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# Standing Committee on Procedure and House Affairs

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**Thursday, June 15, 2006**

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**Chair**

**Mr. Gary Goodyear**

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• (1105)

[*English*]

**The Chair (Mr. Gary Goodyear (Cambridge, CPC)):** Let's bring the meeting to order, ladies and gentlemen. Thank you so much again for coming.

I do want to remind members that this meeting is in public; however, I would like to bring to the attention of the committee that draft reports are generally considered in camera, basically because the reports are confidential until they are tabled in the House. However, I'm happy to proceed any way the committee wants to proceed as a group, of course. If the committee wants to proceed in public, then that's what we'll do, but I would simply like to remind the committee members. Perhaps I can read a quote here:

Committee reports must be presented to the House before they can be released to the public. The majority of committee reports are discussed and adopted at *in camera* meetings. Even when a report is adopted in public session, the report itself is considered confidential until it has actually been presented in the House.

I would just simply ask the committee once again for their agreement to stay in public, otherwise we will go in camera. Is there an agreement to stay in public, or is there a change of opinion?

Mr. Proulx.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** I think yesterday's meeting went very well in the sense that it was public, but everybody knew we were working on a draft report. I don't see any problems in continuing in public.

**The Chair:** I see everybody nodding. There's nobody with a concern.

**Some hon. members:** Agreed.

**The Chair:** Okay, then, thank you very much for that permission. We'll stay in public.

Monsieur Godin.

[*Translation*]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** I would simply like to add that this must not become a habit. The Committee must sit in camera when there is a reason to do so, and we must set the example. You are right in saying that the Standing Orders stipulate that draft reports must not be published. Furthermore, a report can only be published once all of the work is finished and it has been tabled in the House. This is a matter that requires reflection.

I would not like to see the other committees say that the Standing Committee on Procedure and House Affairs set the example by not sitting in camera. There are good reasons to proceed in this way,

namely in order to give parliamentarians the opportunity to prepare a report that will be made public. There is nothing to be hidden from the public, but we are dealing here with the work of the Committee.

[*English*]

**The Chair:** I think what we'll do, Monsieur Guimond, is we really only have a little time here, but we'll talk about this for another moment.

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** It is odd, Mr. Chairman, that you are constantly saying that we only have a little time right before I speak. In my paranoia, I get the impression that your comment is directed at me. I will therefore be very quick.

I am sensitive to Mr. Godin's explanations. However, given that we have nothing to hide, we thought we could work in a public session.

I would like to propose a middle-ground solution to my colleagues on the Committee. We are still at the report stage. It is true that we must respect the Standing Orders, that stipulate that reports must not be made public before being presented in the House. Otherwise, this clause would have no meaning whatsoever. Given that in law the legislator does not say things just for the sake of it, I would suggest to the group that the meeting we will hold to study the report proper, before its tabling, perhaps next week, be held in camera.

• (1110)

[*English*]

**The Chair:** Okay. It was my opinion that we would discuss it at the beginning of each meeting, and in fact, Monsieur Guimond, that was exactly my thought.

So let's proceed, ladies and gentlemen. We have about four hours left—not today—it's two hours today, thank you, and two hours on Tuesday. We are coming to most of the points that we've had all the information on.

Yesterday we left off with recommendation 1.15, so we will proceed today with recommendation 1.16, "Voting by Electors Absent from the Country for More Than Five Consecutive Years". The Chief Electoral Officer is of the view that this provision deprives certain individuals of the right to vote and could be contrary to section 3 of the Charter of Rights. It says:

Section 11(d) of the Act prohibits voting by persons who have been absent from the country for a period exceeding five consecutive years. The Chief Electoral Officer recommends removing this limitation for persons who intend to return to Canada as residents.

Any discussion on that?

**Hon. Raymond Simard (Saint Boniface, Lib.):** I think I'd probably be in favour of this.

I'm only wondering how the CEO would confirm that these people are actually coming back to Canada. I don't know how you would manage that, but I think the principle is fine. If somebody has been out of the country and working somewhere—in Saudi Arabia—and is planning on coming back in six years, they should still be allowed to vote in Canada. But how do you confirm that? They are not now residents of that place.

**The Chair:** Mr. Reid.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** As someone who actually used to live in a foreign country, I'm not sure you can determine that easily. I was a resident of Australia for certain purposes and I was a resident of Canada for other purposes. For income tax purposes, I did my taxes here as opposed to there, but I was working there. Actually, I was a permanent resident of Australia.

What I'm getting at is that I think Mr. Simard has a good point. It's basically impossible to determine in the absence of a declaration, unless somebody has gone out and actually done something like rejecting their Canadian citizenship in order to become a citizen of another country, which some countries require.

**The Chair:** I'll ask Jamie to give us a bit more enlightenment on this.

**Mr. James Robertson (Committee Researcher):** This has been in the act since the early 1990s, I believe. The current provision reads:

Any of the following persons may vote in accordance with Part 11:

11(d) a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident.

The question is the intention, not whether the person actually returns. I think for intention it is up to the individual to declare whether they have the intention. A person who has left Canada, has established a domicile somewhere else, and has severed all ties with Canada would presumably not have the intention to return to Canada. So I think it's a question of fact in individual cases, but it would be up to the individual, in most cases, to assert their intention.

**The Chair:** Shall we put that in there, that the individual must assert their intention to return to Canada?

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond:** I do not know if James could help us out with this.

My understanding is that the right to vote is directly linked to one's citizenship. A person who has been living in the Bahamas for 15 years and who has retained his or her right to vote might very well have become very disinterested in politics but, technically, if he

or she has remained a Canadian citizen, he or she has the right to vote.

With this provision, the voting rights of people who have remained Canadian citizens would be revoked for other reasons. Conversely, we do not want non-citizens to be entitled to vote. We are asking that Neo-Canadians and newcomers supply us with proof of citizenship if they wish to vote. And inversely, we do not want Canadian citizens who no longer reside in Canada to lose their right to vote.

There is another question that comes to mind. Where does this five year rule come from? Why five years? One of my brothers married an American and lives in Denver, Colorado. If he has been gone for four years and eight months, he would have the right to vote. But if he has been gone for five years and two months, then he no longer has the right to vote. Did this rule fall from the sky or out of a tree?

• (1115)

[*English*]

**The Chair:** It's a very good point. I'm seeing a lot of nods around the table.

Shall we simply remove this clause, that if you're a Canadian citizen you have a right to vote?

I'm only stirring up trouble here so I get some more comments.

Monsieur Godin, and then Mr. Reid.

[*Translation*]

**Mr. Yvon Godin:** Mr. Chairman, I agree. A Canadian citizen is a Canadian citizen. There are Canadians who live in regions where they are able to go and vote. For example, in embassies, there is an area where you can vote. They can even send their ballot by mail.

I simply wish to underscore that a Canadian is a Canadian.

[*English*]

**The Chair:** Mr. Reid, then Monsieur Proulx.

**Mr. Scott Reid:** This is paragraph 11(d) of the act. The logical thing would be to make the wording "a person who is absent from Canada". Currently it says:

a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident.

I'm assuming we could say that a person who is eligible to vote by a postal ballot would include "a person who is absent from Canada", period.

**The Chair:** Monsieur Proulx.

**Mr. Marcel Proulx:** I think I understood the last comment to mean the same thing that I wish, in the sense that as long as they're Canadian citizens, regardless of whether they live in Canada or outside of Canada, they should have the right to vote.

As candidates, we are all aware of citizens who are working outside the country who have registered with Elections Canada. As an example, National Defence gives us lists. So presumably, somebody who lives outside of Canada who is a Canadian citizen would need to register with Elections Canada—and bingo, they should have the right to vote.

**The Chair:** I think we're debating the obvious here, but I do find this confusing. Part 1, section 3, states that, "Every person who is a Canadian citizen and is 18 years of age or older on polling day is qualified as an elector." So, boom.

**Mr. Marcel Proulx:** But it seems they're excluded. According to 1.16, paragraph 11(d) of the act prohibits voting by persons who have been absent from Canada for a period exceeding five consecutive years.

**Mr. Scott Reid:** That's not quite right. Section 11 of the Elections Act has paragraphs (a) through (f), and says, "Any of the following persons may vote in accordance with Part 11." I think part II of the act has the rules on how you vote by postal ballot.

**Mr. Marcel Proulx:** What does paragraph 11(d) say?

**Mr. Scott Reid:** I'm actually going to bring it over so you can see it.

**The Chair:** Section 11 says, "Any of the following persons may vote in accordance with Part 11." Paragraph 11(d) says, "A person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident."

**Mr. Marcel Proulx:** Therefore, if they're away for over five years, Mr. Chair, they're excluded.

**The Chair:** That's what it is saying. So I'm suggesting we delete the clause.

**Mr. Marcel Proulx:** We delete that.

**The Chair:** I'm just going to allow Mr. Proulx to be clear, and then we'll move on, because I want everybody to hear this.

We're going to continue discussion here now that that is over.

Monsieur Guimond, and then Monsieur Godin.

Did you want to say something, Mr. Guimond?

[*Translation*]

**Mr. Michel Guimond:** There is much confusion. Does the Chief Electoral Officer wish to give them back their right to vote, even if they have left the country? What is the meaning of this amendment?

• (1120)

**Mr. Marcel Proulx:** Yes. He wants to give them back their right to vote if they plan on returning to Canada, even after an absence of more than five years.

I would therefore suggest that we delete paragraph 11 d). In this way, there would no longer be any exclusion for Canadian citizens having lived outside the country for more than five years.

**Mr. Michel Guimond:** My colleague, Pauline Picard, mentioned the case of a NATO military attaché who was posted to Brussels for seven years and that of a diplomat who spent five years in Morocco and three years in Tunisia. Would these people lose their right to vote? That is absurd!

[*English*]

**The Chair:** Mr. Godin, and then I think we've got a consensus on this.

Mr. Godin.

[*Translation*]

**Mr. Yvon Godin:** Mr. Chairman, we need further information in this regard.

Our researcher might be able to tell us the reason why the legislator decided on five years. Who did the legislator want to exclude at that time?

I would like to give you an example. Our country welcomes a lot of immigrants and these people obtain their Canadian citizenship. If they go back to their native country after ten years and never return to Canada, are we going to authorize them to vote in Canada until they die simply because they are Canadian citizens?

I would simply like to know why this was set at five years. Could there be exceptions for the military, diplomats, etc.?

[*English*]

**The Chair:** Order, please.

Mr. Robertson.

**Mr. James Robertson:** Until the 1990s, provision was made in the act for people who were working for the Canadian government and who were posted abroad. If you were part of the military, if you were working as a diplomat, if you were working for a United Nations or other agency, you had the right to vote in Canadian elections. No other persons living abroad were entitled to vote.

In the early 1990s, I believe as a result of the recommendation of the Lortie commission and the introduction of the Charter of Rights and Freedoms, the act was amended to allow citizens who are abroad for less than five years and are planning to come back to vote. I think the five years was brought in because there was a feeling there needed to be some connection and intention to return, and because it was an extension of a rule, that previously people had not been allowed to vote if they lived outside the country.

At this point in time there would be no problem that I see with removing either the five-year limitation or, if you wish, removing the requirement that they intend to return to Canada. It was just that in the early 1990s, because they were bringing in a new rule, a new provision, they built in those two requirements.

**The Chair:** Mr. Hill.

**Hon. Jay Hill (Prince George—Peace River, CPC):** I want the question. Put it to a vote.

**The Chair:** Oh, you want the question, I'm sorry.

Well, let's put it to a vote. What I'm sensing from the committee is that the simple solution is to eliminate this particular clause, just to eliminate it.

All in favour, please signify.

**Some hon. members:** Agreed.

**The Chair:** Thank you. It's gone.

Section 1.17 may again be dealing with the ability to have mobile polling stations. Let me just read it to the committee:

1.17 Review of Special Voting Rules

Currently, the special voting rules in sections 231 to 243.1 of the *Canada Elections Act* allow voting by special ballot only in four cases: electors temporarily residing outside Canada, Armed Forces electors, incarcerated electors, and electors residing in Canada. The procedures established for special ballots effectively exclude many electors who may be unable to exercise the vote, such as persons unexpectedly admitted to hospital in the days leading up to polling day. The Chief Electoral Officer calls for a far-ranging review of these rules to consider whether they are appropriate in light of changing technologies and expectations.

I believe the committee and certainly some of the parties that presented here encouraged a greater use of special ballots. We have discussed mobile polling stations. Are there any comments, or should we...?

Mrs. Redman, and then Mr. Preston.

• (1125)

**Hon. Karen Redman (Kitchener Centre, Lib.):** Thank you, Mr. Chair.

I believe this is the appropriate section to deal with this. I have some notes from Nancy Karetak-Lindell talking about some of the special issues that happen in the far north. Clearly, weather is a huge issue. Nancy puts in her notes that she had electors who were stuck because of weather in Iqaluit until January 23, which was the day of the election, and they therefore missed the advance polls in other regions.

They're often asked to go to other communities, because they have no roads up there, which causes some people to incur a cost of \$600 to fly to another community because that's where the polling station is. She mentions people in Clyde River who had to go to Pond Inlet to do the advance poll. Again, they had to pay for the flight.

I think it's unique to Nunavut. I don't know if there are similar cases in other northern ridings, but I know for Nancy it has been an ongoing concern. She said that through the past four elections, after every election she has made presentations to Elections Canada and nothing has changed. So I would hope that if we're able to, we can maybe seize on this opportunity.

She also cites voters who have to go out of the community for health care, and very often, if they only speak their native tongue, they will have to have another family member go with them. It happened that one couple was unable to vote because they had to fly to Toronto for some medical attention. I think that's just a reality of living in the far north.

The other huge issue for her is that while everyone recognizes that we have two official languages, there are many people in her communities who speak their native tongue, and not having interpretation and not having ballots and other information in that language is a huge handicap for them, and actually can, in some cases, disenfranchise them.

She's also asking if there could not be more flexibility in having people in the community designated to vouch for these people, rather than asking them to fly to other communities such as Iqaluit where the deputy returning officer is; that they be able to have people deputized to identify them, to take the identification, and to explain that there may be situations beyond their control, such as weather, where they had every good intention of meeting the deadlines or

going indeed to where Elections Canada would have them go but they're unable to.

She also states—and this isn't the right section, but if people will indulge me, I'll just put it on the record—that as a candidate, she has a real problem with getting her documentation signed. We've already covered off the fact that there are fewer signatures needed in places such as Nunavut. It's very difficult. She has to fax the papers and physically ship them counter to counter by air, which again can sometimes put a candidate in jeopardy or delay when they're actually the official candidate.

So I'd like to have a discussion as to how we can perhaps, under this section, make some accommodations. I see nodding heads, so there must be other communities that are remote that are dealing with some of these issues as well.

**The Chair:** Indeed...folks who have had heart attacks or something tragic and are in the hospital and aren't capable of getting out that day.

Mr. Preston, and then Monsieur Proulx.

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** We're asking for the special ballot to be used up until election day to handle the case you just mentioned, of someone who went to hospital under an emergency situation.

But I'm not certain we couldn't also handle most of Ms. Karetak-Lindell's problems with the transfer certificate we've also talked about. They could present themselves at any poll and show that it's through extraordinary circumstances that they're at that poll. Then a transfer certificate should be able to be issued by the deputy returning officer at that poll and they'd be allowed to vote there.

We didn't do that under transfer certificates, but it may be a case where we can catch this.

• (1130)

**Hon. Karen Redman:** Some communities have no polls.

**Mr. Joe Preston:** So there are some places where there isn't a poll. Okay, I understand, then, the use of the special ballots right up to the end. So they can be received within what period of time after the election, or something to that effect, then.

**The Chair:** Mr. Proulx, and then Mr. Reid.

**Mr. Marcel Proulx:** A big part of the problem in changing the paragraph for advance polls is that, remember, it used to be for two polls or more, and now we've changed it to one. So in a particular case where there'd be a village or whatever, they could decide to have an advance poll specifically there.

Secondly, as far as the special vote is concerned, we allow it for people who go south to be in the sun. We should allow it for people who decide to stay north in the cold.

**The Chair:** You're right.

May I just remind committee members that the recommendation is simply that the committee authorize or support a stronger review of this issue. It sounds to me like that's exactly what we need to support. He's not really asking us to change the law or come up with a solution. He's just asking that the committee recommend that this issue be strongly reviewed.

We'll continue discussions for a moment. We'll have Mr. Reid, then Mr. Godin, and then Ms. Picard.

**Mr. Scott Reid:** That's very good. I wonder if Nancy would be all right with it if it could be translated and then handed out to everybody, if it's sufficiently....

I think there are a number of points that would come logically into a number of different sections of the act, and it's sort of hard to discuss them under this section of the act. So if it could be done, maybe it could be given to us so we'd have time to look at it for our Tuesday meeting, and we could probably incorporate a number of points.

The advance poll was one that I... When I was just getting into full flight about the past meeting, it was about Nunavut, because Nancy had mentioned this very problem to me. Similarly, on the whole issue of nominations and the 100 signatures, that's where that came from. Do you remember that I kept talking about Nunavut? It was because Nancy had mentioned this problem.

I think to actually hear her problems well, we'd have to be able to take it and divide it up, because it sounds like she has about seven or eight points.

**The Chair:** Mrs. Redman, are you comfortable handing that in? We are compiling responses from outside the committee. So if you're comfortable handing that to the clerk, we'll keep a copy of it.

May I move on then to Mr. Godin? Then I think we'll go to Madame Picard. And I'm going to call the question, because I think we've already established consensus here.

Monsieur Godin.

[*Translation*]

**Mr. Yvon Godin:** Mr. Chairman, this is important for those people who are hospitalized.

You will remember that I told Mr. Kingsley that we were doing everything we could so as to allow those people outside the country to vote. However, a person who is hospitalized two or three days before an election will be unable to vote. It might be someone who has voted all of his or her life, who wants to go and vote and who lives two steps away from the polling station.

I believe that this is a move in the right direction.

[*English*]

**The Chair:** Thank you. I agree.

We'll now have Madame Picard.

[*Translation*]

**Ms. Pauline Picard (Drummond, BQ):** Mr. Chairman, I am very sensitive to what other members have said and to what Ms. Redman told us. The idea here is to review all of the special voting rules. This is what we have been asked to do, and the Bloc is in agreement.

[*English*]

**The Chair:** May I call the question? The committee is suggesting, then, that we support this, that there needs to be a review. And we can add some of the comments from the committee this morning for those who ultimately review this. Agreed?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

We have dealt with section 1.18, ladies and gentlemen, and 1.19 is likely to be dealt with in Bill C-4. So we are on to what I would consider the even more interesting things.

We are on chapter 2, section 2.1, "Registration Through Income Tax Returns". I will remind the committee that we did hear from the Privacy Commissioner that in fact if the individual consents to allowing this information to be transferred to Elections Canada, there is no problem with it, indeed. Even asking, as Mr. Kingsley has requested, that the person check off a box to say that he or she is a Canadian citizen is apparently allowed, with consent.

I see all the members reading that section. Shall I read it, or are we ready to discuss it? Are you okay with it, or did you want to comment?

Mr. Preston.

**Mr. Joe Preston:** I would like to comment, if I could.

We said it yesterday, and we'll say again today, that Mr. Kingsley has always had the ability under the Privacy Act to do this. We found that out from the Privacy Commissioner yesterday. So if he's asking us to let him do his job, then great, let him do it. The income tax returns may be one of the best places to get it.

But we were also told yesterday that we were going to get some information by this morning about the use of census or Statistics Canada data.

• (1135)

**The Chair:** Apparently they called and said the issue is much more in-depth than they thought, and they couldn't get it. They're hoping to get it by the end of the meeting. That's the best they could do.

May I just remind members that it's the Canada Revenue Agency that seems to feel that they don't have enough authority to pass this information on. I suspect that we perhaps are privy to information they don't have.

Are there any other comments on this?

Mr. Proulx.

**Mr. Marcel Proulx:** I have a brief comment on your comment. Did the commissioner say when they could supply us with their opinion?

**The Clerk of the Committee:** It will be today, maybe by 1 p.m.

**Mr. Marcel Proulx:** Okay, it was too complicated for 11, but it would be okay for later on today. I'm not being sarcastic; I just want to understand. That's fine.

**The Chair:** That's what I hear. They're looking into it in more detail.

I'm not sure, however, that there was any question about this issue. My understanding, and correct me if I'm wrong, is that the Privacy Commissioner said fairly clearly that if there was consent, it was okay.

**Mr. Marcel Proulx:** Could we rearrange 2.1 to include the possibility for Elections Canada to go further than strictly using income tax returns and to go to census information through Statistics Canada? Statistics Canada's statistics have to be the best source in the land. Can we rearrange this wording so that we encourage that?

**The Chair:** I'm seeing most folks nod.

May I extend it further to ask that a box be put on the income tax forms to indicate whether you are a Canadian citizen?

**Mr. Marcel Proulx:** I thought we had already agreed to that.

**The Chair:** I think we have. It's coming up in chapter 5. .

Everybody agreed?

**Some hon. members:** Agreed.

**The Chair:** We will make sure that happens.

We have already dealt with 2.2, 2.4, and 2.5.

On 2.6, "Authority to Determine When to Send Out Voter Information Cards", I will read this:

The Chief Electoral Officer seeks greater flexibility in determining when to issue Voter Information Cards. Currently, they are to be sent as soon as possible after the issuance of the writ, but not later than the 24th day before election day. The Chief Electoral Officer notes that while this process functions well, greater flexibility is needed to avoid situations where Cards are required to be issued before all the information required on the Card is gathered (polling station, advance polling station, dates and hours of voting).

I'm going to open this one up for comments.

Mr. Preston.

**Mr. Joe Preston:** As we stated yesterday, the information on the voter card is nothing but your name, address, and what poll you go to. We felt that the name and address may be information that's causing it to be used as an identification card. Why are we not using bulk mail saying that you vote at such-and-such a polling place? It doesn't need to be addressed.

**The Chair:** Monsieur Proulx.

**Mr. Marcel Proulx:** I think it sounds great, but I have a suspicion that there are problems as far as Canada Post goes. All of a postal code area would not necessarily vote at the same polling station.

I think our options are either to address them directly or eliminate them. I don't think we can discuss eliminating these cards because it's the only information they get from Elections Canada. I think what the CEO is trying to do is to cover his rear end, in case they have not worked quickly enough to issue the cards with the proper information. Then when we complain, they can say, well, the law allows a delay on this.

I appreciate that it's a major problem. The period of time for the revision of the list brings a lot of changes, and before they can cope with these changes, that date arrives. However, if we are successful in forcing Elections Canada to have a better permanent list, then there won't be as many changes in the revision period and it would be easier for them to reach their goals.

• (1140)

**The Chair:** I would just like to add to the conversation about the school boards that choose to cancel out on the Chief Electoral Officer at the last minute. I think he's well aware of that potential problem, and he should probably be ensuring that it doesn't happen by doing a little more work. Again, if fixed election dates come along, I don't personally see the problem here.

Mr. Godin, for a final comment.

[Translation]

**Mr. Yvon Godin:** It is important that card be addressed to the person. It has already been demonstrated that the address of the polling station indicated on voter cards is not always the right one or that it is not the same as that on the card of a person living at the same address, for example. In such cases, a call can be placed to Elections Canada, and they will make the necessary correction.

I believe that we should add the fact that the card should be inserted in an envelope so as to put an end to any confusion with regard to people's home addresses. Mr. Kingsley confirmed to us that he was prepared to accept that these cards be placed in an envelope, in order that people not simply receive a little card.

[English]

**The Chair:** I'm going to Mr. Reid, and then to Monsieur Proulx and Mr. Preston. I think we can call the question after that.

Mr. Reid.

**Mr. Scott Reid:** I don't think his request has anything to do with problems with getting people on the list. I think his concern is the sort of situation that happened in Monsieur Simard's riding, where polling stations changed.

**Mr. Marcel Proulx:** It happens when the list is revised by the number of voters.

**Mr. Scott Reid:** That's a good point. What I'm thinking of here is the case of what happened with Mr. Simard. I don't think changing the date on which the voting cards get sent out to a later date is really going to resolve the problem. The problem is that if they had an incentive not to act irresponsibly, the school board would have acted differently. I don't know if we're dealing with it at any point in the draft report, but I would have a recommendation that once you sign on, there's a penalty for withdrawing your polling location, as there would be for breaching any other contract. I think that's the way to deal with this, instead of changing the date on the cards.



**The Chair:** Okay.

Monsieur Proulx.

**Mr. Marcel Proulx:** I'm not convinced that we have to impose on Elections Canada to send these cards in an envelope. This would cost a lot more money...more complicated...more handling. I think what we should do is somewhere in our report have a recommendation addressed to Canada Post to make sure they deliver according to what they're supposed to do for the price that is being paid by Elections Canada.

**The Chair:** We are going to be dealing with that issue later on, so let's just stick to this. This is a request to have more flexibility on this 24 days. I'm sensing that the committee is not in agreement with allowing that. The status quo is working?

**Mr. Joe Preston:** While we're on the voter identification card, I was going to add another point, that they're not to be used as ID at the poll.

Are you going to bring that forward somewhere else?

**The Chair:** We're dealing with that later on.

Okay, Madame Picard, and then we're finished with this one.

[Translation]

**Ms. Pauline Picard:** Mr. Chairman, I do not know if I am on the right point. I do not know if we are discussing point 2.6. The only thing that the CEO is asking for is that the process for setting the date be somewhat loosened. At present, he is obligated to send out the cards at a set date. Often, as he stated, everything works well, but it does happen that he not receive all the information. He is asking that we give him a little bit more room to manoeuvre with regard to the date. It seems to me that we are now discussing placing the card in an envelope, and I do not believe that it is that that we should be voting on.

[English]

**The Chair:** No, I don't want to discuss envelopes or anything to do with the voter ID card. This happens to be about whether or not we allow this date to change. It's not later than the 24th day before the election.

I'm going to call the question, that we not approve this, that we leave it the way it is. Okay?

**Some hon. members:** Agreed.

**The Chair:** Thank you very much.

I think we have dealt with 2.7 in a number of ways. Let me just read the clause. I'm sure the members remember the Privacy Commissioner's information on this. It reads:

2.7 Addition of Year of Birth on Lists of Electors Used on Polling Day

The Chief Electoral Officer recommends amending section 107(2) of the Canada Elections Act to require that a voter's year of birth be indicated in the official lists of electors for each regular and advance poll. The Chief Electoral Officer has expressed concern about discarded voter identification cards....

Isn't that an information word? It's a voter information card, my apology.

...being used by persons not eligible to vote....

We've all been through this. A date of birth could be used as a cross-reference. I think the committee is quite aware of where this is going.

Monsieur Guimond.

• (1145)

[Translation]

**Mr. Michel Guimond:** I am lost. Are we still dealing with point 2.7?

[English]

**The Chair:** Correct.

[Translation]

**Mr. Michel Guimond:** Is there consensus, in light of what the Commissioner told us yesterday? She told us that the act pertaining to her does not take precedence over the Canada Elections Act and that this responsibility was that of the legislator. I believe that we should recommend that not only the year of birth but also the date of birth appear on the list.

**The Chair:** Thank you very much.

Mr. Preston.

[English]

**Mr. Joe Preston:** I agree with Monsieur Guimond that the year of birth does nothing to narrow it. It just simply narrows the amount of possible fraud, whereas the date of birth would almost completely eliminate it. Simply putting the year of birth means anybody who looks to be approximately that age could still identify themselves as that voter. It would be about as good as putting down colour of hair or colour of eyes. So date of birth sounds to me like a further solution to that. We've also discussed other ways to eliminate the fraud piece. We would not need the date of birth on the list if indeed we as voters are using photo ID.

**The Chair:** With respect to this particular section, everybody, I'm hearing that date of birth is acceptable. We will probably discuss later whether or not a scrutineer or who at the polls has the right to confirm and ask that person.

Mr. Proulx.

**Mr. Marcel Proulx:** We are told that the Chief Electoral Officer has expressed concern about discarded voter information cards being used by persons not eligible to vote. We're doing a lot of micromanagement now, but let's tell him that these dates are not to be put on the information cards mailed out to the voters. This information should be strictly on the list.

**The Chair:** All right, we'll be very clear in the report, then.

Do I have agreement from the committee?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

**A voice:** Date of birth or year of birth?

**The Chair:** No, date of birth. I heard date of birth, on the list only, not on the voter information card.

All right, under recommendation 2.8, “Retention of Statutorily Authorized Personal Identifiers for Later Use”:

Section 46 of the *Canada Elections Act* authorizes the Chief Electoral Officer to draw upon various sources of information to update the National Register of Electors, including: information that electors have provided to him, information held by government departments where the elector consents to the release of that information, and information collected pursuant to provincial statutes listed in Schedule II of the Act, provided the elector consents to the release of that information. Not all of the information from these sources may be incorporated into the National Register of Electors. Information such as a driver’s licence number and vital statistics, for example, may not be used. The Chief Electoral Officer seeks an amendment to permit him to *incorporate* such information in the National Register of Electors.

We did speak to the Chief Electoral Officer. It seems the Privacy Commissioner would have some issues with all of this information, but of course our commitment is to increase the accuracy of the list.

**An hon. member:** She didn’t.

**The Chair:** I know she didn’t, but I’m sure she would have.

Are there any comments?

Monsieur Proulx.

**Mr. Marcel Proulx:** I was going to say, Mr. Chair, she certainly didn’t appear to be somebody who minded yesterday when we asked her. I think she was very open, for election purposes.

**The Chair:** For election purposes, correct.

Ms. Redman.

**Hon. Karen Redman:** I think we have to be very careful about collecting people’s data. The way I read this—and just work with me here—it says things like a driver’s licence number and vital statistics, for example, may not be used.

Well, I don’t see any movement to using the driver’s licence as an identifier. I think we’ve moved to the date of birth.

I am very much in support of StatsCan supplying that kind of information for the purpose of the database for electors only, but does this open us up to social insurance numbers being somehow merged in some data bank, anywhere, whether we get it at the polling stations or not?

I think you have to put some parameters around this, so I’d like to know exactly what this means. It seems like a no-brainer as to how to update the electoral list, but I don’t want to throw this wide open so that now, all of a sudden, when I get a driver’s licence, that becomes part of the data bank, or you’re accessing the social insurance number, or anything like that.

**The Chair:** It’s very open-ended, isn’t it?

**Hon. Karen Redman:** It’s too open-ended, I think.

• (1150)

**The Chair:** I will refer the committee to the next point we’re going to discuss, which is 2.11, “Stable, Unique Identifiers for Electors”.

Are there any further comments on this issue?

Mr. Proulx.

**Mr. Marcel Proulx:** Mr. Chair, I think the CEO is telling us that for all kinds of different reasons that we obviously don’t necessarily understand....

Yesterday the commissioner was saying, no, it doesn’t apply that way. But anyway, he keeps telling us that he has all kinds of restrictions.

If recommendation 2.8—and Jamie can answer me on this—is to remove all the potential or the presumably existing restrictions in the eyes of the CEO, let’s tell him that he can waive them and go ahead with it.

I think there are two things: there’s one of gathering the information and one of giving out the information. I don’t see anywhere in this that he’s asking us permission to give out this information.

**Mr. Scott Reid:** Elsewhere he talked about giving it out for emergency purposes.

**The Chair:** Yes, in recommendation 2.9.

**Mr. James Robertson:** On this particular recommendation, he specifically says:

Elections Canada would not be authorized to disclose this corollary information except to the elector (when requested by the elector under section 54 of the Act) or to the original source of the data.

**The Chair:** It’s agreed?

Mrs. Redman.

**Hon. Karen Redman:** Maybe I’m the small “yeah, but” here. I think this is way too broad-based. I mean, I’m all for defining what we... I see no reason for Elections Canada to have my social insurance number or my driver’s licence. Somebody walk me through this, if there’s a reason why that should be retained by Elections Canada.

To me, that’s what the illustration is here that’s specifically used, and I don’t see why they should have that information.

**Mr. Joe Preston:** Maybe I can help. The answer that Mr. Kingsley gave was that it’s another database he can verify against.

If indeed you move, and there ends up being two Karen Redmans at another address, or two different addresses, he could check through the driver’s licence number that you are the one he’s looking for, under the latest database.

So he’s using other people’s databases as a way of qualifying that, ah, you did move. You didn’t tell Elections Canada, but you told the motor vehicle people.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** You have a situation where we’re putting in people’s date of birth. So we’re going to know it’s the Karen Redman born on July 30, 1970, as opposed to any other—do you see what I mean?

**A voice:** One is on a voters’ list.

**Mr. Scott Reid:** How many Karen Redmans in different...?

**A voice:** You meant born in 1980, right?

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

**The Chair:** Order. Order. I'm trying to be as nice as I can here.

Madame Picard.

[Translation]

**Ms. Pauline Picard:** In answer to Ms. Redman I would state that, in any event, the Chief Electoral Officer already uses driver's licences. In Quebec, he uses the automobile insurance registry of Quebec for information purposes. There is therefore nothing new here.

[English]

**The Chair:** I think we have to call the question specific to this recommendation, that we open it up or we don't. Let's call the question.

We'll record that the majority of the committee recommends it.

Recommendation 2.11—the rest we have in fact dealt with. Section 2.11 is “Stable Unique Identifiers for Electors”.

The Chief Electoral Officer recommends.... Did I already hear “agreed”?

**Some hon. members:** Agreed.

**The Chair:** Are we all happy?

We heard yesterday that the Canada Elections Act is not subject to the Privacy Act. I don't want to open a can of worms here, but does anybody want to discuss that?

Mr. Hill.

• (1155)

**Hon. Jay Hill:** On the issue of identifiers, we've had a thorough discussion at different times about the requirement for photo ID. We all recognize that there are individuals who don't have photo ID. Is there someplace else in our recommendations, or are we going to consider...? As we all agreed, the biggest issue that we need to grapple with is to eliminate, as much as we can, any potential for voter fraud.

My thought is that if we were to have a recommendation that the voter be required to show photo ID, but didn't have any, he or she could provide some other form of identification, which is already required.

In addition, if someone showed up at a polling station without photo ID and had other pieces of identification, automatically the poll clerk would look at the list and say what is your date of birth? To me, that should pretty much eliminate it, if there was a requirement of the polling clerk that if you don't have photo ID, I'm going to ask you what your date of birth is to identify that you are who you say you are.

**The Chair:** Mr. Hill, section 5 of this report deals with all those issues, photo ID, and so on, so if it's okay, I can simply defer that.

Mr. Godin, go ahead, please.

**Mr. Yvon Godin:** I have to leave in a minute. I just want to say that I'm not for mandatory photo ID. Jay has suggested an alternative for someone who doesn't have it. We're totally against requiring that someone have photo ID. It's good to look out for fraud, but at the

same time, we want Canadians to be able to vote, and we have lots of people who don't have photo ID.

**The Chair:** It has been so recorded. Thank you very much, Mr. Godin.

Let's move on, please. We'll probably get to this issue next Tuesday anyway, so I think we can have this discussion on Tuesday.

Right now we're going to move to section 2.12, “Distribution of Lists of Electors to Registered and Eligible Parties”. This deals with the other half of Mr. Proulx's concern about what we do with this information. It reads:

The Chief Electoral Officer repeats a recommendation made in an earlier report, *Modernizing the Electoral Process* (2001) to amend sections 45 and 109 of the *Canada Elections Act* to permit the distribution of voters' lists to eligible parties, whether or not they ran candidates in the electoral districts for which they are requesting the list in the previous elections. Currently, only registered parties are entitled to the lists.

Of course, there are some parties who are running candidates in areas in which they did not run in the previous election, and under current rules, they're not entitled to those lists. I think this makes sense. Is there any comment, or can we just pose the question?

Yes, Mr. Proulx.

**Mr. Marcel Proulx:** I want to check the French version, but when they say, “Currently only registered parties are entitled to the lists,” we don't want unregistered parties to have these lists, so what am I not understanding here?

**Mr. James Robertson:** Eligible parties are parties that have been accepted for registration subject to their complying with certain requirements and actually running candidates in the next general election. These are parties who have applied for registration between elections.

**Mr. Marcel Proulx:** It means that they would not necessarily have a candidate. In other words, they're not fully registered.

**Hon. Jay Hill:** A point of order.

**The Chair:** We'll go to the point of order

**Hon. Jay Hill:** We're on 2.12. Right at the end, it says that the committee rejects this recommendation. Why are we revisiting it?

**The Chair:** It says in parentheses, “To be addressed by Chief Electoral Officer...”. I apologize. It sounds like we were going to reject it again anyway.

Section 2.13 is done. On 2.14....

Is there another point of order?

• (1200)

**Mr. Marcel Proulx:** It's a continuation of Mr. Hill's point. When did we reject this recommendation? I don't think I agree with this recommendation, but...

**The Chair:** It was rejected at the first meeting.

[Translation]

**Mr. Michel Guimond:** I remember it very well but just look at the notes we wrote on the document we rejected. We wrote: “No more discussion needed. Reason for recommendation? Figueroa?” The Chief Electoral Officer confirmed that this was based on the decision of the Supreme Court in the Figueroa case. So we had our answer. It has been rejected.

[English]

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

We're supporting recommendation 2.16. Recommendation 2.17 is done. The next one is 2.18.

We wanted to talk to the Chief Electoral Officer about this—updating lists during elections on the basis of information from the National Register of Electors. It reads:

Express statutory authority is sought to enable returning officers to update lists of electors on the basis of information in the National Register of Electors. Currently, there is only implicit authority for a returning officer to update electoral lists....

Sounds like a bit of an administrative issue. Are we agreed on this?

**Some hon. members:** Agreed.

**The Chair:** We are now at 2.19, on provincial use of data from the National Register of Electors. It reads:

The wording of sections 55(3) and 56(e) of the *Canada Elections Act* makes it unclear whether provincial authorities are prohibited from using the provincial list of electors if information in the provincial list originally came from the National Register of Electors. The Chief Electoral Officer seeks an amendment to make it clear that neither section precludes the use of provincial lists of electors according to provincial law.

Are we agreed?

**Some hon. members:** Agreed.

**The Chair:** We are now on 2.20, “Sharing Elector Data with Provincial Electoral Authorities for Updating Purposes”. I think this is more of the same. It reads:

Section 55 of the *Canada Elections Act* authorizes the Chief Electoral Officer to share electoral information in the National Register of Electors with provincial election authorities. He cannot, however, share information that has not been incorporated into the Register, thus restricting Elections Canada from sharing source or preliminary data. This data is useful for provincial authorities in updating their registers. The Chief Electoral Officer seeks an amendment to the Act to enable him to share all the information from which he is authorized to update the Register.

**Mr. Joe Preston:** It may need some clarification.

Are we saying that although we can share the whole list with the provinces, the provinces are asking us to share source and preliminary data with them? Now we get back to what Madam Redman was afraid of.

**Mr. James Robertson:** I think what this is directed to is that where the register has not yet been updated by information that Elections Canada has received and a provincial election is taking place, they can send the register as well as the un-inputted data that will be added to the register to the province to assist the province in running their election.

**The Chair:** Mr. Guimond.

[Translation]

**Mr. Michel Guimond:** Mr. Chairman, we have a duty to reciprocate. We ask the provincial chief electoral officers to send us their data, but we are telling them that we will not send them ours. It is a matter of reciprocity. These are public officers, people under oath according to the rules of their province. I do not believe they would sell this information. We must be consistent.

[English]

**The Chair:** Thank you.

Mr. Hill, and then Ms. Jennings.

**Hon. Jay Hill:** Well, I guess my argument for supporting this recommendation would be that if we don't support it, we're suggesting that somehow Elections Canada is infallible. Regardless of what province it is, if they're updating their list, I think the reason they might want to double-check the source of that information or the preliminary data that Elections Canada used to arrive at that change in the Elections Canada registry would be to make sure it's accurate, so we don't have a situation where a mistake on the national list is then duplicated on the provincial list and they end up with the same mistake the Elections Canada people made. That's why I would support this.

In fact, it might be helpful, in a case where there would be an unintentional mistake made by Elections Canada...the province might catch it by saying, “Wait a minute. There's a typographical error, or whatever, because what you claim was a new address for this registered voter does not match this source material that you say you got it from. Somebody typed in the wrong....”.

So I don't see why we would prevent the provinces from having access to that.

• (1205)

**The Chair:** Ms. Jennings.

[Translation]

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine):** There is a discrepancy between the English and the French versions. The English version says:

[English]

He cannot, however, share information that has not been incorporated into the Register, thus restricting Elections Canada from sharing source or preliminary data.

In the French version, *on dit*:

[Translation]

“mais non des renseignements qui n'y ont pas été incorporés, ce qui empêche, par conséquent, Élections Canada de communiquer des données préliminaires.”

[English]

So “*données préliminaires*” is “preliminary data”. It mentions nothing about source data. In the French version—I happen to like the way it's done—it's the data that would normally be on the national register, which can be shared with the provinces, but has not yet been listed on the national register; therefore, he's asking to be able to provide it even though it has not yet been listed.

In the English version we're talking about source data, which is completely different from preliminary data.

**The Chair:** That's an interesting comment.

Mr. Reid.

**Mr. Scott Reid:** Well, Marlene's right to point to the difference. Unfortunately, it looks as if the English version is the one that's closest to what Mr. Kingsley is actually asking for. It says he'd like to expand the.... Sorry, I'll just find the exact wording here. He wants to include all information from which the Chief Electoral Officer is authorized to update the register. So this is unrefined data.

We all have databases, right? There was all kinds of unrefined data before we put it into our databases—people who have written to us for casework and so on—that it really is not our business passing on before we've gone through the preliminary stage. I think this is a real danger, particularly since we just passed a resolution earlier saying we're going to permit a wide range of sources. I would think this particular version is unwise.

I can bring it over so you guys can take a look at this, but I—

**Hon. Karen Redman:** That's fine.

Jamie, when you were qualifying it, why don't we use that language? The database and any un-inputted data—that's where it's destined. I have a comfort level with that, but to share all the source data, as Joe said, speaks to my earlier concern.

**The Chair:** I think we've hit common ground. So we agree, as long as the wording is a little bit more specific on the fact that it's not un-inputted data. Is that acceptable?

**Hon. Jay Hill:** Or eliminate “source”, so it's just “preliminary data”.

**Mr. Marcel Proulx:** What difference is there between source and preliminary data?

**Hon. Jay Hill:** Ask Marlene, because she's the one who raised it.

**The Chair:** “Source data” is pretty raw data, and the sense may not be accurate in the first place.

How about we reword it that way? We'll have another look at the wording in this clause. We'll reword it and I hope take into consideration the will of the committee.

Mr. Reid.

**Mr. Scott Reid:** I want to make sure we don't end up doing the same thing, changing the word and not accomplishing anything. I think the worry about “preliminary” not necessarily restricting him very much makes me a bit nervous. I'd really like to make sure we find out.... I don't think it's illegitimate to write back to him and say, “What do you mean by this? Give us a bit more information here.”

**The Chair:** Ms. Jennings, on the same point.

**Hon. Marlene Jennings:** It's exactly the same point, so I don't need to remake it.

**The Chair:** Okay, the chair will do that today. We'll get hold of Mr. Kingsley and ask him for clarification on that.

We're just about finished. Interestingly enough, section 2.22, “Verification of Eligibility at Polls”.... We are dealing with other issues, such as photo ID and so on, in section 5.

Let me just read this, and we'll maybe broaden the discussion a little bit to incorporate some of these other issues about voter identification, citizenship proof, and so on. This reads:

The Chief Electoral Officer repeats a recommendation made in his 2001 report calling for an amendment to section 144 of the *Canada Elections Act* to require a written affidavit or solemn affirmation of eligibility from a potential elector at a poll where there is reasonable doubt about that person's eligibility to vote.

Now, the committee has already supported this recommendation. I thought, though, I would bring it up one more time today to see if we want to discuss at this point or to add to this section some of the issues of these identifiers. I'm happy if the committee just wants to let it go and deal with them under their separate issues.

Is there any need to change this, or are we all comfortable if we deal with it later?

**Some hon. members:** Agreed.

**The Chair:** I'm happy with that. I just wanted to know.

Then, in fact, we are finished chapter 2. Congratulations to all the committee.

Chapter 3 is pretty much dealt with on the broadcasting issues.

Chapter 4.0, “Financial Matters”.

Section 4.1, “Examination and Inquiry Powers for the Chief Electoral Officer”. I'm not going to read all of these. I think there were some concerns from the committee that this was extending his powers too far, but I will let everyone read this for themselves.

May I just improvise a few comments here so the committee can get the thrust of this:

Power to examine any document that relates or should relate....

Power to compel a political entity to provide any document or additional information.

Power to enter premises and compel the occupant to provide required information or answer questions.

Do I need to go further?

Mr. Proulx.

● (1210)

**Mr. Marcel Proulx:** We are already forced to submit an audited report. I remember that when the CEO was here, he was complaining, saying he doesn't get...let's call them vouchers; he doesn't get this, he doesn't get that. How many verifications, how many audits does he need?

**The Chair:** May I just pose the question? Committee, is anyone in favour of this? Those opposed?

I think we can record that it's unanimous that this is opposed. Thank you.

Section 4.2, “Reports of Volunteer Labour”. “The Chief Electoral Officer recommends amending the *Canada Elections Act*....” I think we've been through this. I remember specifically discussing this issue with the Chief Electoral Officer when he was here.

Any comments or questions?

Monsieur Proulx.

**Mr. Marcel Proulx:** It's again a situation, Mr. Chair, where we're going to be bogged down with filing reports after reports. We already are. Now we're going to have a stopwatch and a punch clock.

**The Chair:** Monsieur Guimond.

[Translation]

**Mr. Michel Guimond:** I am aware of the incredible amount of work this would entail. We must not forget where this comes from. At the Gomery Commission, some people were hired by a political party to do "voluntary" work and they benefited from a kickback system. Others were on the payroll of their advertising agency.

**An honourable member:** This is already against the law.

[English]

**The Chair:** Order. Please address comments to the chair.

Monsieur Guimond.

[Translation]

**Mr. Michel Guimond:** We want to compel them to report volunteer work. Although Mr. Reid says this is already well covered, we need to think twice before rejecting this. I know it will be complex. For example, a lady came to help us answer the phone at my campaign office for two hours during a 36 or 42 day election campaign. I know this will mean a lot of work. We want to prevent the kind of fraud that was revealed at the Gomery Commission.

• (1215)

[English]

**The Chair:** Next is Mr. Simard, and then Mr. Hill.

**Hon. Raymond Simard:** I understand Mr. Guimond's comment, but at the same time, I don't think you base policy on the exception. There are 308 people who will have to do a lot of work.

This happened once, and I just think that in the future...I'm not prepared to start holding a stopwatch to the volunteers coming to work for me, whether they've worked 50 or 40 hours a week. It's absolutely ridiculous. This is for me a non-starter.

**The Chair:** Mr. Hill.

**Hon. Jay Hill:** I agree. I think most of us agree with the general intent of what they're trying to get at here. It's to prevent someone being given a huge advantage by having a whole bunch of paid volunteers who in effect aren't really volunteers—some company is paying them to work on my campaign or someone else's campaign.

As Mr. Simard says, it's gotten to the point now that... When the CEO was here, we should have asked him how many returns—and we have to submit all this paper—are found to be in compliance now. It's getting ridiculous. There's a huge deterrent to most people to run for public office, because you take a look at what you have to do and...you have to have an accountant now to be your official agent. It wasn't so many years ago that just about anybody competent to run a calculator could be an official agent if they wanted to donate the amount of time required. It's getting more and more onerous on the candidates and on the parties.

I think we owe it as well to the smaller parties that aren't represented on our committee to also try to represent them. The Green Party certainly objected to this, and I would suggest that anybody considering running as an independent often has to rely

even more than we do on volunteers, because they're unable to raise the same amount of money that most people running for a recognized party could.

I think it might be well-intentioned, as with a lot of the recommendations—give them the benefit of the doubt—but I think it's not workable for a lot of people, and it will provide another deterrent for people to seek public office.

**The Chair:** Thank you.

Madame Picard is next.

[Translation]

**Ms. Pauline Picard:** I agree with Mr. Hill that it would be very difficult to comply with such a requirement. In a riding where you have 45 municipal governments, a large industrial city with a population of 80,000 people and rural municipalities, and where 500 people work on your campaign, how are we supposed to know how many hours such and such a person worked, who arranged to be replaced by somebody else, etc.?

I find this totally utopian. How could we keep track of all the hours put in by people who work for parties during an election campaign? And we have been talking about one candidate only. When you have five or six candidates, that is a lot of people wandering about. In my view, no political party will be able to account for all the volunteer work.

[English]

**The Chair:** I'm hearing the same thing from everyone. Does anybody have anything to add?

I'm hearing from the committee that although this is a well-intentioned thing to do, it's not necessary and there may be another way to do it. We don't support it; we reject it. Thank you.

We have dealt with recommendation 4.3. We rejected recommendation 4.3, by the way.

Next is recommendation 4.4

Recommendation 4.4 is "Extension of the Deadline Process for Candidates' Returns". I believe we have dealt with that; we supported it.

Next is recommendation 4.5, "Candidate Audit Fees". We can simply deal with this. It is an administrative thing. It reads:

An amendment to section 466 of the *Canada Elections Act* is sought to expressly establish the amount of the candidate audit fees as the amount of the audit expense, to a maximum of 3% of the candidate's election expenses and \$1,500, whichever is less. The minimum audit fee would be \$250.

Mr. Reid is next, please.

• (1220)

**Mr. Scott Reid:** When Mr. Kingsley was here, I asked him why we have the audits at all. He audits our returns after we submit them. Aside from trying to create jobs, why do we have our own external audits? We don't do this with income tax, where you are audited and then they audit your audit. They select people on a random basis and do the audits on those people. I'm completely mystified by the point. And when he was here, I didn't think he gave a very coherent explanation.

**The Chair:** Perhaps members could correct me, but I think his reasoning for doing the audit a second time was that he did not have access to your receipts and so on. Am I incorrect in assuming that?

**Mr. Scott Reid:** I think he said something like that.

I'm not saying we should get rid of his audit. Keep that one, the internal one. They can pick the people they think it's most appropriate to look at. It doesn't have to be random. It can be based on their suspicions and so on.

But if they're competent people who are being used, then the audit is completely unnecessary.

**The Chair:** Monsieur Proulx.

**Mr. Marcel Proulx:** My understanding is that this particular audit, the one we obtain and submit to Elections Canada, is the audit of the elections report. That's why we're forced to use recognized accountants, whether they be chartered or general accountants. The only difference is that I don't think there was the 3% that applied previously; I think it was just a rounded figure.

I think this audit is fine. I've had the circumstances where we made mistakes in preparing the report. The auditor found it. We corrected it within two days. It saved us from having to deal with this for probably two or three months with Elections Canada. So I have no objection to this audit. I think it's fine.

**The Chair:** Are there any further comments before I call the question on section 4.5?

Do we support section 4.5?

**Some hon. members:** Agreed.

**The Chair:** There is one opposed.

Ladies and gentlemen, we are doing very well.

We'll move to section 5. A lot of the sections that we're going to deal with now are those that have been brought up by other witnesses and members of the committee.

Let's go to section 5.01, "Identification at the Polls":

Members of the Committee are extremely concerned about the potential for fraud and misrepresentation in voting. We have no means of knowing whether this concern is warranted or not....

I'm not going to read this entire thing.

Ultimately, what we're dealing with is what the committee feels is a reasonable amount of identification. I can remind the committee that in Quebec they do ask for two of three pieces of identification. That's basically the gist of this. We are all in agreement that we need to tighten up identification at the polls. How do we do that?

Mr. Hill.

**Hon. Jay Hill:** Without going through this, I think everybody was here when I remarked a while ago what at least one step is that we could undertake. There's no point in me going over that.

The base should be photo ID. I think the vast majority of Canadians have photo ID, as has been pointed out by my colleague, Mr. Preston, and others, during the discussions we've had over the last number of weeks. That would take care of most people. For

those who don't have that ability, I think there are other ways we can do it.

My suggestion was basically that Elections Canada have some policy where the poll clerk is required to ask a question. I think part of the problem is that people at the polling stations are reluctant or shy—or whatever term you want to use—to confront someone. They might even be suspicious, but they're not sure they have the right to ask that person to identify themselves. So in many cases they just don't do it.

If it became standard procedure, where it's written into the act that if you don't have photo ID, you're required to produce some other identification.... In addition, the poll clerk would be required to ask for the date of birth. They would have that information in front of them. To me, it's a very simple check, that people identify who they are.

• (1225)

**The Chair:** Ms. Crowder please.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you. Forgive me, because I wasn't here for the earlier discussion, but I'm sure I'm reiterating a point that Monsieur Godin would have made, which is that photo ID is a problem for a percentage of the population and it would be really important that there are alternatives to photo ID. I just wanted to be on record to state that.

**The Chair:** That's fine. Thank you.

Mr. Guimond, please, and then Monsieur Proulx.

[*Translation*]

**Mr. Michel Guimond:** Under the Quebec legislation, someone who is 88 years old might not have a driver's licence anymore or never had one, but he or she probably has a health card. We also accept the Canadian passport. Fifteen percent of people have a passport. We also accept any other card with photo ID. This means any other photo identification issued by the government. This way, we put all the chances on our side.

I fully agree with Mr. Hill's comments. We should not leave this responsibility to scrutineers since under our system they are not agents appointed by the returning officer but election agents appointed from lists submitted by the party. It could turn out that a scrutineer appointed by a given party systematically sends people to attestation, which could penalize some other party.

It has to be clear in the act. In his advertising, the Chief Electoral Officers can make voters aware that the voter card will not be sufficient and that they need to show photo identification, but that they could still vote since there will be a process for swearing an oath as to one's identity. If the message is clear, the responsibility will not rest solely on the scrutineer who might sometimes be embarrassed to ask a voter to swear an oath to establish his or her identity. This scrutineer might be accused by others of systematically delaying the vote if there is a line-up at the identification table. It has to be clear in the act.

Contrary to what Mr. Kingsley might think, everybody recognizes in 2006 that the voter card is an outdated system that facilitates fraud. Whether the Chief Electoral Officer places that card in a sealed or a scented envelope will change absolutely nothing.

[English]

**The Chair:** Thank you very much.

Before we ask Mr. Proulx to continue, I will remind folks that Quebec requires that voters provide their name, address, and, if asked, their date of birth. They must also produce as identification one of the following: driver's licence, health insurance card, Canada passport, or other government body document.

We have had discussions about a driver's licence, a health card, something with a date of birth on it, a photo ID, a passport, a senior's card. I have heard comments from members that this could decrease voter turnout. I did my own study, comparing Quebec turnout and Ontario, Quebec, and Manitoba, and indeed there is no statistically significant difference between voter turnouts. So this does not appear to be a deterrent.

I just wanted to make those comments. We'll continue our discussion and then we'll ask the question. I would focus the committee on the two pieces of identification, what would they be, or two of three, so that nobody is restricted perhaps. That's just a suggestion.

Monsieur Proulx, please.

• (1230)

**Mr. Marcel Proulx:** Thank you.

I agree with Mr. Guimond's conclusion, although I don't necessarily agree with his reasons for arriving at that conclusion. I think scrutineers, whether they be recommended by one party or the other, once they are sworn in by Elections Canada, as far as I'm concerned, are doing their job.

I don't want to do micromanagement, but it's very important that we not leave identification using other pieces of identification to the voting table, because it's going to create havoc. But there's no problem for the card. I think we have to go with photo ID, and we could specify that it be any card with a photo, as Mr. Guimond was mentioning, which we have in the province of Quebec, issued by a government, whether it be municipal, provincial, or federal, including passports, including a driver's licence.

**A voice:** Age of majority.

**Mr. Marcel Proulx:** Does that exist with photos? I don't know.

**A voice:** Yes, it has a photo in Ontario.

**The Chair:** Could we have further discussion, please?

We'll have Mr. Simard and then Madam Jennings.

**Hon. Raymond Simard:** Thank you very much, Mr. Chair.

There should be a correction on line 4. I believe it should be "voter info card" again, as opposed to "ID".

Also, one of the reasons I think we're running into this potential fraud—and I think Mr. Hill hit it right on the nose—is that there's no process. It seems to me that one of the most important things you do in a democratic nation is vote. We haven't talked about what is not acceptable. For instance, is a magazine label proper identification? It seems to me that should be totally outlawed, but right now it is acceptable. We haven't talked about that.

It seems to me that with the photo ID you will probably resolve about 70% of the issues. That is the first question you asked, and it is a fundamental question. That's the first thing you do. But what is step two? What is a secondary acceptable piece of identification? It's not a magazine label. So we should have that as well, and maybe a step three.

If you don't meet these three requirements, you don't vote. At one point we have to be serious about this, and I don't think we're there yet. I don't think a magazine label is an acceptable piece of identification, and right now it's accepted. We haven't dealt with that.

**The Chair:** One thing I am hearing—and we should deal with this right now—is that we should come up with which pieces of identification are acceptable, and everything else will not be. The first suggestion I'm hearing is for some form of government-issued photo identification, but we will continue the discussion on that pathway if we could.

Ms. Jennings, go ahead, please.

**Hon. Marlene Jennings:** Yes. I actually like the statement that Mr. Simard just made. I would just ask the committee that if we do in fact recommend photo ID, along with all the various steps, including asking for the birth date, that the wording include photo identification issued by a provincial, municipal, or federal government, but also include that issued by aboriginal groups that are party to a self-government agreement ratified by an act of Parliament, and any other agencies. You will have aboriginals, a very small number, who may not necessarily have some kind of photo ID that is issued. If they're of age they probably will drive and therefore have a provincial driver's licence, but there will be some who will not have any photo ID. So that as well would be acceptable.

**The Chair:** Okay. That's a good point. Thank you.

Could we have Mr. Preston, and then Ms. Crowder?

**Mr. Joe Preston:** Well, I agree with all that's been said, and I really don't mind the way the rule for Quebec reads in the document we have been handed. I continue to want to force the issue that the voter information card is in no way a piece of identification. It should not be used at the polls to the point that—I think Mr. Reid made the point that we should take the names off them. It can be mailed to an address to indicate that people at the address vote at a certain polling station, but it in no way identifies who a voter is at that address.

The other problem I still have is that someone can vouch for someone. I think it leads us to an improper form of identification. I recognize in the vouching system in Quebec you can vouch for one person if you have indeed shown all of your proper identification.

I think we're asking for a higher level of identification. I just don't know about the vouching piece.

**The Chair:** Go ahead, please, Ms. Crowder, and then we'll have Mr. Reid.

**Ms. Jean Crowder:** I would like a point of clarification. Are we saying that every voter must have photo identification?

**The Chair:** We haven't gotten there yet.



•(1235)

**Ms. Jean Crowder:** Okay, because I need to reiterate the point that there are particularly aboriginal peoples who do not have photo identification. They may be status members, and their status cards do not have photo ID on them; they are not self-governing so they would not necessarily have a piece of government ID. There needs to be some mechanism to allow people who show up without photo ID to vote.

**A voice:** Absolutely.

**The Chair:** What I'm hoping to achieve here is to listen to all the comments and then come up with a recommendation that I think will satisfy all committee members.

Could we have Mr. Reid? He's the last speaker I have. If anybody wants to speak to it, please put up your hands.

**Mr. Scott Reid:** I just wanted to address the voter notification card that we get. It actually does say this is not ID. I think the point to be made here is that obviously it already says that, but it's being used informally, probably not as proof of identity but as proof of address.

What seems to me to be reasonable to do is to just say to the occupant, "If you live at this address, you vote at this location", end of story. The point is you're sending it out to an address. Whoever lives at this address votes at this poll. That's why it says, "To Scott Reid or Occupant". So why not? I think that would eliminate anybody using it for any other purpose. I think the committee should consider this.

**The Chair:** Without trying to get too far off track, can we get an agreement that we instruct the Chief Electoral Officer to simply use "occupant"?

**Some hon. members:** Agreed.

**The Chair:** Perfect.

Now, since there are no other speakers, may I take the liberty of proposing that we word this.... We will review it on Tuesday so that everybody's comfortable with the wording, but ultimately, the gist or the sense would be that the primary thing we want is a piece of photo ID that's issued by a government, or, failing that, if you don't have that, then two pieces of other ID, specifically, health card, driver's licence, senior's card. If you don't have any of those items, then you must take an oath that you are a Canadian citizen and you are eligible to vote. You take that oath before a panel or some authority at the polling station. Frankly, our next item of business, that we've already agreed to, is that we will advertise at polls the offences of lying about that.

On top of that, I would like to have wording in there that voter information cards, magazine subscriptions, hydro bills, etc., are not acceptable forms of identification.

Are we happy with that? We'll bring the wording back to the committee—

**A voice:** What was the last one?

**The Chair:** That we simply add to the clause that voter information cards, magazines subscriptions, etc., are not acceptable pieces, simply to clarify that, no, you can't use these. Okay?

That's how I'm proposing we reword this, and we'll discuss it further on Tuesday.

Mr. Hill, further comment, and then Mr. Preston.

**Hon. Jay Hill:** Only that you didn't address my point, which was that when the poll clerks are being trained—not the individual scrutineers or whatever—we have a process so they clearly understand that it is mandatory for them to ask.... You've got Joe Blow in front of you, and you ask, "Do you have government-issued photo ID?" If the answer is, "Well, no, I don't," they must be asked, "Do you have these other two recognized pieces of ID?" If neither of those other recognized pieces of ID that we identify has their birth date on it, they should be required to ask that person, "What is your date of birth?" And they should know that.

**The Chair:** I apologize. I do recognize that that point was made, and I think that's easy to add into the wording, that this is mandatory and this is the process.

Mr. Preston, then Monsieur Guimond...Mr. Simard first, I'm sorry.

**Mr. Joe Preston:** Very quickly, the magazine piece or the utility bill piece is, to me, a perfectly legitimate second piece of identification. If I have photo ID that shows me and the other shows that I live at the address, then I think that's a legitimate piece of identification, and it has been used in other cases.

I can't go to vote with only a magazine, but if I vote with a picture card that shows me...as well as the magazine, which shows that I live at that address....

**The Chair:** I think that's too confusing, to be quite honest with you. I would not want to open that can of worms. That's my opinion.

Mr. Simard, and then Monsieur Guimond. My apologies, Mr. Simard was up first, please.

Mr. Simard, are you wanting to say anything?

•(1240)

**Hon. Raymond Simard:** Yes. One thing we don't have and that we did not ask the CEO is, what are actual legitimate pieces of identification right now? Mr. Preston was talking about a phone bill. If they're using magazines with labels that you can actually print and stick on there, what else are they using? I don't know, and I would like to know that, if I could.

**The Chair:** Again, I don't want to pre-empt the committee, but it's my thinking that we don't even go to magazines and hydro bills and stuff. Those are not acceptable forms of identification—

**A voice:** But they are used now.

**The Chair:** —and I'm suggesting that we word this very carefully, that that is no longer the case. A driver's licence, a health card, a passport, a senior citizen card, a birth certificate, proof of citizenship—we can expand the list. Any of those two....

Are we comfortable with that so far?

**Some hon. members:** Agreed.

**The Chair:** Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond:** I would like to get back to Mr. Hill's comment regarding the date of birth. This should not be used as proof of identity but only as a validation. It is easy to find out the birth date of anyone. This must be recognized.

Suppose I shaved my head for a campaign in favour of Leucan before having the picture taken for my health card and that three years later I show this picture to the scrutineer. Since my appearance will have changed greatly, this scrutineer could, on his own initiative, ask my date of birth. So this would be a tool for validation, but not identification.

I am going to explain how things are done in Quebec. All this screening takes place when people who come to vote enter the polling station. There is always an agent designated by the returning officer in charge of directing people to the proper table. Depending on their address, he directs them to a given section. It is also this individual who asks voters to show photo identification. If the voter says he does not have any, he or she is immediately directed to the attestation table. This is not being done at the polling table.

[*English*]

**The Chair:** We'll get the wording to encompass all of these great ideas and we'll bring it back on Tuesday.

We'll hear a final comment from Mr. Hill, please.

**Hon. Jay Hill:** Since there may be some confusion about what I was suggesting, I wasn't suggesting it be used as a form of identification, but as a validation, simply as what Mr. Guimond is suggesting; that is, if you don't have photo ID and are using two other acceptable types of identification—whatever we have agreed they are—then as further validation you should be asked your birth date.

It sounds as though that's what's already done in Quebec. Quebec is a step ahead, in the sense that the voters there won't be surprised if the federal process is the same as the one they're already used to.

As Mr. Simard seemed to suggest, it's potentially going to take a bit of an advertising and educational program for the rest of the country, and maybe it'll be different province by province, if people have grown accustomed to using a magazine label as being sufficient at a polling station. If it's no longer sufficient, we're going to have to educate them not to show up like that, because they're going to be disappointed and angry, and then they may go away and not vote.

None of what we're doing here is to try to deter people from voting. In fact, it's quite the opposite. We want to encourage them to know that the system is fraud-proof to the extent that they can rely on the results and therefore be encouraged to cast their ballot.

**The Chair:** I couldn't agree more.

I'm going to recommend that we reword this clause and revisit it Tuesday morning at our next meeting.

We have time to deal with one final thing—it's not in the list—and that is just confirmation from the committee regarding advertising at the polling stations: that it is an offence, and saying what those

offences are. Whatever they are, we'll look in the act and we'll instruct—

**A voice:** A poster.

**The Chair:** It could be a poster, correct, or perhaps more than one—a minimum of three.

• (1245)

**Mr. Michel Guimond:** What number is this?

**The Chair:** I'm sorry, Monsieur Guimond; it's not in there. It was left out accidentally. But since we're running out of time, I'm trying to deal with some of the issues I know the committee was supportive of.

Are we in agreement on advertisements at the poll indicating that it is an offence and what those offences are?

**Mr. Yvon Godin:** In the two official languages.

**The Chair:** In the two official languages. *Merci beaucoup*. I think that goes without saying, but I appreciate your pointing it out.

**Mr. Yvon Godin:** I wish it went without saying, but...

**The Chair:** Well, I was quite aware.... You didn't have to tell me, Mr. Godin.

Mr. Proulx.

**Mr. Marcel Proulx:** I would be very interested to see if Elections Canada could tell us whether there are communities where it should be in additional languages, whether aboriginal or.... I'm not going to name any, because I'm going to forget some, but some communities.... We would again get that information through Statistics Canada.

**Mr. Joe Preston:** I think we already communicate in those languages in certain polls.

**Hon. Jay Hill:** That's an excellent point.

**Mr. Scott Reid:** The logical way to do it is to say that when X% of the population in a riding—we already have statistics by riding given to us—are of a non-official language....

**Mr. Marcel Proulx:** Where do you get the statistics?

**Mr. Scott Reid:** Statistics Canada.

**The Chair:** Again, I don't want to open a can of worms. I just want to try to get the wording down. It's in the two official languages and in any other languages that are appropriate for the riding. Is that an acceptable wording? I'm getting agreement on that. Thank you.

Was there more comment?

**Hon. Raymond Simard:** I'd just like to go back a little bit. I'm not sure if we didn't miss something here. Jamie just wrote me a little note saying that he thinks Mr. Kingsley said that the magazine labels are used for proof of address, not identity.

One of the fraud issues is where you live, your residency. You can prove who you are, right? You have your ID and all that, but you could vote 10 times. You could have a magazine label from here; you could have a magazine label from the next riding. That is apparently what's happening. We've dealt, I think, with identification. I'm not sure we've dealt with proof of residency. Or have we?

**The Chair:** If I may just interject, when we ask for photo ID or for two alternative pieces of identification, my notes say that they would have to incorporate name and address and that we are implying that magazine subscriptions are not proof of address.

Are you okay with that, Mr. Simard?

**Hon. Raymond Simard:** That's what they do. They make tons of labels, put them on magazines and walk into five different places.

**The Chair:** That's the point that we have to make very clear. I think that's the obvious situation. However, if you're comfortable with that, we'll come up with the proper wording.

I will take two more comments on this, because I don't want to leave it go.

Mr. Reid, you had your hand up, and then we'll have Mr. Proulx.

**Mr. Scott Reid:** Actually, you dealt with it, Mr. Chair.

**The Chair:** You're good?

Mr. Proulx.

**Mr. Marcel Proulx:** As a proof of address, maybe we should revert to what it is now and say utility bills, not magazines. Maybe we could talk about utility bills.

**Mr. Scott Reid:** A number of people in this room have a home in their constituency and a home in Ottawa where they pay utility bills that come in their names. So a utility bill actually doesn't really accomplish that goal. Currently, I'm getting three or four utility bills.

**The Chair:** We'll reword it and move on.

We do seem to be doing well. However, I think we'll stop here.

Are there any further comments? We're kind of running out of time anyway. The committee has done exceptionally well. This has been a marathon, but it has been very creative, very thoughtful, and there have been great comments.

I would like to remind the committee that Tuesday's meeting is the next meeting. It will be the final meeting. You will receive the next

draft report, which will be very close to the final version, on Monday afternoon. I would ask the committee to tell me whether that meeting is in camera or in public. I'm suggesting that it's in camera, since we're dealing with a final version. I'm getting lots of nods.

The next meeting will be Tuesday at 11 o'clock. It will be in camera.

Mr. Proulx.

• (1250)

**Mr. Marcel Proulx:** About the wording on 1.14—this is the one about gated communities and shopping centres and excluding schools and so on—when are we going to look at that?

**The Chair:** That's on our list to review next week. We're going to remove some of it and change this wording.

**Mr. Marcel Proulx:** In the meantime, Mr. Chair, I received—and I think a lot of the members received—a communication from Mrs. Fry, who is suggesting that we go one step further and that we:

...propose that the Canada Elections Act be amended to require managers of apartment buildings, condominium buildings and other multiple residence buildings, to post, in a location accessible to the public, a phone number which candidates or their representatives could use to arrange a date and time to canvass the building.

I don't think we should burden owners and force them to do this. I think it's up to us to contact the buildings and explain the law. This is an additional burden. But I wanted it put on the record, unless somebody else thinks it's a great idea.

**The Chair:** It is duly noted that the committee has heard that and we are not in favour of it for those reasons.

Any further discussion?

**Mr. Marcel Proulx:** We'll bring new ideas next week.

**The Chair:** Please bring all the new ideas, and we'll just go into the summer.

Thank you very much. The meeting is adjourned.





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