation, a performance audit of my office on the entire federal electoral process. It is expected that the final report will be included in the Auditor General's report of November 2005.

The 38<sup>th</sup> general election took place in a complex and evolving legislative context. In addition to Bill C-24, which made far-reaching changes to the political finance regime, the 2003 Representation Order increased the number of electoral districts from 301 to 308. Bill C-5, An Act respecting the effective date of the Representation Order of 2003, set the effective date of the 2003 Representation Order at April 1, 2004. In May 2004, Bill C-3, An Act to amend the Canada Elections Act and the Income Tax Act changed the requirements for political party registration in response to *Figueroa v. Canada (Attorney General)*, which was heard by the Supreme Court.

Implementing these legislative changes in time for the election was a challenge, not only for my office, but also for political parties, candidates and electoral district associations. Nevertheless, all parties were able to make the necessary changes, including—and I wish to emphasize this—the new Conservative Party of Canada, which had the added challenge of merging two parties. Everyone did an outstanding job.

In preparing to implement each of these legislative changes, we informed and consulted with parliamentarians and political parties, including the Advisory Committee of Political Parties, which I met 11 times between November 27, 2000 and June 28, 2004. The political parties in particular have expressed appreciation for our efforts throughout the consultation process, of course, and they spoke very highly of our efforts during the recent general election.

Following the 37<sup>th</sup> general election in 2000, Elections Canada identified four priority areas for improvements: the quality of the lists of electors; the voter information cards; communications with electors; and responses to inquiries from the public. I committed to making improvements in these four areas in my Report on Plans and Priorities for 2002-2003 and 2003-2004. As my report on the 38<sup>th</sup> general election shows, that commitment has been met, I believe.

My remarks today are presented in two parts. First, I will deal with improvements to the lists of electors. Second, I will highlight the main features of the 2004 general election and areas for improvements. You will no doubt have some points to add to this list.

• (1115)

[English]

The preliminary lists of electors are drawn from the register, and our minimal goal is to have 92% of electors on the lists, 77% of them at the correct address. This is based on the start of the lists in 1992-93.

As a result of improvements to the register it is estimated that more than 95% of electors were on the preliminary lists of electors used during the 38<sup>th</sup> general election, with 83%, plus or minus 2%, at the correct address. This is a marked improvement over the 37<sup>th</sup> general election, with 89% on the lists and 79% at the correct address.

Estimates of list quality and potential revision volumes were provided to candidates along with the preliminary lists of electors for the riding. So it wasn't just a national average; each riding had its own targets.

These improvements are a result of several key initiatives. First, we've continued to improve our ability to update the register by making more effective use of existing data sources as well as adding new ones, including driver's licence data in Alberta and Canada Post's national change-of-address data. Continued collaboration with electoral agencies in the provinces and territories has also contributed to list quality improvements.

The register was updated with lists of electors from recent elections in every province and territory except British Columbia and Alberta, where elections had not been held recently before the election. The provincial registers from British Columbia and Quebec are used to update the national register on a regular basis. We also increasingly share register data with many provinces, including Ontario and British Columbia.

We currently estimate that the register has saved \$31 million at the provincial and municipal levels alone. That is over and above the \$60 million net savings at the federal level compared to the cost of door-to-door enumeration. In fact, if we were to include the projected savings of some \$11 million from our agreement with Elections British Columbia, the total cost avoidance to date resulting from the national register of electors would amount to \$100 million.

We have also improved the register coverage, especially of youth, by adding electors from administrative data sources such as the Canada Revenue Agency. Since 2002, following changes to our agreement with the CRA, eligible tax filers who were not already in the register could consent on their income tax return to be added to it. However, Elections Canada must still confirm in a separate routine the citizenship of these individuals before they can be added to the register. To do that, we mailed registration packages to more than 2,200,000 potential electors in 2003.

Some 275,000 responded positively and were added to the register, and another 80,000 wrote to inform us that they were not Canadian citizens; hence justifying the need for writing to them and ascertaining their citizenship.

I would like to indicate that further improvements could be made if we could include the confirmation of citizenship directly on the income tax form through a separate question. However, it would appear that an amendment—and this is in the view of Revenue Canada, not in the view of Elections Canada—to the Income Tax Act would be necessary. This is contrary to what I informed the committee of before the election. That agreement has fallen apart.

The registration of young electors continues to be a priority. In February 2004 we wrote to some 1,100,000 young Canadians who have turned 18 since the 37<sup>th</sup> general election to remind them of their right to vote and to ensure they were registered in the upcoming election. Once the election was called, we wrote to 250,000 youth who still had not registered to tell them how they could register during the revision period or at the polls themselves.

Improving address and geographic information remains a priority as well. We can now pinpoint 87% of electors on our digital maps using their residential address information. This is up from 65% in 2000, thus providing greater confidence in their assignment to the correct poll.

● (1120)

However, to be sure that our addressing improves, we have introduced regular reviews by returning officers. Extensive pre-writ reviews were conducted in 2002 and in 2003. In 2002, some 2.3 million address improvements were made, and in 2003 the emphasis was on ensuring electors were assigned to the proper poll in the new electoral districts.

While largely successful, some challenges do remain, especially in rural areas, where a lack of civic addresses makes this process more difficult. We will continue to work with provincial and local authorities to obtain improved civic-address information for these areas, especially as 911 civic addressing enters into more common usage. All the provinces are at work on this now, so we'll be able to whittle down the remaining 13% very significantly.

An effective revision process, in particular targeted revision, is an essential component of the voter registration process when you have a register. Changes made since 2000 to the election registration system, which we call REVISE—RÉVISE in French—greatly facilitated the revision process and improved the accuracy of the lists. In particular, the system now allows us to transfer the records of individuals who have moved between electoral districts to avoid creating duplicate entries on the lists. When they were within the electoral district, it was not a problem, but for this election we introduced movements between ridings. It also enables us to send the latest electronic updates from the register to the returning officers. Some 335,000 updates, including over 80,000 moves from Canada Post, current to mid-May, were transmitted to returning officers at the very beginning of the electoral calendar. In other words, they were not on the lists; we provided them by computer. They're two great enhancements.

We also improved the targeted revision process, whereby revising agents go door to door to register voters in person, in areas where a high percentage of eligible electors may not have been included on the preliminary lists. We set up a central registry of high-mobility addresses and carried out a demographic analysis of register coverage to identify areas with low registration rates. This information was provided to returning officers before the general election for addition to their lists of dwellings for targeted revision.

For this election, revising agents visited approximately 1,295,000 addresses and completed registration forms for some 266,000 households. When we compare this to the 2000 general election, where about 515,000 addresses were visited and registration forms were completed for some 192,000 households, it seems that, despite a greater effort, the effectiveness of door-to-door canvassing in eliciting registration has further declined.

Going door to door doesn't work. There are a number of reasons for this, including the fact that people are more reluctant to open their doors to strangers or they're not at home, certainly not as regularly as once they were. On top of that, revising agents cannot register people who are not at home without ID.

In light of this, we will continue to pursue new registration methods, such as online voter registration, which British Columbia has started, which has considerable potential to improve service to the elector, as well as the removal of the requirement for ID before registering people, as was the case during enumeration. We'll be coming back to you on this.

**Mr. Jay Hill (Prince George—Peace River, CPC):** A point of order.

● (1125)

**The Chair:** Mr. Hill.

**Mr. Jay Hill:** With all due respect to our guests, our understanding was that the presentation was to be limited to ten minutes. We're now fifteen minutes into the presentation, by my watch, and we're only halfway through. It's going to be about three times as long as we were anticipating, severely curtailing the opportunity to ask questions of our guests. Can we shorten this at all somehow from what was presented in a written form?

**The Chair:** Mr. Kingsley, I wonder if you can summarize. We're definitely fifteen minutes into the presentation already. Could you summarize the rest and we could move to questions?

My fear, of course, is that we'll need more than one meeting, at the rate we're going now. That still might be the case, of course. They are the rules of most committees, including this one. Could you briefly summarize the rest and we could move on to questions?

I also understand some members have more than one committee that they're sitting on this morning.

**Mr. Jean-Pierre Kingsley:** Well, Mr. Chairman, why don't we just accept that I've read the rest. People can read it and get on with the questions.

**The Chair:** That's fine with me.

**Mr. Jean-Pierre Kingsley:** Thank you, Mr. Chairman.

**Statement by Jean-Pierre Kingsley:**

We are currently conducting an analysis of the data returned in order to determine if the areas that were targeted show a higher percentage of overall registrations. As well, the example of our joint project with Elections Ontario, where targeted revision was conducted before the election period, may be an avenue worth pursuing at the federal level. Regular and timely joint ventures with provinces and territories, where applicable, might be most appropriate. Also, privacy legislation that restricts the ability of revising agents to obtain information on electors from superintendents or health care providers in nursing homes should be considered when a review of the Canada Elections Act is undertaken.

For this election, we had sufficient registration officers in place to handle more than 1 million election day registrations—based on the 2000 election. In fact, for the 2004 election, 764,000 registration transactions were handled at the polls on election day, which represents a reduction of more than 25% when compared to 2000. Of these, 431,000 were new registrations. The other 333,000 electors were already on the lists, and could have been handled through revision. Evidently, we need to review with you how we could reach these electors to revise their data before election day, including allowing electors who have moved between electoral districts to have their addresses changed over the phone. In total, the number of voter registration transactions processed during the election, including revision and election day registration, dropped from 2.8 million (22% of voters) in the 2000 election to 1.9 million (14% of voters) in 2004.

We recognize the importance of continuing to improve the Register and the revision process, especially targeted revision, to further reduce the number of electors who need to register before voting on election day.

Maintaining the Register is, more than ever, a collaborative effort. As I have emphasized on a number of previous occasions, political parties and members of Parliament share responsibility for maintaining the accuracy of the National Register of Electors. Once again, I invite all members of Parliament and registered political parties to inform my Office of any data quality or mail delivery issues they encounter when using these lists, which I provided to each member of Parliament on October 15, 2004.

Together, we will continue to improve the Register, with particular emphasis on ensuring that youth are registered, on geocoding improvements in rural areas, and on increasing the currency of the Register.

## 2. Other features of the 2004 election

For the 38th general election, we made improvements to the voter information card by including after the elector's name the message: "or to the elector", instead of "or occupant". Also,

Canada Post was instructed not to forward the card to the new address, but rather to leave it at the address indicated. According to our post-election public opinion survey, which was conducted for Elections Canada by EKOS Research Associates, some four in five respondents recalled receiving a VIC with correct personal information.

Our communications with electors were significantly improved. Our advertising campaign featured clear, easily understood messages that informed Canadians about the electoral process and the importance of participating. In preparing our advertising campaign, my Office consulted with the Advisory Committee of Political Parties. I also regularly informed the Standing Committee of our plans.

We also developed a series of outreach initiatives for young people and Aboriginal electors, following research that shows turnout tends to be lower among these groups. These initiatives were informed by consultations with youth and Aboriginal leaders and included a number of collaborative efforts with community groups.

To better respond to enquiries from electors, we developed a 24-hour-a-day Voter Information Service (VIS), which included an automated Voice Response System (VRS). By the end of the election period, some 750,000 calls were handled by Head Office and 1.1 million were handled locally by the returning officers.

My Office also redesigned its Web site to provide more information than ever before. During the election period, the Web site had 1,580,672 visits, a 76% increase over the 37th general election. Our new Election Night Results (ENR) application had 50,186 visits during a three-hour period.

While the 38th general election was a success overall, areas for improvement have been identified. I would like to take this opportunity to mention a few.

There were difficulties in setting up returning officers' offices. Within 48 hours, most electoral districts had opened offices that were accessible to the public. Some delays were encountered in installing more than 6,800 local telephone lines. My Office is currently examining different options so that such delays could be avoided in the future. One possibility may be to open returning officers' offices before the issue of the writs.

For this election, returning officers set up 63,860 polls in 18,807 different polling sites. In some cases, renting certain locations remains a challenge. According to our post-election public opinion survey, 93% of Canadian electors were satisfied with the distance of the polling station from their homes. Still, the distance of the polling station from the elector's home was the most common complaint we received. This occurred despite the fact that returning officers undertook pre-event assignments where they had to designate such locations with representatives of political parties. I will address this problem immediately. I will write to members of Parliament and ask them to inform me of any problems that they might have experienced. I will also ask returning officers to get in touch with their respective members of Parliament in the coming weeks so that together they may find satisfactory places for polling stations. I would like to have this problem resolved with your input before the next election.

## Conclusion

My Office is continuing our analysis of the 2004 general election through surveys with various stakeholders. In this regard, your input will be valuable as well. This will assist in refining our systems and procedures and in finalizing my recommendations for improvements to the Canada Elections Act.

The official turnout at the June 28, 2004, election is 60.9%. You will recall that official turnout for the 2000 election was 64.1%—this was revised from the initial report of 61.2%, following removal of duplicates on the final list of electors. That process took approximately two years to complete, and I first announced it in March 2003. This time, we have been able to remove duplicates and calculate the official rate of turnout much more quickly, as a result of improvements to our revision software and systems.

My Office is continuing to focus on youth turnout. To do this, we are conducting a study on the rate of turnout by age group in the 2004 election, using a random sample of polling divisions selected from electoral districts in every province and territory. The results of this study show that for first-time electors [18 to 21½ years old], the turnout rate was 38.7%. While this appears to be a significant increase over the rate of youth turnout at the 2000 election, which was reported to be 25%, I would caution that in light of the different methodologies employed, direct comparisons cannot be made. We will be pursuing research on participation.

In the present context, our plans are to conduct the next general election effectively using the same systems, procedures and products, with adaptations where problems were encountered. The process of restocking our materials and refurbishing our equipment has already begun. I would be pleased to appear before this Committee at any time to keep you informed of our progress.

Finally, I know that Parliament will be reviewing the effects of Bill C-24 [An Act to amend the Canada Elections Act and the Income Tax Act (political financing)], which came into force on January 1, 2004. My Office will provide Parliament with my assessment and recommendations at a later date. In order to meet the spirit of the legislation and better serve the needs of Canadians, I would suggest that such a review should take place in 2005, after a full cycle of reports has been completed and analyzed.

In concluding, I wish to thank those election officials and staff, as well as candidates, political parties, electoral district associations and their volunteers, who worked to make this election a success.

Thank you, Mr. Chairman. My colleagues and I are open to your questions.

**The Chair:** The first questioner, then, will be Mr. Reynolds.

**Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Thank you, Mr. Chairman.

First of all, Mr. Kingsley, thank you for appearing before the committee today. We all know that it has been a tremendously busy year for you and your staff at Elections Canada. We're supposed to ask you questions today concerning your first report on the June 28 election. However, the report, as I understand it, only became available to us sometime last Thursday. So as I'm sure you can appreciate, many of us have not had sufficient time to review it thoroughly.

I would therefore—through you, Mr. Chairman—put the committee and this witness on notice that we may very well require him to appear again before us on another occasion so that we may ask some more detailed questions.

That said, I have today some specific questions I'd like to ask you concerning the conduct of the last election. Before doing so, I wish to commend you again and all your staff at Elections Canada for the excellent website that you've created and maintained. It's very, very good.

Mr. Kingsley, as you state on page 59 of your report, candidates were entitled to file their nomination papers with their returning officer certainly no later than the first Thursday of the election campaign, being May 27. However, there were many cases where in

fact candidates of our party could not file their nomination papers until several days later, as returning officers were apparently not ready to do so. This was considerably annoying for those candidates, as they wished to get on with being formally nominated, because as you know, until their nomination was confirmed by the returning officer, they were not officially candidates, for all purposes, including the right for their official agent to issue political tax credit receipts to contributors. Therefore, some of our candidates could not be officially nominated until well into the second week.

Can you explain to the committee how that happened and what is being done to make sure it doesn't happen again next time?

**Mr. Jean-Pierre Kingsley:** Thank you for the positive words on our website, sir. I appreciate that, as well as the efforts of the team during the election.

Elsewhere in the report, by the way, we do report that there were problems in opening certain ridings, mainly not attributable to the lease but to the ability to get phone lines, to get our computer systems set up. Accordingly, returning officers were reluctant to declare that they were open, and until that was done, that was a problem. We have to work out, as I indicate elsewhere in the report, better solutions to open those offices more quickly so that we can accommodate people more rapidly. I know the impact that has on their ability to do a whole slew of other things as candidates.

Elsewhere in the report, in one of the parts that I haven't read, I mention that this is a problem and that we want to fix it, and that we are going to have to consider opening returning offices earlier than at the drop of the writ. It has become a mug's game. It's quasi-impossible. No amount of planning can result in the efficient opening of those offices exactly on time with everything going, because of the very complex computer systems we have to have in there, because of the telephone lines. The telephone companies are doing their best, but sometimes it's just too much. So we're going to have to think about opening offices much more quickly.

**Mr. John Reynolds:** Mr. Chairman, I have one more question.

I might just say that would fit in very well with my party's plans to fix elections dates, which would allow you to do what you have to do, much like they're doing in British Columbia.

**A voice:** Even with a minority government?

**Mr. John Reynolds:** British Columbia has a fixed election date next year, and it's working very well.

**The Chair:** Okay, next question.

**Mr. John Reynolds:** As to my question, Mr. Kingsley, you mentioned in your report that you had a fairly high success rate in having most voters registered, and registered to vote in the right polling stations. However, in many of the rural ridings, as expressed by rural people, the polling stations were located large distances from where the persons lived. In fact, in many cases voters had to drive by other polling stations on their way to the polling station allocated to them. Is there some better way for your office, in consideration with the ROs on the ground, to avoid this situation and make sure it doesn't happen again next time?

**Mr. Jean-Pierre Kingsley:** Definitely the answer lies in the second part of your question—that is, with the people who are close to the ground, the returning officers.

I would like to share with the committee that after every general election there are always complaints about where the polls are situated. With redistribution, especially in rural areas, sometimes a poll was associated with a surrounding area but then gets chopped off and goes into another riding. Those people are then accommodated in another poll that is viewed to be close but in fact isn't. Therefore, what we're going to have to do is to review where those polls were.

In the text I did not read, what I am proposing to do is to write, right now, to every member of Parliament—something we don't usually do when there is a majority government—and ask if they had problems with where the polls were situated, and if so, which ones.

Before that question is asked, I would also ask about list matters, if their people felt that there were problems with the lists, and get the members of Parliament to get back to us. We will then get in touch with the returning officers and get them to start working out with members of Parliament better places for those polls, before the next general election, which can be called literally at any time. We're going to do that in the fall. With respect to the list, we will handle the issue centrally and then bring in the returning officers if need be.

Those were two topics on which I wanted to write directly to members of Parliament in light of this particular context.

• (1130)

**The Chair:** Thank you.

Madame Boivin.

[*Translation*]

**Ms. Françoise Boivin (Gatineau, Lib.):** Thank you for being here today. It goes without saying that I am very interested in your report. As a new member of Parliament, I just went through an election for the first time. So we sometimes arrive with fresh ideas on things.

Mr. Kingsley, I was pleased to hear you say that you had not yet spoken to the media and that you would do so after presenting your report here. I had the opposite impression, because we have heard a great deal of talk about some aspects of the election. That will be the focus of my questions.

As a first-time candidate, I saw for myself how important is the relationship with the returning officer during an election. When my campaign director or anyone else on the team had questions to ask, they had to deal with your people.

I understood, but you may have to correct me if I am mistaken, that you had an opinion regarding the way in which returning officers are appointed. In my former life, I was a lawyer, and when I heard certain things, I wondered where they came from. I understood that the competence of our returning officers throughout the country had been called into question because of the way in which they were appointed and that you may have some representations to make on this matter.

First of all, was the media reporting accurate? Did it reflect your position? If so, how did you assess your returning officers? Where did the problems lie? I think you see what I am getting at here.

**Mr. Jean-Pierre Kingsley:** The recommendation that returning officers be selected on the basis of competence and appointed according to merit dates back to 1990, when I appeared before the royal commission for the first time. I was the first witness. I had just assumed my duties, and I immediately understood that a system in which the Chief Electoral Officer reports to Parliament, but the returning officers are appointed by the government could not work.

Since that time, the apparatus has become very complex as a result of the introduction of computers at the local level. Since that time, people are more and more demanding about the treatment they receive. So, ROs must also be human resources managers. Returning officers hire between 500 and 600 individuals. They have an office and they have to train all these people to perform their tasks on election day.

I could give you a fairly broad range of all sorts of things that are...

**Ms. Françoise Boivin:** I understand what they have to do. My question was about the way in which returning officers are appointed. What have you noticed that caused you to say that your criticism of returning officers has to do with the way in which they are appointed? I'm trying to see how you assess them and what the problems were, because we hear talk of certain things. We hear all this indirectly. In our ridings, people from all parties call in to say that a particular person behaved one way or another. This compromises our credibility somewhat. I did not take part in the appointment of my returning officer, but I did have to deal with and work with this individual. So, what problems are related to the way in which returning officers are appointed?

• (1135)

**Mr. Jean-Pierre Kingsley:** know that about 10 cases of insubordination, three problems involving conflict of interest, about 14 problems of incompetence, some 10 cases involving a lack of computer skills, which is a different area. The document includes the names of the returning officers and the ridings. I will let other speak about their political perception when they are candidates for a party other than the government party, which appointed the returning officers.



**Ms. Françoise Boivin:** But you made the statement. It came from your office. You referred to three problems involving conflict of interests. What did they involve? I'm still referring to the way in which ROs are appointed.

**Mr. Jean-Pierre Kingsley:** In one case, a returning officer hired 10 members of her family, which is a violation of the ethics code. The second, a returning officer kept his position in an association despite the fact that this created a conflict of interests, according to our recommendation. He hired his daughter because he did not trust his returning officer. In the third, despite our warnings, a returning officer put himself in a conflict of interest by agreeing to work in the riding office of a provincial member of the legislature. So those were the cases of conflict of interest.

I come now to the problems of insubordination. Despite specific directives from Elections Canada, four returning officers decided to print voter information cards in their own way, which did not meet the bilingual address requirements. They showed blatant disregard for the two official languages. They found a better way of doing things, even though we had told them that they were required to use our software. One of them told that if I was not pleased, he was going to resign in the middle of the election. That is insubordination.

**The Chair:** We will now move to the next question. Perhaps we can come back to this later, or others may ask the same question.

It is your turn, Mr. Guimond.

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Thank you, Mr. Chairman.

I want to come back to the appointment of returning officers, Mr. Kingsley. At the moment, this is done by order in council. In other words, Cabinet appoints these individuals.

I asked you the same question after you tabled your report on the 1997 election and on the 2000 election. I think you acknowledge that you prefer the system currently in place in Quebec. Under this system, the positions are advertised in newspapers, candidates apply and a neutral selection board looks after the hiring. Under this system, returning officers report to you—perhaps not to you personally, but to someone on your team. That is basically the approach you prefer for appointing returning officers. Is that correct?

• (1140)

**Mr. Jean-Pierre Kingsley:** That is correct.

**Mr. Michel Guimond:** Ms. Boivin's questions were on conflict of interests among other things and she said that there was no conflict of interests at the party level. However, a returning officer could well say that even though people are unhappy with him, since he was appointed by the Liberal Party, his appointment is valid for 10 years and that it is too bad for the others who will have to put up with him during all those years. That is the type of conflict of interests that the situation can lead to.

Moreover, if we were to screen the *résumés* of the 308 returning officers, we might find some links with the party that appoints them. There is also this issue. You would like to see an assessment of the candidates' skills in order to foster democracy, rather than having decisions made for petty partisan reasons.

I have many questions to ask and very little time to do so. Is it possible that a returning officer could run out of ballots at an advance polling station and that he would tell voters to come back on election day? After all, voters who vote at advanced polling stations decide to do so because they will not be available on election day since they might go to Europe, for instance. These people were told that it was not a big deal and when they phoned in to complain, they were told that only six or seven people could not vote. One single one is one too many. When we say that the role of the returning officer is to help citizens to express their democratic will, that is the point we are trying to make.

I could give you several similar examples. We have compiled them according to parties and at the appropriate time and place we will reveal them perhaps in the form of a book.

Mr. Kingsley, I have to tell you that you have the entire Bloc's support. I am convinced that colleagues all around the table will vote for the bill that I tabled on behalf of my party and which recommends that returning officers be appointed at the end of a transparent process.

Now, back to your presentation in which you say that the quality of electors' lists is a priority. Since you intend to recommend some specific changes to the Elections Act, would you consider the possibility of including on all lists of electors their date of birth, as we do in Quebec, which would avoid duplication of entries? This way, if a young man came in to vote showing the card of an elector born in 1928, he would immediately be prevented from doing so. And please don't tell me, Mr. Kingsley, that it could raise concerns and might violate the Privacy Act. If Quebec can add that information on its lists of electors, why would it not be possible at the federal level?

Secondly, still for the purpose of improving the quality of the voters' lists, would it not be possible to add on the list a number for each voter? If a voter has number 1282624 but moves to another riding, it would still be very easy to transfer his number using a computer. Would that not be an interesting way of improving the quality of voters lists'?

**The Chair:** Mr. Kingsley.

**Mr. Jean-Pierre Kingsley:** Mr. Chair, it is illegal to write the date of birth of voters on the lists. Since we are prevented from doing so by law, you would have to amend it. However, I am thinking of recommending such an amendment to Parliament to amend the legislation, for the very reasons you have just mentioned.

**Mr. Michel Guimond:** Would you agree with that?

**Mr. Jean-Pierre Kingsley:** Yes. I would also agree with establishing a voter number that would have nothing to do with any other file. This number would be used during an election to identify an individual wherever they move, and so on. It would be an extra piece of information that would guarantee that we are dealing with the same person.

It is interesting to note that the person who approved all of that in Quebec when she was in charge of privacy is Ms. Stoddart, who is now in Ottawa. We have already started discussing matters of this sort with her. I promote the implementation of what you described, and we will consider including it in my report so that you can consider this and amend the act.

Mr. Chairman, I would like to come back to the other question. When I talk about the appointment of returning officers, I always try to do so in a non-partisan way, because my role is not political in nature. I have been doing that since 1990. Quite recently, I received two letters of resignation from two returning officers. One told me that he had informed his local party association before the people there asked him to resign. Do not misunderstand: these are two good people. The other one told me that he had informed the local association and that it had identified two possible successors and was going to review their candidacy further. He also said that he had defined the roles and responsibilities of a returning officer for the association, so that it could appoint an appropriate candidate.

**The Chair:** Ms. Redman.

[*English*]

**Hon. Karen Redman:** Thank you.

Mr. Kingsley, I really appreciate your report. And you must acknowledge that there's no greater engaged group with an interest in this than the 308 of us who are in the House of Commons.

In your presentation I marked some of the concerns I had heard from colleagues and some of the anecdotal things I heard in my riding during the election. I have to tell you I'm very surprised and somewhat horrified at page 6, talking about revising agents registering people at home and there's a problem if they don't answer the door and they don't have ID. In that same paragraph, whoever wrote the report goes on to say you will continue to pursue new registration methods such as online voter registration, with consideration to improve it by removing the requirement of ID for registering people.

My question is why don't we demand identification at the polling station, so that when people come to register we know they are who they say they are because they have photo ID, which everybody is required to have right now. There may be some special groups, such as homeless people—and I know it's always been an issue because they don't have an address—but I would guess that the vast majority of people who come to vote would have photo ID. We've all heard anecdotal stories about people having voter cards left in the front of apartment buildings that have secure access, where those voter cards are gathered up and people look at the polling station and go from one to the other. I think not having that safeguard of the photo ID allows abuses to happen, and certainly anecdotally we hear that those abuses are happening.

My question is twofold. Why aren't we moving to ask for photo ID when people actually come to register? Number two, why would we move away from photo ID when we look at revising the voters list?

• (1145)

**Mr. Jean-Pierre Kingsley:** Right now, when you show up at the polls to register you must provide ID. It is not photo ID, but you

must provide ID, something with your name, your address, and your signature. That's when you register at the polls. That was one part of your question.

**Hon. Karen Redman:** No, but when you go to vote.

**Mr. Jean-Pierre Kingsley:** When you go to vote, then you're already on the list. The Canadian system has been that we trust you unless we have reason not to trust you. We have manifested this in the way we've run elections.

Now, there are some people who say we should require identification. I'm not one of them. If Parliament ever enacts it, I will enforce it, but I'm not going to recommend it.

• (1150)

**Hon. Karen Redman:** When you assess what works well in the system and what doesn't work well, how would you capture that kind of anecdotal information? How do you pursue that kind of information to find out if abuse is occurring?

**Mr. Jean-Pierre Kingsley:** Number one, there are anecdotal facts of that kind brought forward at every election. My first reaction is always "Provide us with the information and we'll refer the file to the Commissioner of Canada Elections and he will investigate. If there was an infraction, he will prosecute." That is the other side of trust.

We trust Canadians, but if at any moment in time they tip over and start cheating, somebody will prosecute them for that in the regular courts of law of this land. That is the deterrent to the trust system. It's a fine balance of checks and balances between trust and prosecution.

I hear cases every election of some non-Canadians voting, but when it comes time to putting one's name on a piece of paper, people are unwilling to do that. But I do remember there were cases that were investigated and what happened was that those persons had become Canadians on the eve of the election and were Canadian. We put in every poll, "To vote you must be a Canadian." We put it in every poll in broad letters. We put it on the voter information card that we send out to every elector. You must be a Canadian. You must have attained at least 18 years of age by polling date. So there's a reminder all over the place. We do remind people there are infractions, but we need someone to complain and put it on paper. We cannot do things only with anecdotes; we cannot prosecute.

**Hon. Karen Redman:** What I hear you saying is—

**The Chair:** You will be on the next round, Ms. Redman, if you don't mind. It's now Mr. Broadbent's turn.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** Thank you, Mr. Chairman.

Mr. Kingsley, I want to address the issue of the appointment of returning officers. I will say at the outset that I share your expressed concern. Anecdotally, as a guy who's had more elections, perhaps, than other people around this table, I would indicate that in the previous elections I've taken part in, six federal elections, only in one of them was there a question of partisanship revealing itself, in my judgment, on the part of the politically appointed returning officer. In other cases they seemed to go quite well. There were no major problems, from a partisan point of view, with decision-making, but there were a number of instances of incompetence, of people having the job who shouldn't have had the job. It was not that they were dishonest; they were simply incompetent.

I think it is long overdue, frankly, that we change the system. Without reflecting, I will repeat the point about political partisanship being a major problem. I don't think in my own experience or in that of my colleagues it has been a major problem—it has been a minor problem—but we shouldn't have incompetence. These people should be seen as part of a just, transparent, independent process and they should act accordingly. If they are not acting accordingly, then ultimately the responsibility should be yours. If your office has the responsibility of appointing these people, then the line of responsibility goes right up to you, and I think that should be clear.

We strongly support the change in this direction. I have taken steps to have a private member's bill introduced that would bring about the kind of change that, as I understand you, you are desiring. Do I understand you correctly on that?

**Mr. Jean-Pierre Kingsley:** On desiring the change, yes, and not basically for political reasons, as you say, but on the matter of competence.

**Hon. Ed Broadbent:** Right.

**Mr. Jean-Pierre Kingsley:** But I did bring forth that there are people who view themselves as political appointees, and that exacerbates the problem.

**Hon. Ed Broadbent:** Right. It exacerbates it too, I'm sure, in many local ridings. When the media are dealing with these people they understand that because they are political appointees they could well be making decisions or not making certain decisions because of their political connection. That can become an issue at the local level. It brings a level of disrepute to the political process that's needless. So I think the change is necessary.

The other issue that I wanted to bring up took place in one of my own colleague's ridings, in Churchill. I think you have received an official protest. One of the first nations tribes—and I won't do a great disservice to the language by pronouncing the full title of the organization but will use, as they do, the acronym of MKO, which is a body that receives most of its money from federal sources—ended up using the federal sources to finance trips to a Liberal Party convention for many of its members. It ended up also contributing these publicly provided funds to a Liberal candidate in the election.

I would like to have your reaction to this.

**Mr. Jean-Pierre Kingsley:** Mr. Chairman, I cannot remember having received anything to this effect at all. Perhaps something was sent to the commissioner, which is an independent office in my office.

**Hon. Ed Broadbent:** That could be the case.

**Mr. Jean-Pierre Kingsley:** However, I am not advised of everything he receives.

**Hon. Ed Broadbent:** I understand that, and I will check with my colleague more precisely when it was sent and to whom specifically.

Would you like to comment on the appropriateness of such activity?

**Mr. Jean-Pierre Kingsley:** I am not aware of the facts as such. If there is an inquiry or an investigation or anything going on, I think I would be doing a disservice to that if I were to pronounce on this. I don't know enough about the facts; I really don't.

**The Chair:** Mr. Broadbent, thank you very much.

Madam Longfield, and that will complete the first round.

**Hon. Judi Longfield (Whitby—Oshawa, Lib.):** I want to go back to this business about your view that somehow if parties nominate people for returning officers that these officers are incompetent or they're political appointees. You use some rather strange examples to point to that. One of them was the resignation of a returning officer who had indicated she or he had informed the political party.

Mr. Kingsley, prior to the last election, the returning officer who had been in place for a number of years in my riding actually did resign. She came to me and told me she was resigning and she sent a letter to you indicating she was resigning. She also went to the other three parties in the riding and she informed all of them that she was resigning. So it wasn't that she felt she was a political appointee. She felt she had a need in that riding to inform the parties because she was the contact.

In her letter to you it may have indicated she'd talked to the political party, but I can assure you that in many of those cases the officer has talked to all the political parties, because this particular one saw herself as being a representative who served all parties equally.

The other thing I'm concerned about is you indicated there were six of this and seven of that and four of these who had not.... What have you done to rectify that? Have you made recommendations for their removal? I don't see this in your report, and I think it should be there. You use that as an example that this is a severely flawed process, so is it 10%, 20%? Perhaps we should do that. And what about the 90% or the 80% or whatever who are doing a good job? I'd ask about that.

On page 33 of your report it talks about the kind of training that was provided through your office. I would have hoped some of that would have been caught at the training stage and could have been rectified.

You further say you have field liaison officers who are out, and you've indicated they had identified some risks and the problems were all resolved.

I guess what it boils down to is this. What is the remedy for incompetence? What is the remedy for identified conflict of interest? And are we going to throw out everybody because there are some incidents where there was incompetence or conflict of interest?

Is there any evaluation process that goes on between elections? I think a lot of these could be weeded out now and the opportunity given then to have new appointments in ridings where there have been identified problems and to not just simply say that all 308 are somehow tarred with this brush as being incompetent or in conflict.

You suggest that if they're appointed by a certain party—

• (1155)

**The Chair:** Ms. Longfield, there won't be any time for him to answer.

**Hon. Judi Longfield:** Those are some of my concerns.

**Mr. Jean-Pierre Kingsley:** Mr. Chairman, I'm pleased to have the opportunity to make this very clear. I've stated it before. Were the Chief Electoral Officer entitled to select people and to remove people, there would be no move afoot to remove the 308 that are there now and to replace them. This would be crazy.

There are people there who are very good people, who have done a relatively good job, and it may be that that's about 80%. It could be 85% and there would be nothing there. The other ones would be identified—I've listed the number of things that have occurred—and obviously we would want to act on those.

In terms of making recommendations or getting rid of the ones who are problems, I must tell you that the present system is very heavy, in that a recommendation must go from the Chief Electoral Officer to the Governor in Council through the minister responsible for this. By the time it's all done, the reply usually comes back that the person is entitled to another chance, because if we fire him now he will have legal recourse.

**Hon. Judi Longfield:** How many incidents of that have you had in the past?

**Mr. Jean-Pierre Kingsley:** I can't remember, but I could look it up and provide you with the information. I can remember two or three, and then I learned my lesson.

The other thing, too, is that when you're in the absolute middle of an election, it's very diff—

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** On a point of order.

**The Chair:** Let's not use points of order for asking questions.

**Mr. Scott Reid:** No, the point of order is to ask if we could request that Mr. Kingsley take that report and actually give it to the clerk of the committee so it could be distributed to everybody.

**The Chair:** Fine.

If there is any report you can provide to us to further—

**Mr. Jean-Pierre Kingsley:** A report on what, sir? I'm sorry, I lost the....

**Mr. Scott Reid:** The numbers you were talking about giving to Madam Longfield. I was just wondering if you could submit that to the clerk, as opposed to Mrs. Longfield, so we can all take a look at it.

• (1200)

**Mr. Michel Guimond:** We always do that via the clerk.

**The Chair:** I think we're starting to debate this. It wasn't really a point of order. Six months from now there will be a second report with the recommendations that come out.

**Hon. Judi Longfield:** You had given us indication that there were six of this and seven of that. Could we have something in writing that indicates where they were? You can't throw those figures out and then not provide supporting documentation.

**Mr. Jean-Pierre Kingsley:** It never was my intention to do that. I appreciate the request that is being made and I will act accordingly. Nothing that I say will go unsubstantiated.

**Hon. Judi Longfield:** It's just that when we try to review this, it will be important.

**The Chair:** The next questioner is Mr. Batters.

**Mr. Dave Batters (Palliser, CPC):** Thank you very much, Mr. Chairman, members of the committee, guests, and thank you, Mr. Kingsley, for coming in and answering our questions today. I appreciate the work you've put into your report.

I'm the MP for Palliser. My riding was subject to a judicial review or challenge launched by the NDP. Dick Proctor was the incumbent I defeated. I represent Tom Lukiwski as well today, the MP for Regina—Lumsden—Lake Centre. Tom's unable to be here today; they've had a death in the family.

This is addressed in your report on page 83. I'm going to spend a little bit of time eliciting the issue as I see it. I'll leave you with two questions to put on the record.

We're not talking about a recount; we're talking about a judicial review launched by the NDP and the Liberals in Regina—Lumsden—Lake Centre asking the court to set aside the election result or at least put forth the documents for study, which Elections Canada did, with the ultimate aim of the people who launched the challenge being to have the election set aside and have another election.

The basic premise of the issue before us is it was alleged that there were massive irregularities, that voters were directed to vote in the wrong riding, voter cards were sent out in error, and voter cards were sent out according to where people pick up their mail rather than where they physically lived. Of course, as we all know, people vote according to their physical address. The wording in the application made by Mr. Proctor is such that it suggested people may have received voter cards in error. Further to that, people may have voted in the wrong riding.

The issue, as I see it here, is that the entire system of registering voters and the election result itself in our two ridings was called into question both in Palliser and in Regina—Lumsden—Lake Centre. These were very serious allegations that massive irregularities existed and that Elections Canada dropped the ball in these ridings. Of course, the suggestion is ultimately that there was some doubt as to the validity of the results and the validity of Mr. Lukiwski and I being elected as members of Parliament.

Yet Elections Canada took a very neutral position in this regard. It appeared that Elections Canada's counsel was instructed in the court proceedings addressing this matter to take a very neutral position. I'd like to know why that was, when the integrity of the entire system had been impugned and called into question.

**The Chair:** The witness won't have time to answer.

**Mr. Dave Batters:** I understand.

I have two questions, Mr. Chair.

**The Chair:** Please state your question.

**Mr. Dave Batters:** I'll be very quick.

Why did it fall to myself and Mr. Lukiwski to defend ourselves against this frivolous challenge, at considerable time and expense? Mr. Milani, who was retained by Elections Canada, spoke in support of the current processes used by Elections Canada only after the NDP and Liberals withdrew their challenge.

**The Chair:** Mr. Kingsley, if you can answer what we've heard so far, maybe we could have another round, because frankly, there's not even time for an answer.

**Mr. Jean-Pierre Kingsley:** May I answer? Mr. Chairman, I remember the contestations very well. They were part of my failed holiday plans.

• (1205)

**Mr. Dave Batters:** Mine too.

**Mr. Jean-Pierre Kingsley:** When there is a contestation, the Chief Electoral Officer's job is to provide the court with all the information it wishes. The judge decided he would hear the case and asked that Elections Canada provide all the records relating to the election, not just those that were being contested by one or two parties. We did this with great celerity. I want to remind everyone that in the end, the two contestations were removed by the contestants themselves, who had not been able to find anything flawed in the electoral process.

Of course, when debating with the lawyer representing us on what position we should take, it became obvious we could go ahead and defend everything Elections Canada had done. We could defend requirements to produce documents, but I favoured the open approach—let the courts see everything, let the contestants see everything. In the end, the courts said the electoral process had been safeguarded, it had been thorough, and nothing had been missed.

I want to add one thing, which I stated to the advisory committee of political parties. If Elections Canada, in its review of files when there is a contestation, had found anything wrong, we would have provided that information to the courts and to the contestants.

**The Chair:** Thank you.

**Mr. Dave Batters:** Do you have me on the next round?

**The Chair:** Yes, we'll have you on again in the next round.

The next questioner, then, is Madam Picard.

[Translation]

**Ms. Pauline Picard (Drummond, BQ):** Good afternoon, Mr. Kingsley.

In a letter you sent to the former chair of the Standing Committee on Procedure and House Affairs, you said: The knowledge of returning officers is essential to the success of the quick implementation of the new riding boundaries. Our experience in the 1997 general election clearly showed that a turnover rate of 75% is almost impossible to manage, particularly in the limited implementation time proposed.

What was your turnover rate this time?

**Mr. Jean-Pierre Kingsley:** Fortunately, Mr. Chairman, it was reduced considerably. I believe it was approximately 30%.

**An hon. member:** Fifty per cent of the returning officers were new.

**Mr. Jean-Pierre Kingsley:** So the rate was about 50 per cent. It was lower than 75%. The situation has improved, but it is far from perfect. This turnover should be gradual and occur over time. It should not be linked to new electoral boundaries. The mandate of returning officers should be for a limited period of time. This should be spread over time, and with the assistance of nature as well, we might have a turnover between 10% and 15% a year, which would be good for the system.

Whether we are talking about new electoral boundaries, a new election or whatever, there would be no event that would mean I would have to train 50% of my troops from scratch, my front-line managers in the field, in the regions, where an election happens, with candidates and voters. A system with staggered expiry dates would be another improvement.

**Ms. Pauline Picard:** Quite a bit was said earlier about returning officers and I would like to hear more from you on that. The notes produced by our researchers say: The chief electoral officer particularly noted that it was difficult to provide service of a uniform quality across the country with the present system whereby returning officers are appointed by governor in council.

**Mr. Jean-Pierre Kingsley:** What I mean by that is that in one or two cases, returning officers did not treat voters with the regard I would have liked them to. As was said earlier, and it was mentioned by one of the members—I believe it was Mr. Guimond—the returning officer's function is to try to reach voters and make it easier for them to vote and not to tell them that staff is going for lunch and that they should come back an hour later. It is exasperating that these things still happen.

We need people who connect professionally. I speak to each group of returning officers when they come for training. I talk to each of these groups even if I have to make the same speech 10 times. I did it again this time. I try to make them understand that across the country, all are entitled to the same respect, whatever their status. I tell them that when the offices are open, they stay open and all must be welcome. I find that this is still not well understood.

There are problems not in 90% of cases, only in 5% or 10% of cases, but there shouldn't be any problems of this kind at all. In this regard, perfection is acceptable and even desirable.

• (1210)

**The Chair:** Thank you very much, Ms. Picard.

Mr. Hill.

[English]

**Mr. Jay Hill:** Thank you, Mr. Chairman.

Thank you, Mr. Kingsley and the others, for appearing today.

I have three quick points and questions. The first one is just a comment. I was really pleased to hear that you are going to solicit input from all MPs in regard to their own personal experiences in their ridings. I recognize you had to address all these issues fairly succinctly here this morning.

On the issue about the rural polls in Prince George—Peace River, especially that part down by McBride that was added to my riding, I can tell you that it was a disaster. I don't know who drew up the maps, but when you have people who have to drive all the way down one side of a river past polling stations and then back up the other side to vote, it doesn't encourage people to vote. It contributes to a declining voter turnout. So it's good that we're going to have that additional input.

I have a couple of other issues. I'll hit them both, because I'm afraid that if I don't, I won't get a chance to put my second question, at least not in this round.

The first issue is in reply to my colleague, Mr. Batters, in connection with Palliser and Regina—Lumsden—Lake Centre in Saskatchewan and those contestations. Do you feel analysis would support the approach of Elections Canada, in that how they dealt with those contestations would be consistent with how they dealt with other contestations in the past? That is one question.

The other question is to pick up on the line of questioning of Ms. Redman. It's one thing to say we all trust Canadians, but when you get enough anecdotal evidence, whether people are willing to sign their name to it or not, to suggest there is a problem with the security of voter ID cards that are sent out, I would think you, in wanting to protect the security and the accuracy of voting results, would want to ensure that we move towards greater identification at the polling station. If you go there with your voting card and you are not required to provide evidence that this card is for who you say you are, with all due respect—I think this is the point Ms. Redman was trying to make—it does leave itself open to abuse.

Thank you.

**Mr. Jean-Pierre Kingsley:** Mr. Chairman, with respect to the second point, on ID, the fact that I won't recommend it doesn't prevent this committee from recommending it and putting it in the text of law. I'm just saying what my position is. I consider it to be consistent with the trust we place in the electors that it has to fall on a fail-safe system to demonstrate that there was something wrong. That's my point of view, and it's based on my experience and my level of satisfaction with how Canadians are showing up at the polls. Obviously, I'm the Chief Electoral Officer, and I only make recommendations. If Parliament wishes to do it otherwise, then I will implement that quite readily.

With respect to the position of Elections Canada concerning the contestations in both Palliser and the other riding, whose name is so long I'll let the speaker pronounce it, the position of Elections Canada was to provide the information that the courts required. Then, if there had been any findings by anyone, we would have compared them to our own findings and put forth our positions. There was clearly a feeling that we had to let the contestants have their day in court.

●(1215)

**Mr. Jay Hill:** Is that consistent with how you've dealt with these in the past? That was my question.

**Mr. Jean-Pierre Kingsley:** I understand, and my answer was going to be that the last contestation was in 1988, and I became Chief Electoral Officer in 1990. I can only imagine that my predecessor would have allowed the courts to hear the matter.

By the way, that contestation was maintained, and there was a by-election, and that was the first by-election I ran when I took office in early 1990. It was Mr. Bevilacqua's. I don't know what transpired, other than to say the mistakes there were of an administrative kind: people being authorized to vote when they shouldn't, or people not being authorized to vote when they should have been. It was a returning officer who was not present during most of the job who was responsible for that. She was busy running for office as mayor in another town. I remember that as well.

**Some hon. members:** Oh, oh.

**The Chair:** The next question is from Mr. Reid.

**Mr. Scott Reid:** Thank you, Mr. Chair.

I'm going to stay within five minutes, but in order to do it I have to get everything out that I have to say before allowing Mr. Kingsley any commentary.

I wanted to start with a suggestion to you—it's something, Mr. Kingsley, that is within your powers. I'm left with the impression that the voter identification card could be improved so as to reduce the number of errors made by the local returning officers and their staffs when they affix labels to those cards. It seems to me a large number of errors occurred in my own constituency as a result of the way the card is designed. The label you affix is attached to the side that does not contain the voting address. It would be much easier to correct and catch errors if the label with your name were to be affixed to the same side as the proposed voting location. I think that would make a significant difference.

The second thing I wanted to do—I have three things—was ask for further information on table 14 of your report; that's on page 76. In there you indicate the adaptations you made to the act, as permitted under section 17 of the act, and you list a series of different examples.

In some cases, such as the adaptation under section 133, it's clear it only occurred in one place in one riding. With others, it's not so clear. There are several where I would like to know how many ridings were affected and how many voters were involved. These would be section 277, cancelling special ballots for electors who were directed to vote at a returning office in the wrong electoral district; sections 107(2), 159, 160, and 176, which are grouped together to allow the issuance of transfer certificates to voters who were advised to vote at the wrong polling station; section 169, to enable electors who were registered in the wrong polling division to register in the correct polling division for advance polling; and section 235 in division 4 of part 11, to allow an elector to vote in the returning office on polling day when a special ballot kit never reached the elector in question.

For each of these, I would like you, unless there's some reason in the statute why you can't, to report back on how many ridings were affected, how many voters were involved, which ridings were involved, and how many voters in each of those ridings. Because I believe in many cases these relate to the capacity of the returning officers to follow up and do their job, this would allow us to determine as a group where these problems exist.

The third point I had—and I'll just try to wrap it up, because I'm at two minutes and 49 seconds—concerns polling locations. Am I correct in understanding that you would like us to submit to you a list of where proposed polling locations would go? Would that relate as well to the creation of satellite offices for the riding?

I mention this because in my own case—and I'm sure I'm not unique—the returning officer chose to locate her office ten minutes from one edge of a riding that takes two hours to drive across. We then were faced with the odd situation—and there was dubious legality involved here—where, in order to assist in the enumeration of voters at the other end of the riding, she was faxing provisional lists of the voters to our campaign office for the agents to pick up there and distribute, because she had no office to get them to. We were in a very uncomfortable situation and drew this to her attention, but it didn't seem to discourage her from carrying on the practice.

**The Chair:** Thank you.

We have very little time for Mr. Kingsley, as you'll appreciate.

Mr. Kingsley.

**Mr. Jean-Pierre Kingsley:** With respect to the voter information cards, they're not ID cards but they're used by some people that way. It is a very good suggestion that you've made, and we will look into it and come back. It may help us solve something else: we might be able to do printing at an even lower cost. But we'll see how we can redesign that form. It won't cost more, it will cost less, and it's a good idea. Most good ideas usually cost less.

With respect to table 14, page 76, there's nothing in the statute that prevents me from giving you that information. I should have provided it in the report, and it's one part that fell out of the report when we were preparing it. I will provide it to this committee in both official languages, of course, provide you with all the information that you've required at the same time as I provide the information on the returning officers.

With respect to the polling locations, when I write to you asking you where the problems are, I'm not going to ask you at the same time to identify places where you think they should be. I will let you handle that with the returning officers. Where you have problems with location of satellite offices, I will refer to that as well, because I think that the returning officers have to be sensitive to where candidates—and in this case, the winning candidate—feel certain things should be done, because I know that your instinct is going to be to favour the electors, and that's what I want in terms of where these polls are located.

We will never satisfy 100% of Canadians on locations of polls, but we can do better than what we've done. It is the one single element on which I've received more letters from individual Canadians. I'm very sensitive to that. Part of the problem was exacerbated by the fact that we were into rural areas where before they used to go in a

particular place, and now the riding chopped that off and there were realignments and that made it difficult. Some returning officers had reasons for that, but I think we could still have done a better job, and I want to do a better job for the forthcoming general election. And you will be involved.

● (1220)

[Translation]

**The Chair:** Thank you very much, Mr. Kingsley.

Ms. Boivin now has the floor.

**Ms. Françoise Boivin:** I want to be clear. My concern with regard to the hiring system of returning officers is mainly that it is one thing to accuse people of incompetence, but it's a more sensitive issue to say that they might be tainted by the fact that these are political appointments.

That said, I know that the percentage of problem cases is quite low. However, everyone agrees that problems of incompetence should be addressed. I would like you to tell me how you believe you can address that kind of problem. I am a former labour relations lawyer and we always said that hiring was the key. If you hire good, competent people, there should normally be few problems along the way.

What steps do you intend to take to improve the level of satisfaction to 85% when it comes to our current returning officers?

I have another question. There's another point in your report that is of great interest to me and that is the decrease in turnout rate. That concerns me. Elections give people an opportunity to express themselves by voting. What do you believe is the percentage of non-voters who had problems getting on the registered voters list? During the campaign, I received many calls from people who had a hard time getting their name on the voters' list for all sorts of reasons. In Quebec for example, there are older ladies who still go by the name of their husband but who were registered under their maiden name. That led to all kinds of problems when the time came for them to vote.

So what do you believe is the percentage of people who were not allowed to vote because there were problems with registration?

**Mr. Jean-Pierre Kingsley:** Mr. Chair, I'll start with hiring. Firstly, we would set out competency criteria based on which we could establish who is able to do the job. What does the job entail and what kind of experience is required?

Secondly, we would hold a competition. People who feel able to do the job could apply.

Thirdly, an assessment committee would review the applications based on the level of skills and also on merit in order to find those who are most suited for the position. That's what we would do to improve the quality of returning officers.

When you speak of a satisfaction rate of 85%, however, that's your interpretation of what I said. In fact, I said that I would agree to keep 85% of returning officers. I have no doubt that we can enhance the quality but I would also count on time to do its work, on normal turnover.

Also let us not forget that we would face the same basic problem even if the chief electoral officer were to appoint returning officers. When we want to dismiss an employee, we can't. If the chief electoral officer had the authority to appoint returning officers, he would automatically by law have the right to relieve them of their duties, which would happen very quickly, believe me. Intolerable situations would not be tolerated for much more than three yours. I hope that my frustration is not too apparent.

●(1225)

**Ms. Françoise Boivin:** We also experience frustration.

**Mr. Jean-Pierre Kingsley:** As to the decrease in turnout, you mention the registration issue as well as the problem in Quebec. Quebec has the best voters' list in the country. We have exactly the same list federally because we use Quebec's list. In Quebec, more than 95% of voters are registered. But federally, you can register on the election day, which is not possible in Quebec. People don't have to be registered, as I said in the advertisement: "If you are still not registered, you can still register on the election day. Bring a piece of I.D., even without photo." I don't require photo I.D. despite what we said earlier.

So I would not say that this is a factor in the decrease in turnout. There might be other political reasons, but I must not get into that.

**The Chair:** Thank you, Mr. Kingsley.

Mr. Guimond, I believe you have other questions for our witness.

**Mr. Michel Guimond:** I will put to you my three questions in rapid succession, and you can then take the time you need to answer.

The turnout rate in the 2004 election was 60.9% and 64.15% in the 2000 election. That is disturbing. I am convinced that as the protector of democracy or of democratic expression, you are concerned. One of the reasons for such a low turnout might be the location of the polling stations.

First of all, are the reports sent to you after an election forwarded to the new returning officer when there's a change? You will remember that we had a problem with location. You were good enough to come with your assistant, Ms. Davidson, to see for yourself that the polling stations were inadequate. We also sent you a report. The boundaries of my riding were redrawn. The new returning officer wasn't aware of that. She received no report on the preceding election. When the returning officer decides to divide a fair size town along a north-south axis, it means that people who live 50 or 100 metres from the community centre where they always voted ever since they have the right to vote, whether in a federal, municipal, or a school board election, now have to go to the north end of town, five kilometres from where they live. The returning officer, on a whim, decided to split the riding along a north-south axis. People who live in the south end of town, next to the community centre, have to go to the north end of town, five kilometres away, to vote and people who live at the north end will have to go to the south end to vote.

That kind of thing disgusts people. When we call people to remind them to vote, they tell us that they won't vote because the voting station is now too far from their home and they believe that the incumbent member is somehow responsible. So we have to make

sure that the reports we produce end up at the hands of the people who should have them.

Also, we were told that it is impossible to make any change once the voting cards have been sent. But we noticed that the card that had been sent had no street name on it. The card simply said that the voter should go vote at station 118. There was no street name, only the name of the town. The person responsible was told that since other cards would be sent with the street name of the polling station on it, changes in the location of the polling station could be made then.

Secondly, if we change...

●(1230)

**The Chair:** Mr. Guimond, we would like to hear the answers.

**Mr. Michel Guimond:** If you can guarantee that I will have time to ask my other two questions, I don't mind letting him answer now.

**The Chair:** I can guarantee you all you want for your five minutes, but I cannot guarantee that the witness will have time to answer.

**Mr. Michel Guimond:** If returning officers are hired following an open and transparent process, will there be a transition period during which the enabling legislation will give you the authority to dismiss right away those whom you would feel are incompetent?

How will we make the transition from the old system to the new system? If you have assessed 25 or 30 returning officers, perhaps the enabling legislation, that we will amend, should give you the authority to dismiss immediately those who are unfit to act as returning officers and to appoint right away 25 or 30 new officers through the new process.

**The Chair:** I'm sorry but we are running out of time. Mr. Kingsley, would you please answer the questions that were put?

**Mr. Jean-Pierre Kingsley:** Concerning the last question, I believe that once the Chief Electoral Officer were given the authority to appoint returning officers, he would have the authority to dismiss immediately those who are found incompetent. I would find justification for interpreting the legislation that way, unless I were breaching it. Otherwise, I would interpret it that way. That is what I have clearly stated here.

As for some people telling you that the location of the polling station was a reason for not voting, I cannot butt heads with you on that issue. If that is what they said, that is what they said. I will endeavour to work with you and to get the returning officer to work with you and me to bring the situation back to what it should be, to accommodate voters throughout the country, in your riding as elsewhere.

As to the question on the polling station, the issue is the same. I therefore believe I have answered all the questions I have heard, at least I hope so.

**The Chair:** Mr. Kingsley, before I let another member speak, I would like to ask you a question myself.



In your previous answer, you stated that recommendations concerning the appointment of returning officers—according to recommendations by this committee—ought to be made by you. You have also said that this would necessarily mean that the Chief Electoral Officer would be entitled to relieve them of their duties. I would like us to discuss this issue further.

This is not necessarily the case in government at the present time. When the government appoints someone, they have to go through a very complex procedure to dismiss that person. There has to be a good reason, and so on and so forth. As a matter of fact, the Chief Electoral Officer himself is appointed in accordance with a government recommendation upon which the House votes. To remove someone from office, you have to have the consent of both legislative chambers. It is therefore not necessarily true that the procedure for appointment and the procedure for removal are always identical.

Our committee has to submit a recommendation. No later than last week, the minister reminded us in the House that he expected a recommendation from us on that issue. If I understand you correctly, your position is that the Chief Electoral Officer would not only be entitled to recommend candidates to the positions of returning officer, but would also have the authority to dismiss them from their job, which in my opinion is a quasi-judicial function, without any other mechanism. Do I have that right?

**Mr. Jean-Pierre Kingsley:** Well, the returning officer could avail himself or herself of all *post factum* appeal mechanisms. Let us not exaggerate. This is not something that would be done lightly. However, if I see a returning officer who refuses to serve his fellow citizens and who persists in doing so, as some are doing now, I will not hesitate for a moment. I will tell him he is dismissed, he is fired, and I will replace him with someone who has the ability to occupy this position and who wants to serve Canadians. It is appalling to see people occupying such a position and not wanting to truly serve voters as they ought to do. Morally, it is very difficult to accept.

I would have no difficulty to accept the removal of someone in such conditions. I would not dismiss someone who has forgotten to sign a form. That is not what we are talking about.

I know of a returning officer who has accepted nomination papers without checking a single name, because he did not want to be late for an appointment. He accepted nomination papers. In the case of all other candidates, all 100 signatures were checked. For that nomination, it only took him three seconds to check.

• (1235)

**The Chair:** I am not questioning the nature of your relationship with a returning officer. That was not my question. More specifically, I am asking you what would be your procedure for dismissal. It is not clear in my mind.

**Mr. Jean-Pierre Kingsley:** Benchmarks would be set. Let us remember one thing: these are not permanent staff. We are dealing with people who are appointed for a relatively short period. They now work over 36 days, because they are asked to do a few things before and after the holding of elections. Also, we make them work between elections. But they are not permanent staff. They are not even term employees. They do not have employee status at the present time, they are officers of the Crown.

**The Chair:** Yes, but they are appointed until dismissal, which can occur only according to very strict criteria, even for the government.

**Mr. Jean-Pierre Kingsley:** The criteria applied by government are the same as those it applies for the president of a crown corporation who earns \$350,000 a year. We are following the same procedure for a person earning \$18,000 every four years. We are applying the same criteria. I can tell you right away these would not be the criteria I would apply.

**The Chair:** Thank you.

Mr. Batters, it's your turn.

[English]

**Mr. Dave Batters:** Thank you very much, Mr. Chair.

I'll try to keep this somewhat succinct this time so you have a little more time to answer, Mr. Kingsley.

In follow-up to a subject near and dear to my heart, the electoral challenges, when your entire process of Elections Canada is called into question and challenged, I would argue that you must defend it, sir.

I hear you when you say you erred on the side of openness and making sure of the results. But what precedent does this set? What precedent has been set here with the two Saskatchewan ridings? If Elections Canada doesn't actively defend their processes at the outset of a challenge, I think that sets a very dangerous precedent. We need to ensure that judicial challenges have some legitimacy, and parties should have to offer some proof or evidence that at least one person voted incorrectly.

A close race alone, in my case 124 votes, should not be enough to grant a judicial review. I think that sets a very dangerous precedent. In our case, when all was said and done, no evidence was produced that one person voted incorrectly.

My question to you, sir, is what mechanisms can be put in place? What recommendations, perhaps, can be made so that this doesn't happen again? Perhaps the act should be tightened.

The standard that had to be met for the judicial review to proceed in both my case and Mr. Lukiwski's case was extremely low. I would argue that the standard needs to be a little higher for holiday plans to be disrupted and the entire matter to be called into question. It has to be more than simply someone says voters might have received erroneous voter cards and perhaps could have voted in the wrong riding and we don't like the results. There must be some standard that must be brought to bear here and some evidence provided of at least one person who voted incorrectly, and we didn't see that in this case.

**Mr. Jean-Pierre Kingsley:** I think that you have come up with a good test, which was not met in this case; that is to say, a judge would have to be satisfied that at least one person.... That never occurred at the start or at the end of the process. I would agree with you that perhaps the law should be tightened to at least have a clear indication that there is a probability that something was wrong. That is a matter that must be judged by a judge and not by Elections Canada, because when Elections Canada defends the electoral process it is in a conflictual position, and it is perceived to be that way by the Canadian electorate. Because we must not be perceived that way, we must follow the court edicts as they are pronounced. Perhaps the law could be tightened.

• (1240)

**Mr. Dave Batters:** Would you not agree, sir, that when the entire process is questioned it is incumbent upon you to defend your positions and the procedures you have in place right at the beginning? In this case Mr. Milani spoke and defended Elections Canada positions only after the NDP and the Liberals withdrew their challenges. In fact, voter cards were mailed and voters were registered based on physical addresses, not where they picked up their mail, which may have been in a neighbouring riding.

This sets a very dangerous precedent if you are not willing to defend the processes that you have in place. What is to stop anyone in the next general election, when it's a close race and they don't like the results, from coming forward and launching a similar challenge? What can we do to prevent this from happening again, sir?

**Mr. Jean-Pierre Kingsley:** We both went through this, and it was more arduous for you than for me. I remember very well the court was granting the contesting parties the opportunity to review the documentation and give them the opportunity to find anything at all wrong, not only their initial allegations. What I was waiting for was any indication at all that they found anything, and then I would have been in a position to put forth the position of Elections Canada. To do it earlier than that would have prevented those people from having their day in court.

**Hon. Judi Longfield:** Mr. Kingsley, I want to help you get rid of the incompetent and I want to help you get rid of incompetent ROs. I think there needs to be a procedure whereby we can do that. I think there should be established criteria for the qualifications for a returning officer.

I want to know if there is anything in the act that prohibits you from giving a performance review of returning officers, that lets you take the existing ones and indicate recommended, not recommended, or highly recommended. Is there anything in the act that prohibits that?

**Mr. Jean-Pierre Kingsley:** It's strictly my will.

**Hon. Judi Longfield:** All right, but you could do that?

**Mr. Jean-Pierre Kingsley:** Someone else who would be Chief Electoral Officer could do that.

**Hon. Judi Longfield:** All right. You're not shy in saying that you think the process is flawed, and you give reasons why you think the process is flawed, but at the same time you're not prepared to say that these are highly recommended individuals, these are recommended or not recommended. Is that my interpretation?

**Mr. Jean-Pierre Kingsley:** I've never been asked, but I would not accept to be part of a process where I don't have the final authority on the decision as the person in charge of elections. Somebody else in charge of elections might agree to do that, but not while I'm there.

**Hon. Judi Longfield:** All right.

So you're going to provide us with the numbers and the articulation of those who were problematic and keep track of that. Could you also at the same time indicate how many of those are returning ROs, who had been returning officers for more than just this electoral period, and how many of those were new? Could you also indicate if this was a reoccurrence? Could you indicate, if you have this information, whether for the ones who were problematic, who had conflicts, there was some documentation or some notation that in prior elections there'd been similar problems?

**Mr. Jean-Pierre Kingsley:** We'll see if we can gather that. If we do, we'll provide it to the committee.

**Hon. Judi Longfield:** The other thing is a suggestion. You're going to send a letter to MPs indicating please tell us where you think there were problems. Could you make it easier, and perhaps not only easier for the member, but also for doing it, and provide maybe an initial set of questions—were you happy with this, and if not, articulate—and perhaps focus it in on areas so that instead of getting a 25-page dissertation on this, you might actually have something that's easily categorized that could focus in?

Might I also suggest that it's not just the sitting members of Parliament with whom you might want to do it, but every candidate. Because in my particular case.... There's a tendency if you're successful to say it was flawed, but it's not all that bad. But if you're a defeated candidate, you may say it was flawed, and it wasn't all that bad, but there may be other areas. I think if you're going to get a true picture of where there might be problems that you should at least give everybody who was a candidate in the last election the opportunity to provide some input. That's just my....

**The Chair:** Mr. Kingsley, briefly.

• (1245)

**Mr. Jean-Pierre Kingsley:** Certainly I'll take under advisement the suggestion that we go after the candidates who were not elected. But I can tell you, just getting them to file their statements to get reimbursements is like pulling teeth from hens.

With respect to your suggestion about some kind of a framework for the letter, obviously we would want to do that. And then if you want a blurb about anything else, just go ahead, but that's going to be it. So an MP may wish to broach other topics than what is covered in there, and I would consider that a fundamental right. But we'll structure it in such a way that it does dwell on the two areas I was talking about in my presentation earlier.

**The Chair:** Mr. Julian, your turn, and then I guess that will be it for today, unless colleagues tell me they would like to have another session, because you do know that at the end we need a few minutes for motions that we talked about in the beginning.

Mr. Julian.

[Translation]

**Mr. Peter Julian (Burnaby—New Westminster):** Mr. Kingsley, thank you for being here today. I was there during the period after the elections in 1997. You are always very accessible after elections if we need to know how to improve our electoral process. I thank you for that.

I have two questions relating to finance. My first one deals with the possibility for an official agent to give out income tax receipts. These official agents are responsible as soon as they start incurring expenditures and as soon as they start receiving contributions.

However, because of Revenue Canada, there is a delay between the period when they are responsible and the time when they are able to supply income tax receipts. I would like to know your position on that issue.

[English]

The second question is in regard to audit fees, because they haven't changed in many years. As we know, audit bills are growing, which means, in effect, Elections Canada is paying part of the audit bill. Many candidates across the country are receiving bills from the auditor that are considerably higher. We're starting to get into a situation where candidates from many small parties or candidates who are in smaller areas are actually paying more because their auditing bills may be higher, given the complexity of all volunteer campaigns.

I have a brief comment in terms of the whole question of procedures following an election, the right to judicial review or appeals to Elections Canada. I felt Elections Canada proceeded in the appropriate way. There will always be close elections. It's always necessary to have the appropriate follow-up and the appropriate procedures for candidates across the country. Candidates who may feel it was inappropriate in one election, because they win, may want to have recourse to the exact same procedure following that election if they lose, when there are close elections. It's not up to Elections Canada to have to defend that; they're procedures that need to be followed. Following that, Elections Canada can, of course, respond.

That's my comment. Thank you.

**Mr. Jean-Pierre Kingsley:** Thank you very much for the comment.

Mr. Chairman, I would request that Madam Vézina, who is well known to Mr. Julian and to this committee, answer the first two questions.

**Ms. Janice Vézina (Senior Director, Election Financing and Corporate Services, Office of the Chief Electoral Officer):** I think what your questions are really referring to would obviously be subject to recommendations or legislative change. We've heard from many candidates and official agencies on the problems they have with the gap between the time the candidate is active in the riding and the writs are issued and the time they're presenting their nomination papers and being confirmed, at which point they can now issue the official tax receipts.

It's something we've heard a lot about, and it's something we would discuss internally in terms of making recommendations.

Again, that aspect is under the Income Tax Act, so it would be the Income Tax Act that would need amendment to change that issue.

Secondly, in terms of the audit fees, if I recall, Bill C-2 came into force September 1, 2000, and increased the audit fees from a maximum of \$750 to \$1,500. Again, as you mentioned, the fees are not keeping pace. They're not indexed with inflation, and after a number of years they do fall behind. Again, it would be something that requires legislative change.

**The Chair:** Mr. Guimond had an information-seeking question, perhaps on behalf of all of us.

• (1250)

[Translation]

**Mr. Michel Guimond:** On Thursday, the election will have been held exactly four months ago. You have already said that the local returning officer budget was of no great importance and that you couldn't put a price on democracy. I want to remind you that you had said that and that I had answered that this was music to my ears. I would like to know if it is normal and acceptable that four months later there are still deputy returning officers who worked on June 28 and who have not been paid. Someone who worked for the returning officer and who was not fully paid was told by that returning officer that she was over budget, that she had no more money and that she was waiting for news from Ottawa. These people are calling us, as elected members. What do we tell them?

**Mr. Jean-Pierre Kingsley:** First, before we pay someone, we have to have a confirmation by the returning officer that this person did perform the required tasks. If they write us directly, we answer them. All those for whom we received the appropriate documentation were paid in 10 days or less and half of them were paid through a computerized transfer into their bank account.

Now for someone to say that he or she no longer has any money left in the budget, we have never... We approve increases for returning officers' budget during the election. I will have to look at that to know the specific circumstances. How can there be insufficient funds in the budget at the end of the election? During the election campaign, returning officers call us. When we establish a budget, we have their consent. If they have to go over budget, we ask them to check with us. It usually takes a couple of hours for us to approve the overrun. We simply want to ensure their request is well founded, in other words that it won't be money thrown out of the window. That is why we want to have some control. However, we do not refuse requests from these people. There were only a few cases of abuse where we found reason to refuse an increase.

**The Chair:** Therefore, Mr. Kingsley, you will check on this matter.

**Mr. Jean-Pierre Kingsley:** We can look at the specifics with Mr. [Editor's Note: Inaudible].

**The Chair:** Fine, then.

Now, members of the committee, what shall we do? Would you like to have another similar session? Are we all done? We have a lot of work ahead of us. What is your wish?

[English]

**Mr. Jay Hill:** I would seek support from the committee to have Mr. Kingsley back as soon as Thursday, because there are many more questions, I think, to put to him.

**The Chair:** Mr. Hill, to assist the committee, wouldn't it be better if we waited just a little while to have some of the answers that Mr. Kingsley will write to us? Having a meeting this Thursday would effectively give only 48 hours to do that. Wouldn't it be better to do so in a week, or something like that?

**Mr. Scott Reid:** Let me ask Mr. Kingsley if he can get all the information we've asked for back to us and how long it would take him.

**The Chair:** Mr. Kingsley, how long would it take you to get some of the information sought today, roughly?

**Mr. Jean-Pierre Kingsley:** Well, Mr. Chairman, usually when I answer I do not provide myself enough time, which is what they always tell me as soon as I step out of here.

**Some hon. members:** Oh, oh!

**Mr. Jean-Pierre Kingsley:** So I'm going to say a couple of weeks at the most. I want to make sure we provide complete documentation. We were asked to go back into the files, and did this returning officer do this and did he do that. So it will take a certain amount of time; it wouldn't be done by Thursday.

**The Chair:** All right.

Would it be the wish of members to have this possibly the first Tuesday after the week of the break? Is that reasonable?

**Mr. Scott Reid:** What day of the month is that?

**The Chair:** It's something like the 20th. Is that okay?

Tentatively, then, our clerk, together with the Chief Electoral Officer, will see if that date is suitable, but it will be something around then, providing it's—

**Mr. Jean-Pierre Kingsley:** Tentatively, what date is it, Mr. Chairman? I did not hear.

**The Chair:** The Tuesday after the week of the break, whatever it is. Around the 20th or so.

Okay, now we have a series of motions.

First of all, I should thank our guests this morning for making themselves available for discussing their report. Sometimes a couple of weeks of break gives MPs an opportunity to discover more things that they hopelessly wanted to ask but completely forgot.

**Mr. Scott Reid:** Just for Mr. Kingsley's benefit, it would be Tuesday the 16th.

**The Chair:** Tuesday the 16th.

• (1255)

**Mr. Jay Hill:** It would be very helpful to us if the clerk could circulate the items beforehand, so we'd get a chance to think what questions to ask.

**The Chair:** Yes, as soon as we get the information, our clerk, as usual, will do an excellent job in circulating the information.

Monsieur Kingsley, we thank you.

I ask colleagues not to leave. We have a few routine motions, and we ask you if you would be willing to consider them. As you know, at the last meeting, we were going to readopt the main estimates. We already did that in the previous Parliament, but they lapsed, so it's simply the motions to readopt without any change exactly what we did last time.

If I may, colleagues, are you willing to do this at the present time?

**Mr. Jay Hill:** I have a point of order. With all due respect, I wasn't at the last meeting.

I have just been consulting quickly with my colleagues, and we don't even know exactly what it was that you were asking an agreement on, Mr. Chairman.

**The Chair:** If the committee remembers, two meetings ago we had discussed that at the last meeting we would adopt the estimates. They are the same estimates; they were adopted in the previous Parliament. However, at the last meeting some people said they didn't hear that at the previous meeting, so I said okay, we'll put them aside and bring them back this meeting.

Again, we're not adopting new estimates; the estimates are the ones that were adopted before, but lapsed as a result of the election. Of course, it's our duty to report our estimates to Parliament, so today I'm bringing back to the committee what we brought last week, and of course the week before as well.

To repeat, the committee had already approved this in the previous Parliament, so there is nothing new.

**Mr. Jay Hill:** Yes, well, the previous Parliament doesn't include some of the members who are sitting in this Parliament.

**The Chair:** That's what was said, as a matter of fact, two meetings ago, and then again last week. So that's why I'm bringing it up again.

If you're not willing to adopt them today, that's okay.

**Mr. Jay Hill:** What's the timeline we're faced with for having to have the estimates reported back to the House? Maybe that would help us.

**The Chair:** It's November 30.

**Mr. Jay Hill:** We've got a lot of time. Let's wait, then.

**The Chair:** Okay. Bring it to the next meeting? All right.

For the benefit of members, one thing that wasn't raised with the Chief Electoral Officer this morning, and you might want to remind all your colleagues, is that I understand that any MP who hasn't filed the documentation by Thursday loses the right to sit in the House of Commons. So if any one of you hasn't done it, please remember to do it, and please alert your colleagues in your caucuses and so on. I'm not doing this in any official way, but we received a letter from the Chief Electoral Officer, each one of us, informing us of this, so I thought it would be neglectful on my part, as chair of the procedures committee, not to inform colleagues of such an important procedural issue. This is your report, duly signed by your auditor. It has to be filed by Thursday of this week.

We actually have the wording, or we had it a while ago. The Speaker had it with him and brought it to my attention, so I remind you of that. We wouldn't want to have a colleague temporarily not being able to vote.

There's also another report that's with you. This is the private members' business issue. I'll leave it again with you and see when we're willing to deal with this. The information is with us. Consult

your colleagues. You all have caucuses this week; you might want to consult them at the same time as you discuss the estimates, and we'll bring it at a future date.

Monsieur LeBlanc.

**Hon. Dominic LeBlanc (Beauséjour, Lib.):** With respect to the private members' business and the extension of the provisional standing orders, it was Mr. Godin, on behalf of the NDP, who appeared to have some concern about it. I was going to suggest—but we're not going to pass it now—that we wait until Mr. Godin is here or if Mr. Julian can speak for the NDP. They had more concerns about this than the rest of us, so maybe we could talk to Mr. Godin.

**The Chair:** That's correct. This is only circulated for information purposes. Again, this is not the first time but rather the third time that I circulate this document, as well as the third time for the previous one. I remind colleagues of this.

We thank everyone for their attendance today.

It being one o'clock, the committee is adjourned.

---





**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliamentary Internet Parlementaire at the following address:  
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**