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Chair

Mr. Gary Goodyear

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• (1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): I think we'll start the meeting now. We have our quorum. I would like to advise members that this meeting is in public. As well, I would like to introduce once again Mr. Jean-Pierre Kingsley, Chief Electoral Officer.

Thank you very much, Mr. Kingsley, for coming today, and especially on such short notice.

Mr. Raymond Landry, commissioner of elections, is also with us today.

Thank you so much for coming on such short notice.

If you would like to take a moment to introduce to the committee your colleagues who are with you today, then let's do that right now, if we could. Mr. Kingsley.

Mr. Yvon Godin (Acadie—Bathurst, NDP): I have a point of order.

The Chair: Yes.

[Translation]

Mr. Yvon Godin: Apparently the committee is supposed to be meeting this evening. I do not remember that we decided to do that. I would like a discussion about it before the end of the meeting.

[English]

The Chair: If we can leave that to the end of the meeting, Mr. Godin, I'd be more than happy to discuss it. We have such tight constraints. That's why we called the meeting. If we can get through today, I'll be more than happy to discuss that. Thank you.

Mr. Kingsley.

Mr. Jean-Pierre Kingsley (Chief Electoral Officer, Office of the Chief Electoral Officer): Good morning, sir. Good morning, ladies and gentlemen of the committee.

You've already introduced Mr. Landry. His curriculum vitae should be available to you. In light of the fact that it's his first appearance and in light of the importance of the duties he performs, I thought you should be apprised of his curriculum vitae. Perhaps it could be circulated, if it hasn't already been done so.

[Translation]

With me as well is Ms. Diane Davidson, the Deputy Chief Electoral Officer and Chief Legal Counsel, and Mr. René Molnar, the Senior Director of Electoral Operations.

We are at your disposal, Mr. Chairman.

[English]

The Chair: Is there anyone else to be introduced? We're all good. Thank you very much.

I also would like to thank the committee for coming on such short notice, as well. We'll talk about the events tonight.

As a very brief summary of what we've been doing so far, the committee has been reviewing the Canada Elections Act. For the most part, we've been focusing on the summary and reports by the Chief Electoral Officer, but we've also had parties who represent themselves, both here at committee as well as in writing. The committee has reviewed a number of different documents. We've gone through all these documents, and some of them are very clear and easy and we've made decisions on them—yes or no, for example.

Ultimately what we're here to do today is this. There are a number of outstanding issues the committee felt we needed to invite you back for and get clarification on. The committee is under extreme time constraints because what we want to do, before the end of this session, is to put a report to the House.

Without further ado, in front of us all, we have a list of questions arising from our meetings, if everybody can refer to that. It's from Jamie here. Has everybody got that in front of them? It begins with recommendation 1.3, "Expansion of the Statutory Budgetary Authorization". I'm going to assume everybody has that in front of them.

We will open for questioning, the standard rounds, eight minutes first. Although we're pretty specific on our questions, obviously Mr. Kingsley knows exactly what we're going to go to. But I will allow the Liberal opposition to begin questioning.

Monsieur Proulx, are you comfortable going?

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I thought we were going to be discussing our B list.

The Chair: In fact, that's what we are starting with. We've just reorganized them so they're in a good order.

Mr. Marcel Proulx: Recommendation 1.3.

The Chair: Recommendation 1.3, chapter 1. It isn't something we have discussed before.

Mr. Marcel Proulx: We haven't discussed this on our list.

The Chair: Okay. Would you prefer to move on to recommendation 1.10, which the committee has discussed?

Mr. Marcel Proulx: What is it in regard to?

The Chair: Recommendation 1.10, "Greater Flexibility in the Establishment of Advance Polling Stations".

Mr. Marcel Proulx: At the last meeting we had on June 6, we were looking at different points from that as far as our B list was concerned. We looked at recommendation 2.1 and then we jumped to other points.

The Chair: Recommendations 2.6, 2.7, 2.8, 2.12. Okay, ultimately we're going to go through them all, so please start wherever you're comfortable.

Mr. Marcel Proulx: Mr. Simard is back with us.

Hon. Raymond Simard (Saint Boniface, Lib.): Thank you very much, Mr. Chair.

Thank you very much, Mr. Kingsley, for being here this morning.

I'm not going to stick to the list here. I've got some issues I'd like to bring up, and we were told we would be able to discuss anything related to the Elections Act.

One of the things that have been happening lately is that I've had three elections in three and a half years, because I was first elected in a by-election. It might be four elections in five years if things hold true. I'm starting to have a lot of experience in elections.

One of the issues is how onerous the work is for our official agents and some of the people who are doing work for us. They're all volunteers, and it seems that there are more and more rules for them. It is getting so onerous that people are saying they don't want to do it anymore.

I'm wondering if there's a way to simplify that. One of the issues, for instance, that our office is dealing with right now has to do with people who want to contribute to our campaign. We use our association's Visa account; we set it up through our association. This has been done over my last three elections and for my predecessor, Mr. Duhamel, in his last two or three elections. It has been audited and has been seen as proper. We collect through our association, and then the association just gives a cheque to the campaign. Now we're told this is not proper.

This kind of thing is really upsetting the people who are working for us. Is there a way to simplify the work all these volunteers have to do? They are volunteers, and it is an amazing amount of work.

• (1110)

Mr. Jean-Pierre Kingsley: Mr. Chairman, in order to achieve this, we would have to review the statute with you, because we've installed the simplest system we can in light of the statutory requirements you or your predecessors have passed into law about what is required and what is not required. We could provide you with recommendations, if we can think of any, whereby this could perhaps be simplified a little further in terms of the legislative text.

I also want to mention that before we even established the forms for this, we consulted with a number of local riding associations and with the advisory committee of political parties. Then we came out with the forms. The forms still must meet the test of fulfilling the requirements of the statute; if you wish, we could take it under

advisement and come back to you with recommendations on how perhaps it could be simplified even further.

Hon. Raymond Simard: Thank you.

Another experience I had in my riding—and I'm probably the only one in Canada who had this—was that a school division decided at the last minute not to use their schools for the election. It was a last-minute thing, probably a few weeks before the election, and we had to find new locations right across the riding. That was very detrimental, because most people had voted there over the past three or four or five elections. It was a real disaster.

One of the reasons the school board indicated was that there was a security issue. Mr. Kingsley, does the Government of Canada—or do you, through your position—have authority over school divisions in insisting that they use their facilities for polling stations?

Mr. Jean-Pierre Kingsley: There is no statutory authority for the Chief Electoral Officer to prevail upon school boards or schools. We do offer carrots, in the sense that we pay good Canadian money for rental.

We also try to address their concerns, which are really related to the security of the children in their charge, by hiring additional security guards to control traffic whenever they indicate any kind of requirement to us in that respect.

What occurred in your riding happened not only in your riding. We are experiencing it in very significant terms. I had to strike special deals with the school board of the City of Montreal, for example. They were very cooperative, but there is now an initial reluctance on the part of schools to make the schools available.

What we're trying to emphasize is that we will reach out to them. We will pay them for that; we will provide additional security at Elections Canada's charge and continue to hope it works.

If it continues to happen in large numbers, I think we'll have to either try to find other places or try to prevail upon the schools; however, to do so legally—federally—is going to be very difficult, because these are not federal institutions.

Hon. Raymond Simard: My returning officer in my riding was actually very innovative. One of the things he did—and I hope it's legal, because it was very useful—was that every couple of hours or at certain intervals, he posted the list of people who had voted. I think everybody here agrees—because we did discuss it in committee here—that this would be very important progress in terms of doing things. Instead of having 20 or 30 people at each polling booth, you could have it posted; then the people come in and take the list off this slate.

I'm just wondering, first of all, if that is legal. It was done in two ridings in Manitoba. It was very successful. Is it something you would encourage in the future as common practice?

Mr. Jean-Pierre Kingsley: It was just whispered in my ear that it may not be illegal, because it is not in the act. It may also not be legal, but certainly I will be very sympathetic in terms of looking at this and coming back to the committee, because it would be helpful. I know there is an issue about people coming in and going out, and disrupting proceedings, or else having someone who's permanently there representing you as a candidate.

I could see that this could simplify matters tremendously. So I will look at that and come back to tell you if it is legal or not, in definite terms. If it is legal, then we'll see what we can do for the next election, no matter when it takes place.

•(1115)

Hon. Raymond Simard: If it's not legal, maybe we should make it legal for the next election, because it is practical progress in how we do things—

Mr. Jean-Pierre Kingsley: But my understanding is that the purpose of the committee is to have a bill in place in time for the next election. That's the basis on which I would be working at this, as well as on any other recommendation coming from this committee.

Hon. Raymond Simard: Maybe this is a last question.

I would certainly encourage more mobile polling and split polls. We did that in our riding again this year, and it was extremely successful. With a winter election, seniors were saying yes, we want to vote, but we're not going to leave our apartments to vote. In my first election three years ago, many of the polling stations were in seniors' complexes. For some reason in the second election, they were often moved out to be located in schools.

So I'm wondering, when you instruct your returning officers in the different ridings, do you encourage them to have polling stations in seniors' complexes?

Mr. Jean-Pierre Kingsley: You're raising an issue that's one of the points for clarification here, which in effect is loosening the grounds whereby mobile polls can be established. Right now, it has to be something that's related to the health of the people who are there, and effectively we're saying a simple residence should be, if I remember correctly from my comments or recommendations.... It would be very helpful for the process, which is a clear indication I favour the establishment of mobile polls, and we instruct returning officers to have them to the fullest extent possible.

This is not hard to achieve now that we've gotten experience since 1993. It's not hard to organize now. It turns out to be slightly more expensive, but I don't think it's a question of money. I've certainly never said not to establish them because of money. I've said to establish as many as you can, but within the existing guidelines.

I'm recommending to you that the guidelines be broadened so that the grounds for limiting that application can be removed from the statute.

Thank you, Mr. Chair.

The Chair: Thank you.

I'm going to ask for clarification on one point, Mr. Kingsley, expanding on Mr. Simard's issue with the schools.

When a school agrees to have a poll at their school, then cancels at the last minute, are there any obligations to prevent that from happening? I mean, if they agree to it one month, why would they not agree to it the next month?

Mr. Jean-Pierre Kingsley: It's very hard to answer that question in the sense that you can say, you have a legal contract to fulfill with me. But if they decided not to, what is the Chief Electoral Officer's recourse, except moral suasion? Do you take a school board to court

for a matter like this? Do you seek an injunction because they're deciding one week ahead of the polls? You have to apply reasonableness here.

What we try to do is accommodate their concerns. If it's something that happened from the time that they agreed to the time they're seeing that they should disagree, what happened in between? That's what we try to address. I think in the main we've been successful.

But I don't want to understate the looming problem I see with school boards. I think we're going to have to reach out even more to make sure there's a keen appreciation of the importance of the schools as public institutions, for which people pay with their taxes. They belong to the community.

The Chair: I don't want to take time.

Pauline, would you like to speak?

Thank you.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Good morning and welcome to the committee once again.

I understand, Mr. Kingsley, that you are not in favour of adding the year of birth to the electoral lists, as is done in Quebec. I would like to know why that is.

Mr. Jean-Pierre Kingsley: Are you referring to the birth date?

Ms. Pauline Picard: Yes.

Mr. Jean-Pierre Kingsley: In my report, there was a recommendation that deputy returning officers and poll clerks, the people who run elections, have this information. It would help them identify people quickly in some cases, for example when a 70-year-old comes in to vote and claims to be 30 years old.

However, distributing general lists with personal information on them, including the birth date, seem to present a problem in our view. I continue to believe that that would be the case. However, it might be advisable to check with Ms. Stoddart, the Privacy Commissioner. She should appear before the committee.

If she agrees with this idea and does not think it would be a violation of the legislation, I would be able to take the necessary steps quite quickly.

•(1120)

Ms. Pauline Picard: Why have you never discussed this with your provincial counterparts? In Quebec, the birth date is helpful and using it does not present any difficulties.

Mr. Jean-Pierre Kingsley: This is a matter that we perceive as being a requirement under the federal act. In this regard, it is important that I clarify one matter.

In 1993, when the act was amended, there was a great deal of concern about protecting people's privacy. In fact, that is still the case today. The issue we are discussing here is perceived as involving personal information.

Personally, I think it might be possible to share this information, provided it is made perfectly clear that any disclosure of this information to an unauthorized source would be a serious violation of the act.

Ms. Pauline Picard: We know that it is increasingly difficult to update the electoral list. It contains many errors, people move, and so on. I think 1993 was the last year in which an enumeration was carried out. People think that having enumerators go door to door is the best way of registering voters and getting them on the list. This is the method that apparently causes the fewest problems.

Would you be in favour of using the existing national registry to do an enumeration and thereby fully update the electoral list?

Mr. Jean-Pierre Kingsley: I would have no major objection to that. I think we need to consider a procedure other than an election as a means of periodically checking the list. We must remember that the federal list benefits greatly from the Quebec list. To some extent, the Quebec list is our main source of information. In any case, I think it is important to try to establish a verification system.

Since you mentioned door-to-door enumeration, I will take this opportunity to talk to you about the visits to 1,400,000 households by two revising agents during the last election campaign. They went to places where people had moved such as student residences, nursing homes, and so on. After knocking twice at 1,400,000 doors, they did not even get 300,000 names. That is the type of response we get to this type of operation these days. It would definitely be possible to check the list by means of mailouts or by matching data with an agency such as Statistics Canada, which is already working in this area. These possibilities should be explored further.

However, I cannot guarantee that all of this will be ready in time to amend the act in the fall. Nevertheless, we would like to study these issues with you.

Ms. Pauline Picard: The information you have comes from income tax returns. You also have agreements with the other provinces with respect to other information.

Mr. Jean-Pierre Kingsley: Of the major sources of information by which the list is updated regularly, meaning once a month, once every three months or every six months, income tax is number one. We no longer add to the list: there are updates and address changes. There is a problem on the income tax side. We refer to this elsewhere.

As for drivers' licences, we have agreements with most of the provinces, but not with Quebec. In fact, in this case, the Chief Electoral Officer provides information directly to the list. He gets this information from similar sources. Finally, the civil registry is used to purge the names of deceased individuals from the list.

There are other agreements. For example, Citizenship and Immigration Canada provides us with the list of new citizens. Over 90 per cent of them agree to have their name added to the voters' list. It's possible to do so once people become Canadian citizens, but not before.

In short, these are the main sources of information used to periodically update the voters' list.

• (1125)

Ms. Pauline Picard: All right. Thank you.

[*English*]

The Chair: Monsieur Guimond, you have one and a half minutes, so go.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): My question is for Mr. Landry.

It appears that most of the comments or complaints that you receive get pretty much the same answer. I don't want to insult you, but you're somewhat like the Tower of Pisa: you always lean to the same side. Every request for an investigation gets the same answer: everything is fine, everything is in compliance with the legislation. I would like your comments on this.

I would also like you to tell us, without giving us any names, about complaints that you dealt with in 2004 and the way in which they were resolved. Were they statutory offences or, once again, "was everything fine?"

Mr. Raymond Landry (Commissioner, Elections Canada): Mr. Chair, I want to start by answering the second question, on my office's activities in 2004.

We received 1,699 complaints during the course of the last election, and we continue to receive more. These are complaints by candidates, political parties, political party representatives or voters. However, most of the complaints, about 75 per cent, were made by Elections Canada.

Of that number, 143 complaints, about 8 per cent, did not involve violations of the Canada Elections Act. It could have been an allegation about the violation of legislation other than the Canada Elections Act, for example the legislation regulating the CRTC, the Income Tax Act and so forth. So, 8 per cent of complaints were resolved on that basis.

Of the 952 complaints from the Election Financing Directorate of Elections Canada, 291 detailed a breach of the legislation on the opening of a bank account by an official agent. The legislation clearly stipulates that the official agent's name must be clearly indicated and followed by the words "official agent". The Election Financing Directorate looks at these files and sends them to us immediately following a technical breach. So, there were 291 files that, for the most part, in the absence of any other alleged violations, were rapidly closed, given the inconsequential nature of the complaint and the offence.

In addition, 196 of those files involved allegations that the wrong person had issued receipts in the rush of an election. For example, another person issued receipts in order to help the official agent.

Of those 952 complaints, 335 stated that candidates' financial records contained incorrect information.

[*English*]

The Chair: Excuse me, sir, could we speed it up? If there's a report, perhaps you could just hand it out. I think the question was how many complaints you have received and how many are successfully prosecuted.

[Translation]

Mr. Michel Guimond: We can ask Mr. Landry, who is obviously reading a chart, to table it with the clerk.

The Chair: Exactly.

Mr. Michel Guimond: I would like a more general, overall figure. Please do not give me more details because you are losing me.

• (1130)

[English]

The Chair: We'll come around in round two. I'm terribly sorry, but we've gone way over on that round.

I'd like to go to Mr. Godin.

[Translation]

Mr. Yvon Godin: Thank you, Mr. Chairman, welcome to you all.

My question probably ties into the one my colleague, Mr. Guimond, asked. When the commissioner, or Elections Canada carried out investigations, was anyone found guilty of committing an offence, and if so, was a lawsuit launched?

Mr. Raymond Landry: Our statistics do not name those who were or are under investigation.

Mr. Yvon Godin: I am not asking for names. I simply want to know if any candidates or political parties were sued.

Mr. Raymond Landry: There have been lawsuits in the past. Issues have been brought before the courts.

Mr. Yvon Godin: Possibly 50 years ago.

Mr. Raymond Landry: Since 1992, when I took up my post.

Mr. Yvon Godin: Have there been cases during the last four years, since 2000?

Mr. Raymond Landry: I cannot answer that specifically; however, I can make sure you receive that information.

Mr. Yvon Godin: You can commit to giving us that information?

M. Raymond Landry: Most certainly.

Mr. Yvon Godin: Mr. Kingsley, my question is on transfer certificates and accessibility. From what I have been told, a person must go to a polling station 48 hours ahead of time or ask for a transfer certificate. In your report, you recommend that the transfer be done the very same day. I would like to know who authorizes the transfer. Each polling station?

Take, for example, somebody who shows up at a church where a polling station is set up. The station is located in the church basement and there is no elevator. If the person is in a wheelchair, he or she cannot go downstairs. The person is not expecting somebody to take him or her in their arms and carry them downstairs. The person, therefore, can ask for a transfer to a different polling station. Who do you recommend do the transfer and what should be the time limit?

If the station closes at 8 p.m., and if the person arrives at 7:50 p.m. asking for a transfer, the person will not have enough time to go to a different station even if one is issued.

I would like some clarifications on those points.

Mr. Jean-Pierre Kingsley: The rationale behind our recommendation is that the 48-hour advance notice to receive a transfer certificate discriminates against persons with disabilities. Anyone else wanting to obtain a transfer certificate, such as election workers or others, can receive one on the spot from the deputy returning officer, who is authorized to recognize someone as an election worker. However, when a disabled person arrives at another polling station and says that her original polling station is inaccessible to disabled persons, he or she is told that they should have asked for a transfer 48 hours before.

We are trying to eliminate this type of discrimination against the disabled in the legislation so that all those entitled to a transfer certificate are subject to the same conditions.

Mr. Yvon Godin: Mr. Chairman, when we talk about the deputy returning officer, who are we talking about exactly?

Mr. Jean-Pierre Kingsley: The deputy returning officer is the person in charge of the polling station.

Mr. Yvon Godin: The polling station for the entire region or only...

Mr. Jean-Pierre Kingsley: No, for the 350 voters assigned to vote at one polling station, in one polling division.

Mr. Yvon Godin: For one polling division. Sitting at the table?

Mr. Jean-Pierre Kingsley: Yes, at the table. This is the person who is authorized to issue the certificate.

I would like to answer your question about the person who shows up at the inaccessible polling station at 7:50 p.m. In such a situation, the returning officers and clerks take out the ballot box and allow the person to vote then and there, so that he or she does not lose his or her right to vote. If the person is already registered at the polling station, there isn't a problem.

• (1135)

Mr. Yvon Godin: I remember having helped — I didn't have to, but I did — a disabled person who was unable to climb down stairs. The returning officers refused to take out the ballot box. They alleged that it was against the rules to remove it from the building and allow a person to vote from outside.

Has that rule been clarified, or do new instructions have to be given?

Mr. Jean-Pierre Kingsley: I believe that the rules should be clearer and more uniform across the country, even more so because we are talking about disabled persons, and only 0.2 per cent of polling stations across the country are currently inaccessible to disabled persons. It is quite remarkable, because this has been the situation only since 1993. We have been able to identify which polling stations are inaccessible. As you know, we are drawing up an inventory.

Only 0.2 per cent of polling stations are problematic. However, this 0.2 per cent matters when you are a disabled person. We could clarify the rules contained in legislation to make sure that a person can be accommodated at his polling station, or that he may be accommodated at another polling station because he knows that the original one is inaccessible.

Mr. Yvon Godin: I know that there are issues surrounding pieces of identification. Some people would like ID to be required, others not. Not everyone has a photo ID. We would like to know your opinion on that.

Mr. Jean-Pierre Kingsley: You're talking about asking everyone to produce a piece of identification at a polling station?

Mr. Yvon Godin: In case there is doubt surrounding a person's identity, a returning officer could ask for ID.

Mr. Jean-Pierre Kingsley: The returning officer already has the power to ask a person to produce a piece of identity. If the person does not have an ID card, an oath can be taken stating that the person is indeed who he or she says they are, and that he actually lives in the place he claims to live in. That is already allowed.

I want it to be very clear that the returning officer can ask for ID, but he is the only one able to do so at a polling station. A scrutineer does not have this power. Scrutineers are not allowed to speak directly to a voter and ask for a piece of ID. Only the returning officer can do that. Therefore, a scrutineer would have to convince a returning officer to do just that. That is an important clause in the act. It already exists.

Conflicts at the polling station occur when a scrutineer asks the returning officer to check a person's identity and the returning officer believes it is not necessary, or believes that the scrutineer is disputing people's identity too often. At that point, a returning officer can make a judgment call and decide not to require identification, which may insult the scrutineer, who believes that his or her rights have been trampled upon. But those rights belong to the returning officer and not the scrutineer. That is already the case.

Now, if you wish to talk about a piece of identity for each voter, that is an entirely different issue that I can talk about if you like.

[English]

The Chair: Thank you.

I would like a clarification on Mr. Godin's points. Scrutineers cannot ask for identification, is that correct?

Mr. Jean-Pierre Kingsley: That is right, sir. They can ask the deputy returning officer to require it, but the deputy returning officer has to make his or her decision as to whether or not it is appropriate and required to do that.

The Chair: In the event that the deputy returning officer decides to ask for proof of identity, what are the forms? It's a sworn oath. The committee has heard of cases where voters are using magazine subscriptions, or magazines with their addresses on them. We've heard that the voter information card is used as a voter identification card. What means are available to the deputy returning officer to not only prove the individual is that individual, but that the individual in fact has the right to vote in terms of citizenship?

Mr. Jean-Pierre Kingsley: That a magazine addressed to that person is acceptable as proof of residence is a fact. All of the documents that are acceptable as proofs either of identity or of address are documents that have been discussed at the advisory committee of political parties, and a listing of them has been approved by them. We made it very clear again at the 2006 general election that the voter information card is a voter information card, not a voter identification card.

● (1140)

The Chair: I don't want to take up the time of the committee, but while we're on voter identification cards I would like a comment on Canada Post's handling of the voter information card. We've heard from various folks that these voter information cards are dumped en masse in apartment buildings. I guess the point is they're not treated as the first class mail we are paying for.

Would you comment on that?

Mr. Jean-Pierre Kingsley: That comment was made previously at an appearance here, and I responded that this was not a general phenomenon, in my view, but that part of the problem could also be that people are just picking up the cards and pitching them in the corner where they pitch the mail they're not interested in.

One of the solutions we thought we would incorporate, which is something that could be done now—and in light of the comments that were made around the table, we think we can be ready to do this should the election take place in December 2006 or later—would be to incorporate those voter information cards in an envelope addressed to each elector.

The Chair: That's brilliant. Thank you very much.

I apologize to the committee for asking for clarification, but hopefully it helped.

Mr. Reid.

[Translation]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I'd like to continue the line of questioning of my colleague, Mr. Guimond, with respect to the election commissioner.

[English]

You were giving some information, Mr. Commissioner, to us with regard to the number of complaints you'd received, the source of the complaints, and so on.

My first question is very simple. Is this information that's already publicly available, or is it not publicly available prior to this moment? Could we, had we done research, have found this in a report somewhere, or is it not information that was previously available to the public?

Mr. Raymond Landry: The Chief Electoral Officer's report does include a number of figures of that nature, but they come at a time when not all the complaints have been filed. They are incomplete in that sense, but they would become complete as time goes on.

Mr. Jean-Pierre Kingsley: Let me add, Mr. Chairman, that the report is not in the statutory report. In the performance reports that are provided annually, we incorporate a number of statistics. But what I would sense from the committee is that the committee should be provided on a regular basis with progress reports on this—they might be annual, or whatever—and I would be more than happy to provide them, so that the committee would know how many cases are open, how many cases have been decided and which way, whether it's a compliance agreement, whether it's a prosecution before the courts, and how many were dismissed because they didn't relate to the Elections Act.

We could be providing on a more cyclical basis all the pertinent information to the committee.

Mr. Scott Reid: The information I'm really after here is obviously the number of complaints, but in particular the number of complaints under each of the relevant sections of the act; the source of the complaints, although there may be confidentiality reasons why one can't specify that it came from John Smith, or any other specific information, but whether it's from an elector, a defeated candidate, from Elections Canada, and so on; the number in each case that it was decided to act upon....

I'm not sure; is that information available, if I were to go back to examine the reports for 2004, 2003, or earlier years? Is it available currently, if I were to dig around, or is it not currently available?

Mr. Jean-Pierre Kingsley: My view would be that it is in the performance report, but I would like to review that, sir, because I did not expect this question.

Mr. Scott Reid: That's fair enough.

Mr. Jean-Pierre Kingsley: I want to come back. If it is lacking in there, we'll find the means to incorporate it in some report or other that this committee could look at on a cyclical and religious basis.

Mr. Scott Reid: Obviously the reason I ask this is that if we are to consider making adjustments to the legislation, it would be helpful to know which parts of the legislation are not being complied with; under which sections it's possible to achieve successful prosecutions; under which ones it's not in fact possible to achieve successful prosecutions, even though there may be some evidence that the practices the act purports to forbid are not successfully being prevented by the act—that kind of thing.

Perhaps I should pose this next question in the form of a request. If it's not already available—we'll be happy to dig up any information that is publicly available, but if it's not—I wonder whether we could get, for a reasonable number of years in the past, a report broken down, as I mentioned, by the number of complaints that were made, by whom, what number were acted upon, and perhaps also to some degree the outcomes—although I know that is publicly available—and under which of the sections of the act.

That would be of enormous use to the committee. I think all of us would find it very helpful.

The next thing I wanted to ask is this. I'm trying to get a confirmation here of how prosecutions take place under the act. I've been reading a copy of the act. I'll cite from it and then ask whether I've understood it correctly.

Subsection 511(1) of the act says: If the Commissioner believes on reasonable grounds that an offence under this Act has been committed and is of the view that the public interest justifies it, the Commissioner may institute a prosecution or cause one to be instituted.

Subsection 512(1) says: No prosecution for an offence under this Act may be instituted by a person other than the Commissioner without the Commissioner's prior written consent.

Am I correct that this means no other person in Canada can initiate a prosecution, except by means of approaching the commissioner and having the commissioner accept its possible validity and then continue it further? Would that be correct, Mr. Commissioner?

•(1145)

Mr. Raymond Landry: Yes, it is correct.

Mr. Scott Reid: You've been commissioner since 1992. Does that mean in the past 14 years no prosecutions would have taken place under this act that you would not have approved, and you would have effectively had a monopoly role—that's not perhaps the best word, but it's the one that comes to mind—over any such prosecutions?

Mr. Raymond Landry: Yes, it's true.

Mr. Scott Reid: Let me then ask this question. I have an article from the *Toronto Star* published on April 27 of this year, in which it says,

It is illegal under the Canada Elections Act to vote more than once in an election. Penalties range from a \$5,000 fine to five years in prison, or both. But it's believed that no one in Canada has ever been convicted of voter fraud...

So this raises the question. Of course it's illegal to vote more than once. It's also illegal to vote if you're a non-citizen or if you're under the age of 18. It's illegal to vote in a riding other than the one in which you reside. I wonder if you could tell us, in the 14 years since you've been a commissioner, how many prosecutions there have been for each of those things. I realize you may not have the answer now, but if you could submit something in writing to us, informing us of that, it would be most helpful.

Mr. Raymond Landry: Yes. I have it in writing in front me.

Mr. Scott Reid: Oh, you have it in writing in front of you, right now.

Mr. Raymond Landry: Yes.

Mr. Scott Reid: In that case, please enlighten us.

Mr. Jean-Pierre Kingsley: As a matter of fact, Mr. Chairman, this is the response to the previous presentation that we made here. There was a series of questions, and this was one by the honourable member. We transmitted a letter to the clerk this morning, and there's one page that answers that very point. So the committee can be apprised of it right now, as the letter is circulated.

The Chair: Thank you, and we'll circulate that letter right now.

Mr. Reid, you are in fact out of time, unless you can do something valuable in 15 seconds.

We're going to move to the second round. In fairness to the witnesses this morning, the committee will remember that we agreed to send a list of those items we had difficulty reasoning out. So I'm certainly not going to limit any questioning. By all means, members can ask whatever question they want. But with respect to the witnesses, who are prepared to deal with the list, if you could keep it to that list, it would be very helpful.

I would remind everybody to keep your questions and the answers short. Let's move on.

Monsieur Proulx.

•(1150)

[Translation]

Mr. Marcel Proulx: Thank you, Mr. Chairman.

Mr. Davidson, gentlemen, good morning.

At the very beginning of the meeting, I did not look at the list that we were provided with and I apologize. It took me a while to understand, but once I do understand, I understand for a long time.

I'd like to start by commenting briefly on Mr. Simard's statements regarding the posting of the names of voters who have already voted.

I can't speak on behalf of the other committee members, but I would say that the committee is receptive to the idea of a system that would allow the deputy returning officers from each polling station to provide scrutineers, at regular intervals, with a list of those who have already voted. I will explain briefly what I mean by that. Rather than have scrutineers sitting down at tables to fill in what we call our bingo cards, the system could allow for providing us with multiple copies of that list.

For example, the municipality of Gatineau has established a system like that since the merger of the five municipalities took place. The system is working very well. Elections Canada may not be interested in studying a municipality's system, however the system does exist, Mr. Kingsley, and it works very well.

My recommendation would be to go one step further than what Mr. Simard suggested. Elections Canada could regularly provide us with the list of those who have voted.

The other possibility would be to use Quebec's system, whereby official party representatives sitting at the tables are paid by Élections Québec. At the federal level, those people would be paid by Elections Canada.

Another possibility would be to increase the salaries of deputy returning officers and clerks. They work 14 to 15 hours and their salary has not been particularly generous to date. They're practically earning minimum wage.

We won't have time to hear your comments. I'm trying to use up seven minutes during the five minutes that I have been given. You understand what I mean.

Point 1.11 states:

Section 159 of the Canada Elections Act should be amended to remove any time limit for application for a transfer certificate in the event that a polling station lacks level access.

I'm going to play devil's advocate. I am opposed to that change. If it becomes that easy to issue transfer certificates, then returning officers will not feel obliged to be as attentive to the needs of disabled individuals. They will assume that when disabled people come to inaccessible polling stations, they will simply have to sign transfer certificates and send them elsewhere. Unfortunately, during the last elections similar situations did arise, where the access for disabled persons was truly inadequate.

I'd like to hear your comments on that issue. If there is no incentive for returning officers to take their duties more seriously then I will oppose this change.

Mr. Jean-Pierre Kingsley: Mr. Chairman, I don't think disabled people should have to bear this burden.

Mr. Marcel Proulx: Exactly.

Mr. Jean-Pierre Kingsley: Currently, they are the ones who bear it because there is a 48-hour delay. The change that I am proposing would eliminate that 48-hour delay. Furthermore, let us recall...

Mr. Marcel Proulx: Mr. Kingsley.

Mr. Jean-Pierre Kingsley: It's my turn.

Mr. Marcel Proulx: ...I would tell you with all due respect that the responsibility for ensuring that stations are accessible to disabled people lies with the returning officers.

Mr. Jean-Pierre Kingsley: I agree. That is why I think that this legislative requirement is so important. Furthermore, they have to obtain my approval before allowing the establishment of a polling station which is not accessible. If they can't find an accessible station, then with the greatest of reservations and on condition that they show me they have done their best to find an accessible station, I give them permission.

Personally, I think that the returning officers, the more motivated ones at least — and that will be the majority if Bill C-2 is passed — would agree on 99.8 per cent and more of polling stations being accessible. That improvement would become a reality and we would no longer need this type of thing.

● (1155)

Mr. Marcel Proulx: Yet, even if a disabled person does not have access to a polling station and obtains a certificate, he or she will still have to get to another polling station on their own. I think that the burden is on the other side, but we won't agree on that, Mr. Kingsley.

Mr. Jean-Pierre Kingsley: Yes, we will agree. In response to a question from Mr. Godin, I stated that I was willing to consider the possibility of allowing a box outside the polling station so that people wouldn't have to travel. So there is already a basis for agreement.

Mr. Marcel Proulx: The fact remains that it will still be more difficult in winter.

Concerning the information card you send to voters through the mail, is it sent first-class mail or bulk mail?

Mr. Jean-Pierre Kingsley: The first-class rate is used. That is what Canadian taxpayers pay in Canadian post offices.

Mr. Marcel Proulx: Canada Post always has to be used?

Mr. Jean-Pierre Kingsley: In the vast majority of cases...

[English]

The Chair: Thank you.

Mr. Preston.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Thank you very much.

We'll get into some of the lists and ask more of these questions. But the two issues the committee has been spending a great deal of time looking at are the use of ID at the polls and making the list more accurate. They seem to almost go hand-in-hand, because they allow us maybe a level of fraud that we wouldn't like.

Let's go back to the use of photo ID as an identifier at the polls. Right now, I can't get on an airplane without showing photo ID. Many of the youth in my riding can't even attend a bar without showing photo ID. If I happen to visit another country, I certainly can't return to Canada without showing photo ID. Yet I can vote in an election in this country without having to show it.

Why would we not think that photo ID would be a requirement of a voter in this country?

Mr. Jean-Pierre Kingsley: I think the question is valid. We've looked at the Quebec experience, which is the only jurisdiction in Canada.... By the way, I don't mind looking at municipal elections, either.

Mr. Marcel Proulx: Good.

Mr. Jean-Pierre Kingsley: Wherever we can learn, we're willing to learn.

Mr. Marcel Proulx: Good.

Mr. Jean-Pierre Kingsley: We're looking to Quebec now. We have their report on how they required ID at the polls, and we'd be willing to discuss this with the committee.

As a matter of fact, I have prepared a two-page document, which I would ask to be circulated, entitled, "Reforms and Initiatives Relating to Voter Registration". The very last step we put in there is required proof of ID at the polls. And the first page deals with how to improve the quality of the list. This is based on the hearings we've been having with party representatives. This is why—

[Translation]

Mr. Michel Guimond: Point of Order, Mr. Chairman.

[English]

The Chair: Please.

[Translation]

Mr. Michel Guimond: Do you have the document Mr. Kingsley is referring to?

Do we all have it?

Mr. Jean-Pierre Kingsley: The clerk...

[English]

The Chair: Is it in both languages?

A voice: Yes.

The Chair: Okay. We're distributing it right now.

[Translation]

Mr. Michel Guimond: It's easier to read it. We're not all listeners. Some of us are more visual people.

Mr. Jean-Pierre Kingsley: That is why I brought them.

[English]

The Chair: Let's go back to the questioning.

Mr. Joe Preston: Is this coming out of my time?

The Chair: No, we're going to add a minute to your time.

[Translation]

Mr. Michel Guimond: Mr. Chairman, would it be possible to obtain all these documents beforehand so that we can prepare intelligent questions for our witnesses?

[English]

The Chair: Are there any additional documents to hand out?

Mr. Jean-Pierre Kingsley: There is one more.

The Chair: Could we have that handed out right now please?

Mr. Jean-Pierre Kingsley: I'd like to reply to that, Mr. Chairman.

The Chair: I think we can come back to it in the second round. I'd like to keep the questions going in order, please.

I'm going to add two minutes to Mr. Preston's time. Let's continue with the questioning.

Thank you.

Mr. Joe Preston: Two minutes, that's great. Thank you.

Without reading the report, are you recommending that we go to a photo ID system?

Mr. Jean-Pierre Kingsley: I'm not recommending that we go to a photo ID; I'm saying to the committee, let's sit down and consider it together. What is it that would work well? What is it that would satisfy you? You are supreme, and it's not the Chief Electoral Officer who decides whether or not there's going to be ID at the poll.

Mr. Joe Preston: But it is the Chief Electoral Officer who makes recommendations to this committee. I've seen it in your reports.

Mr. Jean-Pierre Kingsley: Yes, and when I don't make a recommendation on an item, it's because I don't think I should make a recommendation on an item.

Mr. Joe Preston: So that's what you're saying on the case of photo ID?

Mr. Jean-Pierre Kingsley: No, now I'm—

Mr. Joe Preston: Not to be argumentative, but—

● (1200)

Mr. Jean-Pierre Kingsley: If you require the recommendation from the Chief Electoral Officer, I'll have to consider whether I want to make it.

Mr. Joe Preston: At committee I'm asking you, are you recommending that? And the answer is no.

Mr. Jean-Pierre Kingsley: At this stage, it's not what I'm recommending, but I'm not not recommending it either.

Mr. Joe Preston: Okay, let's move on to lists.

Can you give two or three short examples of how you think we can fix the accuracy of the list? You've told us that at door-to-door enumeration, you're getting one-quarter to one-third of the people at home. Although we think that is a perfect way of getting a list, it may not be. What are the ways to get a perfect list?

Mr. Jean-Pierre Kingsley: Sir, would you look at the first three items on the sheet that was just handed out to you? If we're looking at fixed-date elections, we could use one month before the election to do targeted enumeration in the 1.4 million—or 1.8 million, if you want—homes and facilitate that process greatly, involving candidates who would have more time to do this at the time, and focus on the list, so that when the writs are dropped you would have a much better list.

Mr. Joe Preston: You're saying that the fixed election date is also a great idea.

Mr. Jean-Pierre Kingsley: Yes. I'm also saying, under chapter 2, to increase the ability to register through the income tax return for youth. They're all there....

I see the chairman waving at me to say shorten it.

If you fix that problem, we will add 130,000 youth between 18 and 24 years of age, on a regular basis. That improves the quality of the list. All of those items are there; the two pages relate only to how to improve the list.

Mr. Joe Preston: Without my reading it, since it was just set it in front of me, are there also ways to fix the list once someone is on it? We've certainly heard many cases of people receiving four or five—I won't call them identification cards, because that's not what they are—voter referral cards, or voter reference cards, or info. Is there a way to get people off the list too?

Mr. Jean-Pierre Kingsley: Yes, we're recommending that the Income Tax Act be a source for removing people from the list when they're deceased.

Mr. Joe Preston: Or moving them to a new spot.

Mr. Jean-Pierre Kingsley: That's right.

There are lots of very good measures in there, sir, that would significantly improve it. On Thursday, at the meeting we've organized for you, if you have other ideas we'd be willing to see them incorporated here. There's a lot here that would significantly improve the list, the use of the list, and your satisfaction with it.

Mr. Joe Preston: On the transfer request, did I hear you right? I understand that from a handicapped point of view there is a hardship because of the amount of time ahead of time, but can anybody can go to the deputy returning officer and say, "I'd like to vote at this poll"?

Mr. Jean-Pierre Kingsley: No, not at all.

Mr. Joe Preston: I heard that about election workers.

Mr. Jean-Pierre Kingsley: If you've been assigned a poll and have to be there at 8 or 7:30 in the morning, and the poll opens at 9:30 but you're supposed to vote at another poll, then the DRO will grant you the ability to vote in that poll so that you don't lose your right to vote just because you're an electoral worker.

Mr. Joe Preston: But it's not just anybody who wants to—

Mr. Jean-Pierre Kingsley: No, definitely not.

The Chair: Thank you, Mr. Preston.

Before we go on to Mr. Guimond, I want to have a clarification on checking off the income tax form. It suggests that you want to be on

the voters list, but how do we know it's from a citizen who is eligible to vote?

Mr. Jean-Pierre Kingsley: That is exactly the point this recommendation aims at. We're saying, put in a separate question where people have to indicate, "I am a Canadian citizen"—yes or no—so that you have an affirmation that is prosecutable if it is falsified. The person would attest they are a Canadian citizen on the income tax form.

Then there's another question: do you want to share your information with Elections Canada so you can be updated on or added to the list? Right now we cannot add them, because we don't know if they're Canadians.

The Chair: Okay.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: As I only have five minutes, I will ask both my questions. The first is for Mr. Kingsley.

Do you support the idea of amending the Elections Act in order to allow cameras filming party leaders voting? It seems that this has, in some cases, been left to the discretion of incompetent returning officers. The rules of confidentiality would be respected. Regardless, that is already a requirement.

At times, some returning officers have used the act to formally prohibit the presence of cameras. On the other hand, some have allowed this, even though it's against the law. You end up seeing two leaders on the news and not the other two. I think an amendment to the act would solve the issue.

I'm referring only to party leaders. Of course, we would not be showing the faces of people voting. The same applies when cameramen are filming pedestrians on Sparks Street; you only see their feet. For confidentiality reasons, faces cannot be filmed.

My second question is for the commissioner. I'd like to give you an example of a situation where we call upon your services and are told that everything is fine.

During voting, is a vote with the returning officer a special vote? Unless the special vote is the one sent through the mail...

● (1205)

Mr. Jean-Pierre Kingsley: The term applies to both scenarios.

Mr. Michel Guimond: Where special ballot voting is used, the ballot box is opened within a few days of the writ being dropped, in other words before the ballot papers with the candidates' names are printed, and the candidate's names are written in.

In the Papineau riding, staff at the office of the returning officer made an error when entering the name of the Bloc Québécois' candidate. We filed a complaint and called upon your services, Mr. Landry. We were informed that the error had been made in good faith and that we had no reason to worry. When we referred the case to Elections Canada, they were so utterly convinced that everything was hunky dory, that they recalled the 397 people who had cast their vote in that particular ballot box and asked them to perform their civic duty again.

It was just as I expected; whenever we call upon your services, we are always told that everything is fine, there is never any cause for concern! I would like to hear what you have to say about what happened in Papineau. The candidate in question is called Viviane Barbeau, and her name was spelled incorrectly. If the candidate's name is entered inaccurately, the ballot papers are discarded. We had to file a complaint.

Mr. Jean-Pierre Kingsley: I am going to start by answering your first question on photographing party leaders. The current act allows for photos to be taken as long as photographers remain outside of the polling station. Only those who work for the polling station are allowed inside, and this is to ensure that the process runs smoothly and that voters are not disturbed. That is why photographers are not allowed inside the polling station. However, as long as they do not block the flow of traffic, they can photograph from the doorway.

I would nonetheless like to put the question to the committee. If we were to allow party leaders to be photographed by a photographer standing right beside them, if they so desired, how would you feel about being the candidate running against one of these leaders? Whenever your potential constituents switch on their TVs that day, all they would see would be the party leader, against whom you were running, casting his vote. Who would photograph you?

I would like to hear the view of the committee.

Mr. Michel Guimond: There has to be a level playing field for everybody. I want to show you a recording of a news bulletin. It shows footage of two party leaders casting their votes, just like during elections in Bosnia or Montenegro where the country's president was shown casting his vote while surrounded by photographers. It is a matter of fairness: it is either yes for everybody, or no for everybody.

What recourse is open to us if the returning officer allows such a situation to occur? Do we just have to put up with it?

Mr. Jean-Pierre Kingsley: We have to endeavour to have returning officers who respect directives issued by the Chief Electoral Officer. That is a perfectly achievable goal. In fact, it is one of the basic premises of Bill C-2.

Mr. Guimond, as you are partially responsible, you know that is where the solutions lies.

[English]

The Chair: Okay, thank you.

Next question, Monsieur Godin.

Did you have a comment, please?

Mr. Michel Guimond: No, I'd like to have the answer from Mr. Landry.

The Chair: Please.

[Translation]

Mr. Raymond Landry: All complaints that we receive undergo a preliminary evaluation to determine whether an offence has been committed. For certain acts to be considered an offence there has to be *mens rea*, that is culpable intent to commit an offence. The laws in question have been adopted by Parliament, and I have no choice but to apply the existing legislation.

In general, our investigators who carry out on-site investigations try to get the best possible proof from witnesses able to testify against the alleged offender or provide information as to how the voting process was carried out. The Chief Electoral Officer has taken measures that have obviated the risk of votes not being counted. As an investigator who has to establish in court, beyond all reasonable doubt, that an offence has been committed, I can assure you that, although in some cases it is possible, it is a tough standard to meet in many cases.

• (1210)

[English]

The Chair: Thank you.

Mr. Godin, my apologies. You have five minutes.

[Translation]

Mr. Yvon Godin: I found what Mr. Guimond had to say about photographers interesting.

If I understood you correctly, Mr. Kingsley, you said that current legislation already forbids the use of cameras within polling stations. You said that media have to remain outside and are not allowed to block people's path. The provisions of the act relating to this question are already in force, and we parliamentarians introduced them. So the law has been broken when cameramen are allowed to film party leaders.

How can you explain this?

Mr. Jean-Pierre Kingsley: It is a matter of determining what should be the deciding factor for taking legal action against the media.

Given that the committee is studying the subject, I think it should be weighed carefully and directives should be issued. We already issue directives to the media on filming events in polling stations. These directives indicates what they may and may not do in such circumstances.

Mr. Yvon Godin: Mr. Chairman, I find it hard to believe that only the media are at fault. It is perfectly understandable that they would do all that they can to get their story. If a returning officer lets them in, it is not the media that is at fault. Take the example of the outgoing prime minister. In that instance, the media are not to blame; they were just chasing their story. I understand that, we live in a democracy. What I do not understand is why some people are allowed in when others are not. We have rules. To my mind, it is incumbent upon the returning officer to ensure that they are respected.

When I went to vote, journalists from Radio-Canada wanted to go in with me, but the returning officer categorically refused to let them. I can assure you that the media did not get their way.

Mr. Jean-Pierre Kingsley: You argue the case extremely well. I would advise that you continue the debate with those party leaders who invite the media to come along. I will certainly be doing so at the next election. I tried to bring up the matter at the last election, but it did not produce the desired results.

Mr. Yvon Godin: I would take it even further, Mr. Chairman. I want to know what happens when a returning officer reports to Elections Canada that media tried to film a given individual and did not cooperate when the returning officer tried to stop them, as it is incumbent upon him to do. In such scenarios, legal action ought to be taken against these people.

I do not think that it is up to the party leader to make the decision or cooperate. Nor do I think that the media are to blame. I think that the responsibility lies squarely on the shoulders of the returning officer. Has a returning officer ever told you that he has been prevented from doing his work?

Mr. Jean-Pierre Kingsley: Essentially, Mr. Chairman, the responsibility lies with the deputy returning officer. The returning officer is usually in his office.

Mr. Yvon Godin: Have deputy returning officers complained about such situations?

Mr. Jean-Pierre Kingsley: They try, but...

Mr. Yvon Godin: Have there been complaints?

Mr. Jean-Pierre Kingsley: I do not know.

Your question leads me to think that in future, I should make sure that deputy returning officers are particularly well trained on the requirements of the act and that they are ready to kick the media out the door. It is as simple as that. With the committee's permission, that is what I shall do.

Mr. Yvon Godin: I am just saying that everybody has to be treated equally.

Mr. Jean-Pierre Kingsley: I will do that. Consider it done.

• (1215)

[English]

The Chair: Thank you very much.

Mr. Simard.

Hon. Raymond Simard: Will we have time for another round? If not, I'll share my time.

The Chair: Yes, I think we have time for another round, and then I'm going to probably get pointed about some of the issues we haven't covered. If we can get you on track, that would be great, but please, we're going to go for another five-minute round.

[Translation]

Hon. Raymond Simard: Excellent idea, Mr. Chairman.

Mr. Kingsley, the committee has addressed the issue of the voters' list and the potential for fraud. We consider these priorities. Furthermore, I believe that they are connected. In fact, if the list is incomplete, it has no value, and this increases the potential for fraud.

To this end, the example often used is the riding of Trinity—Spadina, where 12,000 voters registered on the day of the election. Furthermore, Mr. Proulx told me that, in his riding, 50,000 people had voted. In mine, approximately 45,000 people voted. However, it is almost impossible to believe that one-third of people who voted were not on the list. Among other things, this means that the candidates were not able to contact them. Mr. Preston said earlier many of these people arrived with a magazine bearing a sticker with their address on it as their only proof of identity. You must be concerned about this.

I want to know whether the provinces generate their lists from yours or is it the other way around. Do you cooperate? The provincial lists must be fairly complete. The voting requirements are essentially the same. Is the wheel being reinvented each time or is there cooperation with the provinces?

Finally, the provinces have to renew their list every two or three years. Do you continue to follow what they are doing, in order to improve the federal list?

Mr. Jean-Pierre Kingsley: Mr. Chairman, I proposed a wide range of measures to prevent fraud. They will need to be studied in great depth.

In the riding of Trinity—Spadina, the number of people who registered to vote on voting day was slightly less than 10,000. That is a large number, but this is a riding that, alone, is affected by nearly all the factors of change. Among other things, it contains an immigrant population becoming Canadian, the largest student community in the country and new buildings along Lake Ontario. This situation indicates that a targeted future census and a fixed election date would greatly resolve this problem.

Now, I want to come back to the answer I gave earlier to Mr. Preston about the proof of identity provided at the polling station. I have not made a recommendation in this regard, but if I am addressing this issue here, it is because I am in favour of it. It is one thing if there is a real problem. However, if it is a problem of perception, perhaps the committee could designate certain identity papers, with the approval of Canadians. Such documents should not impose undue hardship on 90 to 95 per cent of individuals. For people not carrying ID, the process would have to be relatively simple. We could later verify whether those individuals made false statements, for example. In fact, we will require them to sign certain documents.

In short, although I have not made an official recommendation on this, I am in favour of this idea. I am open to proposals from the committee. I listened to what was said the last time I appeared here. I recognize the need to address the issue of perception, even though I do not foresee a major problem in this area. Perhaps Canadians will feel more comfortable with the idea that voters have to present ID when voting.

• (1220)

Hon. Raymond Simard: Mr. Kingsley, do you think that it is normal that 10,000 voters should register on election day? Do you think that this is not a case of fraud, but that it is due to demographics. Am I right?

Mr. Jean-Pierre Kingsley: For the time being, I believe so. There is no evidence to the contrary. Here, we are dealing with a population of 80,000 students, 30-storey apartment buildings and an immigrant population. There is always at least one riding that does not fall within the norm.

Hon. Raymond Simard: I think that this situation could be an opportunity for a pilot project. As far as I am concerned, if I saw that 10,000 people registered on the same day, I would like to see whether this is due to demographics or to fraud.

[English]

The Chair: I think we're going to have to move on. Thank you. It's a very good point.

Mr. Reid and then Madam Picard.

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

I've just been looking through the material that we were submitted earlier today. When I asked my last question, I was told that the answer to my question was here. I looked through and I see that regarding prosecutions and convictions, there have been four convictions in the last quarter century for voting when not qualified or entitled. Two convictions followed the 1979 general election. For each, the fine was \$100. In 1997, there were two cases in which non-Canadians were prosecuted. Both were found guilty and received absolute discharge on proof of charitable contributions in the amount of \$300. There was one case of voting when not qualified or entitled during the 2006 general election, which is before the court. There is a grand total of four convictions and one potential conviction in the past quarter century.

My first question is this. How many requests for prosecution have there been?

Mr. Raymond Landry: All cases that are brought to our attention have the potential of becoming a case for prosecution, but in this particular context of voting fraud, the numbers of complaints we've received have been very limited. Some cases are so obvious they make the papers, for example. One that is before the courts now is a good example of our picking up on something that was publicly—

Mr. Scott Reid: Is this James DiFiore in Toronto? Is that the example?

Mr. Raymond Landry: That one is not the example. You see, we still have 114 cases that are being investigated for the 2004 election, so we're not finished the work so far.

Mr. Scott Reid: But you are finished for 2000, right?

Mr. Raymond Landry: For 2000, yes.

Mr. Scott Reid: It would be true to say that you have finished for the elections of 1979— because it's the first one you cite—1980, 1984, 1988, 1993, 1997, and 2000. That's seven elections, and out of all of those, we had four prosecutions. That's less than one per election. You can see why I'm structuring my question this way, of course.

The subsection 511(1) of the act says, "If the Commissioner believes on reasonable grounds that an offence under this Act has been committed and is of the view that the public interest justifies it, the Commissioner may institute a prosecution or cause one to be instituted."

It makes me wonder, looking at the small number of prosecutions that have been successfully carried out.... You didn't mention if there were unsuccessful prosecutions. There may have been some. I don't know. I'd like to actually find that out. In fact, I'm asking you to submit that information to us.

But coming back to my main point, obviously none of us really believes that there's an average of one case of electoral fraud every election and a half or two elections. Is there a problem in that you are unable to get information? You have to have reasonable grounds— grounds to which you can assign a reason. Is it the case that the way the law is structured, we are being unsuccessful at capturing examples of fraudulent voting that must be going on to some degree?

Perhaps it's not an epidemic, although there has been some assertion in the public that there is an epidemic. But let's say it's not. Let's say it's even going on at some low level. There's so little activity going on in prosecution that it makes me think there must be difficulty from your point of view in actually finding reasonable grounds. That suggests to me that it's one of those acts for which there doesn't seem to be any paper trail that gets left afterwards.

Of course I'm working up to asking whether we can find ways, or if we ought to be looking to find ways, to change the legislation so as to make this easier to pursue in cases where it does occur.

The Chair: A short answer, please.

Mr. Raymond Landry: You stopped the reading paper, or the sheet, that was given to you at a certain point, because there are a large number of cases in which people were alleged to have attempted to vote twice. I don't know if you put that in a category of —

• (1225)

Mr. Scott Reid: Two acquittals, you're quite right. Two acquittals on prosecutions following the 1997 election.

Mr. Raymond Landry: You see that in 2000 Parliament entered a new enforcement tool into legislation, which is the compliance agreement. If I may indicate that from 2000 to 2006, 83 compliance agreements were entered into, instead of prosecutions being taken before the courts.

I think this is a major change that has occurred since 2000. Prior to that, we only had prosecutions, and as you know, prosecution before the court at the level of proof required to convince a judge beyond a reasonable doubt that an offence has been committed is as tough under the Elections Act as it may be under any other statute.

Mr. Scott Reid: What would be a typical—

The Chair: I'm sorry, Mr. Reid. We're way over again.

Madam Picard.

[Translation]

Ms. Pauline Picard: Thank you, Mr. Chairman.

Mr. Landry, I would like to tell you about a case that happened in my riding and that I have already reported. Moreover, I am convinced that such cases also occur in other ridings. I have stood for election in my riding five times; this is my fifth mandate. There is a certain individual, a member of a political party, who exercises great influence. He recommended that the returning officer should become a candidate. Thus, he has a strong influence on her and he participates in all elections. Whether the election be federal or provincial, he will be there. He is a fairly powerful businessman.

Every time there is an election, we have to complain about this individual. And I do not only mean my party, but other parties as well. In fact, he is intimidating and pressuring the returning officer. You have received such complaints.

Last time, he did even worse. During advance voting, on the first day, he blatantly intimidated people, men and women who came to vote. He even resorted to violence against certain persons. The returning officer did not know what to do. She is really a very intelligent person who does her job very well. She did not stand for this. She complained several times to the Office of the Chief Electoral Officer. She even asked us to write you a letter of complaint so as to put a stop to this.

The Office of the Chief Electoral Officer contacted the said individual on the day of the advance poll vote. Some people who had to go through this filed complaints. Finally, he was sent away, on the day of the advance polling.

Complaints were formally filed with your office. Now, to my great surprise, we received a letter from you telling us that you did not want to investigate any further because you had some doubts. You may well have doubts about what happened, but people had to go through this as I saw with my own eyes.

How far can this go? Intimidating voters is an offence under the Canada Elections Act. We can complain as much as we want, but what happens after that? Things remain the same. You answered that you had doubts. This is not the first time we get such an answer from you. Did anyone come and investigate the people who had been offended? No one came, but you still have doubts.

The said individual is still pressuring people. He writes to newspapers, he humiliates everyone and says that what we did was totally ridiculous.

I have doubts about your service and the way it is protecting us when such an individual can carry on in this way. And he will carry on, no doubt! During the next election, he will be back, pressuring and intimidating people.

What is your answer to this?

• (1230)

Mr. Raymond Landry: First, when that type of thing happens in a polling station, the returning officer is responsible for maintaining order and to make sure that people proceed the right way inside the polling station. The Federal Election Commissioner does not have that responsibility under the law.

Second, when we receive a complaint, that complaint...

Ms. Pauline Picard: The returning officer did everything she could to eject that person. She asked him to stop what he was doing, but since that had no effect, she contacted you.

Mr. Raymond Landry: As I told you, the returning officer can call the police if something happens inside a polling station. It is up to that person to play her role. She is on site. Canada is a huge country and I don't have enough staff to be present in every polling station. There are 65,000 of them in Canada.

Ms. Pauline Picard: What do your investigators do when someone files a complaint?

Mr. Raymond Landry: That was the first part of my answer.

This is the second part of my answer. When we receive a complaint, it is rigorously analyzed by our legal advisors. The job of these people is to determine whether a specific offence has been committed, whether there are enough facts to warrant the belief that an offence has been committed, and that there is sufficient evidence to convince a court beyond any reasonable doubt that an offence has been committed. The public interest is another element which is taken into account. This is not an easy process. Controlling incidents which happen when tensions and emotions run high is not easy.

[English]

The Chair: Thank you.

I think that's a sufficient answer for the member.

Did you want a round, Monsieur Godin?

[Translation]

Mr. Yvon Godin: Yes, I will be brief, because I would like us to move on to another subject.

[English]

The Chair: Yes.

[Translation]

Mr. Yvon Godin: To be honest, Mr. Commissioner, after having heard what Ms. Picard had to say, I feel that your answer is unacceptable. The commissioner has a responsibility and the Office of the Commissioner is responsible for what happens in all of Canada. To say that Canada is a big country is not a valid excuse. In this case, a businessman allegedly interfered with an election and intimidated people. The lawyers don't work for you. That's why the Office of the Commissioner must investigate. If it does not do so, how can the people in Ottawa make a decision? If this is the way things work, we should pass legislation to get rid of the Office of the Commissioner.

Mr. Raymond Landry: Mr. Chairman, I would like to repeat that...

[English]

The Chair: I think the question's been answered. I think it's up to the committee to make a decision as to whether or not that is relevant.

Mr. Yvon Godin: Yes.

The Chair: I would like to move to a list of questions. While I go through this, I would ask the committee to listen to and consider the answers, because these are issues that the committee raised.

We have a meeting again tonight. Perhaps we will need to use that meeting for our witnesses. So I'm going to be very quick, and I would like to get very quick answers to some of these outstanding issues.

First I have a request. Could we have those compliance agreements, referred to earlier, submitted to the committee for review?

It's the understanding of the committee that recommendation 4.5 deals with candidate audit fees and subsidies. Is it true that the candidates do their own audit, then the Office of the Chief Electoral Officer does a second audit? If that's true, why are we doing two audits?

Mr. Jean-Pierre Kingsley: Okay. Do you wish that I answer that?

The Chair: Please, yes.

Mr. Jean-Pierre Kingsley: There's a need for an audit at the candidate level in order to ensure that candidates benefit from professional advice. The system has always required that a professional auditor be responsible for the contents, and there are legal repercussions on both sides.

What my office does is verify that we received all the documentation that goes with those statements. That's what my people do when we receive them. It's when there are things that are lacking in the process—this is what the commissioner was alluding to earlier—for example, when a bank account was not opened, and so on, the auditor does not attest to that. He attests to the keeping of the books. When we get it, we make sure the law was complied with. If it wasn't, we refer the case to the commissioner.

•(1235)

The Chair: Frankly, it's been suggested by almost everyone who's been before the committee about putting advertisement up, regarding the offences for fraudulent voting at polling stations, much like we do in airports, at the customs there.... Is there a brief comment from the panel on putting advertisements up?

Mr. Jean-Pierre Kingsley: We already put up advertising in every poll that says, "To vote, you must be a Canadian and you must be 18 years of age".

Perhaps what we could do is add, "Severe penalties apply if this is not followed", or something to that effect. I'll look into that immediately.

The Chair: Thank you.

Is there a comment from the panel on Sunday voting?

Mr. Jean-Pierre Kingsley: Frankly, Mr. Chairman, we've not considered this. The matter has been brought up before, but it always dies. If the committee wishes to look into it in more detail, we'll be willing to look at it with the committee.

The Chair: Thank you very much.

I refer to recommendation 4.2, "Reports of Volunteer Labour". The committee has questions as to the purpose of this. The concern is that it might decrease the number of volunteers we have, since some of them might not want their names presented to the Chief Electoral Officer.

Mr. Jean-Pierre Kingsley: The first point is that one would have to identify a threshold beneath which volunteer labour would not have to be reported. This could be something like 40 hours a week. If someone were working less than 40 hours a week as a volunteer, there would be no report. If someone were working more than 40 hours a week as a volunteer, then there would be a report. Forty hours a week is a lot of time. There are a lot who wouldn't be there.

The purpose behind this is Gomery. If we'd had reports on volunteer labour and they had been accurate, people would have had—

An hon. member: [*Inaudible—Editor*]

Mr. Jean-Pierre Kingsley: Well, that's the purpose. I run Elections Canada, and that's my purpose in recommending it. If you look at the date in September, it was just before the report, but we'd listened to the testimony. The purpose would allow that if someone was in effect providing volunteer labour that was not volunteer labour, it would be subject to public scrutiny. It's as clear as that.

The Chair: Okay, thank you.

On recommendation 4.1, "Examination and Inquiry Powers for the Chief Electoral Officer", would you have a comment on the purpose of that—any action related to such an audit?

Mr. Jean-Pierre Kingsley: The point here is that when it comes time to audit a candidate's return and you are a candidate, you know that you have to provide pieces of substantiating claims, vouchers, for your expenditures to vouch for what you have spent.

I get no such documents from parties. From parties I only get headings and numbers. I have no idea. There is no way to do any kind of review. This section would require that this be provided, and where it was not provided I could seek it out. But there would be protection for individuals, because only through a court order would that be permissible when it touched an individual. But if it touched a bank, for example, then the authority would be granted to the Chief Electoral Officer before prosecution, before an investigation, to look at the books.

The Chair: Moving further up now, recommendations 2.20, 2.19, and 2.18 have to do with the elections list. For example, 2.20 is on sharing elector data with provincial electoral authorities for updating purposes.

Could you comment on that, please?

Mr. Jean-Pierre Kingsley: Sometimes data on people are provided to us from various sources, and these data are not incorporated in the register of electors. We share our lists with provincial authorities more than we receive the provincial lists, because there are very few provincial lists in this country that are permanent. So if we share our lists, that will allow them to have better lists, and we're all striving to achieve better lists of electors. Simply put, that is the purpose.

•(1240)

The Chair: I suspect that same explanation overflows to recommendations 2.18 and 2.19. They just deal with updating lists during elections on the basis of information from the national register of electors and provincial use of data from the national register. These are really dealing with a bilateral agreement to upgrade the accuracy.

Mr. Jean-Pierre Kingsley: Yes.

The Chair: On recommendation 2.12, "Distribution of Lists of Electors to Registered and Eligible Parties", we wanted to know the rationale behind that with respect to the Figueroa case. Do you have any comments on that?

Mr. Jean-Pierre Kingsley: Parties that field fewer than 308 candidates and parties that field fewer than 50 candidates in the last election were only entitled to receive lists for those ridings where they fielded candidates in the last election. They're not entitled to receive lists for where they want to field candidates at the next election.

The Green Party brought this to our attention and a few others. They intend to broaden their scope, but the statute prevents me from facilitating their task, which puts them at a disadvantage to those parties represented around this table that field 308 candidates. So it's a matter of equity. They would still be bound, in the use of the lists, to what is legal purpose.

The Chair: That's excellent. Thank you.

I think the last one we can get through today is recommendation 1.8, "The Right of Elections Canada Staff to Strike". The comment brought up was, why would that not be restricted to an actual election campaign versus just removing the right to strike?

Any comment on that?

Mr. Jean-Pierre Kingsley: Sir, this is the kind of recommendation that usually doesn't receive much favourable consideration until there is a strike outside an election period, and the election is jeopardized, and people say why didn't we think of that.

It's not with glee that I make this recommendation, because I've always favoured the right to strike of public service employees, and they would lose none of their rights under their collective agreements. The point is that everything is now so computerized you're working six months or one year ahead of time, and if the people who are setting up these systems walk out on a legal strike for three or six months—

Mr. Yvon Godin: [*Inaudible—Editor*]...things like that though.

Mr. Jean-Pierre Kingsley: Yes, but the point is that the election may be jeopardized in terms of its effectiveness, and that is the reason for the recommendation.

The Chair: Thank you.

I have one more point.

Mr. Guimond, please go ahead.

[*Translation*]

Mr. Michel Guimond: Don't forget, Mr. Chairman, that we had suggested that there should be a dispute resolution mechanism

similar to the mandatory arbitration which comes into play for firemen or the police.

Mr. Jean-Pierre Kingsley: Don't forget that collective agreements which apply to Elections Canada employees are the same ones which apply to the entire public service, since my employees are public servants. There's no collective agreement between my employees and myself.

These collective agreements therefore apply to the public service. What I am proposing is that my employees not be allowed to go on strike, as opposed to their colleagues from other departments, who manage computers, for instance. Their right to strike would not be affected. It would only affect Elections Canada employees.

Everything would therefore be based on their rights contained in a collective agreement signed with the Treasury Board Secretariat. These collective agreements cover my employees.

[*English*]

The Chair: Thank you very much.

My last comment was that the Thursday meeting that you have arranged, Mr. Kingsley, is during the time of the committee meeting, so it's going to be very hard for the committee to have two meetings at one place. Many of us would like to be duplicated so we could be in two places at once, but we can't.

I would ask you to consider moving the meeting on Thursday to another time. You can get back to us on that.

Mr. Jean-Pierre Kingsley: Obviously I'll do that, sir. This committee takes precedence.

The Chair: Thank you very much.

I would like to deal with Mr. Godin's question earlier in the meeting.

Are there any other comments or questions?

Mr. Simard had asked me for some time. Would there be a disagreement to allow Mr. Simard and Mr. Guimond one more comment?

•(1245)

[*Translation*]

Mr. Michel Guimond: I was not involved in the initial discussion which led to the decision to hold discussions in camera. I don't know if we should...

I feel that if a person is not at a meeting, that person has forfeited the right to speak, and this is my case. However, why should we discuss these matters in camera? That could not be done... Until now, our discussions have not been very...

[*English*]

The Chair: Mr. Guimond, this meeting is in public.

[*Translation*]

Mr. Michel Guimond: I know that, but I'm talking about future meetings during which we will complete the study of the document. In our future meetings, we could take out the in camera procedure and allow the public to attend. I do not see why future meetings should be held in camera. Is the committee ready to reconsider this decision?

I'm talking about future meetings.

[*English*]

The Chair: If the committee wants to look for that, wants to make a decision on that, I'm happy to deal with that right now.

I have some other issues I want to deal with before we finish this meeting.

Mr. Simard, did you want to make a brief comment on this?

Hon. Raymond Simard: Thank you, Mr. Chair.

I didn't quite get my last comment in last time, and it was with regard to the Trinity—Spadina riding, with 10,000 people showing up on that particular day.

It seems to me, Mr. Kingsley, if I were the returning officer I would have an audit of that riding. If that's the highest in Canada, I would take the highest in Canada and find out if it was actually fraud that was being committed, or if it was a matter of demographics. And for us, I think it would be comforting for us to know as a committee whether it was one or the other.

Mr. Jean-Pierre Kingsley: Mr. Chairman, if I may respond very rapidly, it is an excellent idea. Consider it done, and I will table the report here as soon as I have it.

The Chair: Thank you.

Mr. Jean-Pierre Kingsley: Consider it done. As soon as I have it, I'll table the report here.

Hon. Raymond Simard: That would be great. Thank you.

The Chair: Thank you. I'm going to deal with—

Mr. Marcel Proulx: Mr. Chair, I have a point of order.

The Chair: Okay, very quickly.

Mr. Marcel Proulx: Do we need the witnesses to complete our business?

The Chair: No, we do not.

The witnesses are welcome to stay, or they are dismissed.

Thank you so very much for your illuminating answers and your quick response to the committee meeting. I appreciate your being here.

Mr. Jean-Pierre Kingsley: Do not hesitate to call on us. We're 15 minutes away.

The Chair: Thank you very much. I appreciate that.

Now I would like to go to Mr. Godin's question.

At last Thursday's meeting, Mr. Godin, the committee was asked about this. I remember that the committee agreed to hold additional meetings because of how much information we had to digest and the potential for getting a report done by the end of the session. The

committee agreed. As a result, I have set up two additional meetings this week. Because of the availability of this room, the first meeting is tonight. The second meeting is Wednesday, and that's with the Privacy Commissioner. I don't expect that we will be with the Privacy Commissioner more than 25 to 45 minutes, at the very most. That meeting will deal with the sharing of lists and where we get our information.

So that's why we have two additional meetings this week. The committee agreed to allow me to do that.

A comment from Mr. Godin, and then Monsieur Guimond.

Mr. Yvon Godin: Yes, we allowed the committee to do that, but we had not talked about the night or the hours. It came like a brick. I mean, we already have a schedule.

The Chair: I agree.

Mr. Yvon Godin: Tonight is totally impossible for me.

The Chair: I do apologize to the committee.

Mr. Yvon Godin: I think I'm not the only one, and I would like to hear from the others. I mean, a decision about time is normally decided as a group.

The Chair: I'm happy to do that. The problem is the availability of this room. We're coming down to the last 10 to 14 days on the Hill, and this room is only available at certain times. We did everything we could to get those times opened up, but we could not. This room is only available at those times.

I regret not bringing it to the committee, but it probably wouldn't have done much anyway. These are the only times the room is available.

There will be a continuation of this general discussion tonight. I would certainly encourage members to be here, especially given the information.

Mr. Yvon Godin: I'm sorry, but I don't think you have the power to decide on your own. We have to make a decision here at the committee.

The Chair: Okay, I'm happy to do that. But it's either that the meeting tonight is on, or the meeting is off. It's not like we can choose another time.

I'll put that to the group. That's fair to me. Does the committee agree to allow the meeting to be held tonight?

Is there more discussion on this point?

Mr. Guimond.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I would like to start by congratulating you. I sincerely want to tell you — and don't worry, I'm not trying to butter you up before attacking you — that the way in which you are fulfilling your duties as chair is excellent.

I would like to make a comment that will certainly not sit well with my Liberal colleagues. I have been on this committee since the year 2000 and there is no comparison between the way Derek Lee managed or presided this committee and your own. I congratulate you.

However, we want the rules to be fair.

•(1250)

It is perhaps your enthusiasm and your desire to get this through that led you to set the time of the meeting unilaterally. We assume that you acted in good faith. I do not believe that you are acting in bad faith, but we need to consult each other about our availability. I am meeting with my colleague, the government whip, and the other whips, and Mr. Hill is supposed to check whether we are available at the proposed time. If we are not, we try to set something else up.

The time of the meeting is in conflict with other commitments that I have made. I can always get a replacement, but I try to attend as many meetings as possible. You should be checking whether or not we are available.

I would like to emphasize one thing. I hope that no one on the government side thinks that my comments are some sort of obstruction tactics. On the contrary, we want to see legislative changes. Last week, I asked Mr. Hill a question, and he told me that there is a will to achieve concrete legislative changes before the next election. So I certainly do not want to obstruct the committee's work. However, please check our availability.

I would like to end with a brief comment. The clerk will be able to tell you that there are 22 committee rooms on Parliament Hill. The Standing Committee on Procedure and House Affairs does not have to meet in Room 112-N of the Centre Block. In the past, we have met in Room 701 of the La Promenade Building and in the West Block. There is no requirement for us to meet here. It is true that it is more convenient for the whips.

So I would ask you to check whether or not we are available and do not make unilateral decisions about the time of meetings.

[English]

The Chair: Since the committee already agreed that we would try to get a report done by the end of this session and have extra meetings, I took it upon myself to call a meeting and look for rooms that were available. These are the times that are available.

I am open to the committee. It was my thought to move forward with the meeting tonight and have a general discussion. Mr. Guimond is absolutely correct that it is imperative to have the members here for that next discussion who were here with Mr. Kingsley. So I will leave it to the committee right now to make a decision.

We will make every attempt to find another room, but the chances of our finding a room and meeting everybody's schedule are pretty slim. So I recommend that we try to move forward with this meeting tonight, but I will submit to the will of the committee.

Is it the will of the committee that tonight's meeting be cancelled and we try to reschedule it?

[Translation]

Mr. Yvon Godin: No.

[English]

The Chair: Okay, so we have a no from Mr. Godin.

Madame Picard.

[Translation]

Ms. Pauline Picard: Mr. Chairman, I believe that the Privacy Commissioner will be paying us a visit tomorrow. Is that correct?

[English]

The Chair: That's correct.

[Translation]

Ms. Pauline Picard: The meeting is scheduled to last from 3:30 p.m. to 6 p.m., I believe. In my view, it should not be that long. Could we not make better use of the time if we allow 45 minutes to an hour for the Commissioner, we could then work on the report, even if that meant sitting a half hour or an hour more, going until 7 p.m. instead of 6 p.m.?

[English]

The Chair: Again, that's a very good point. Thank you very much, Madame Picard. I think I'm the only one who's able to make tonight's meeting.

Would it be better to move this meeting from tonight to tomorrow at 3:30? At least four members can make that, including me. Are there any members from the official opposition?

•(1255)

Mr. Marcel Proulx: I'm available tomorrow.

The Chair: You are amazing.

What about the government side?

Mr. Godin, you are available. I'm going to call your staff and make sure you're available after all this trouble, my friend. Then I'm going to suggest—

Mr. Yvon Godin: No, I just want to look at the hours.

The Chair: It will be from 3:30 until 7. I was even going to buy you guys dinner tonight.

Mr. Yvon Godin: I'll go from 3:30 to 6.

The Chair: You're an amazing man.

We're negotiating now. Is it the will of the committee that we cancel tonight's meeting and put the agenda to tomorrow from 3:30 to 7, and just hope the members can stay as late as we can?

I think we can do it. This is a very energetic committee and we're very focused.

Hon. Raymond Simard: Good idea. It works.

The Chair: Seeing the will of the committee, that's what we will do, then.

Tonight's meeting is off. Tomorrow we'll meet from 3:30 to 6:30. Do I hear 3:30 to 6:45? Do I hear 6:45...? Do I hear...?

Some hon. members: Oh, oh!

The Chair: All right, we'll try to get it done before 6:30.

Monsieur Guimond brought up the issue of the meetings from now on being in public versus in camera. My concern with that is simply that we are in the draft stage of a report at this point; that's the only comment I want to make.

Are there any other comments?

Marcel, please.

Mr. Marcel Proulx: Even if we're in a draft situation, let's call it, we're having discussions and exchanging views on subjects. Even if these are public, they won't cause us any prejudice. There are discussions and then we come to a decision, and that's what's going to be in the draft report. So unless somebody has objections to letting their honest comments be known, I can't see why we couldn't do this in public, sir.

The Chair: Are there any other comments?

Mr. Joe Preston: I've never had a problem with that before.

An hon. member: I'd be comfortable.

The Chair: It appears there are lots of nods. Then that's what we will do. The meetings from now on will be in public.

We'll use Thursday's meeting to discuss the first rough draft of the report.

I would like to thank everybody for their tireless efforts in getting this done. We've done a lot of work on this committee. I am very proud of the committee's work. And hopefully we will get the report done.

Are there any further comments?

Mr. Scott Reid: It's a question.

Yes, when we start discussions tomorrow, will we at that point be looking at a draft report that Mr. Robertson did for us?

The Chair: Yes, we will be.

Believe it or not, we have got a lot done. If you review the recommendations and the witnesses we've heard, there is a lot to get into a report. So I think we are at the stage where we have to get some of this into a report and begin discussions on it, as well as wrap up the discussions that we have heard today.

The Privacy Commissioner tomorrow is just going to finalize some of these nitty-gritty details with respect to sharing the voters list and with respect to date of birth, and some of these issues the committee has raised.

Mr. Scott Reid: Great.

The Chair: Any final comments?

The meeting is adjourned.

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