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# Standing Committee on Procedure and House Affairs

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**Thursday, November 23, 2006**

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**Chair**

**Mr. Gary Goodyear**

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•(1115)

[English]

**The Chair (Mr. Gary Goodyear (Cambridge, CPC)):** Ladies and gentlemen, let's call the meeting to order.

First of all, thank you, everyone, for coming out today. I apologize for running a bit behind. There was a meeting before us, and I appreciate the work of our support team here getting things ready as quickly as they have.

I would like to advise all members that today's meeting is being held in public. I would also like to advise members that we're going to need about 15 to 20 minutes at the end of the meeting—I will watch the time, of course—to discuss future business regarding our study on Bill C-31, particularly respecting witnesses. But we'll leave that until the end.

The third thing I would like members to be aware of is that we have received some motions. We'll distribute them in one second. Mr. Lukiwski has provided us with motions; I'll distribute those to the committee, and we can discuss them later.

Next, ladies and gentlemen, I would like to welcome the Honourable Rob Nicholson, sponsor of the bill.

Mr. Nicholson, thank you very much for being with us today. If you would be so kind as to introduce your team, then we can begin.

Let me ask folks on the periphery of the room to keep the conversations to a minimum, out of respect for our witnesses.

Mr. Nicholson, please.

**Hon. Rob Nicholson (Minister for Democratic Reform):** Thank you very much, Mr. Chairman. I'm pleased to introduce Natasha Kim, a policy analyst in legislation and House planning in the Privy Council Office; Raymond MacCallum, counsel in the human rights law section of the Department of Justice; and beside me is Dan McDougall, director of operations for legislation and House planning in the Privy Council Office.

Thank you, Mr. Chair, for inviting me to speak on Bill C-31. But most importantly, and to begin with, I would like to thank you and all the members of your committee for the work you did on the 13th report.

I can tell you that the government has reviewed your report very carefully. We tabled a response on October 20, supporting in principle virtually all of the recommendations you made in that report.

But we did not stop there. Bill C-31 was introduced shortly thereafter, on October 24, and as you know, it is based on the recommendations from the 13th report, recommendations aimed at improving the integrity of the electoral process, recommendations originating from this committee that were developed in a non-partisan, collaborative way.

Mr. Chair, if you take the bill and the government's response together, I think they represent very clearly the intention of this committee, and indeed changes to Bill C-31 at this stage would probably mean revisiting the committee's original recommendations.

That being said, the government is, of course, open to listening to such changes, if it is the will of the committee members, but I would simply say that I agree with Monsieur Guimond, who, in his second reading remarks on November 7, said that Bill C-31 came from an "excellent collaboration among the political parties".

This is an issue of common concern for all parties, and I would hope you will do everything within your power to expedite the passage of this bill.

I would like to turn to addressing some of the measures in the bill. Because the bill implements the committee's own report, I won't review every measure, of which there are many; rather, having reviewed the second reading debate, there are three in particular that I will address. I will quickly discuss these three issues: voter identification, date of birth on the voters' list, and the unique identifier. I will then take your questions.

First, I'd like to spend some time on the issue of voter identification. Bill C-31 implements the committee's recommendation on this point, and the recommendation had no dissenting opinions. It was formulated after the committee discussed the issue with the Chief Electoral Officer, the Privacy Commissioner, and representatives from the four major political parties. Concerns were raised at that time about ensuring that no voters were disadvantaged because of not having identification.

The result was the balanced approach recommended by the committee and reflected in this piece of legislation. It allows three options: a photo ID, with name and address; two pieces of other identification authorized by the Chief Electoral Officer; or, for those without identification, an oath or affirmation and a voucher.

This is very similar to the current process for registering at the polls, and I think it is important to spend a minute on this point. As you know, to register at the polls you need to have identification or to take an oath and have someone vouch for you.

The Canada Elections Act already forbids vouching for more than one person to get them registered. We have had these safeguards in place for polling day registration for many years. Bill C-31 simply extends the same safeguards from the registration stage to the voting stage, as the committee recommended.

I would emphasize that amendments were made to the Canada Elections Act in 2000 to allow a shelter to be considered a residence. This provision, subsection 8(6) of the act, will continue to apply to facilitate voting by those without a fixed address.

Mr. Chair, the voter identification process will bring the federal system in line with other jurisdictions that require identification, including the province of Quebec, a number of Canadian municipalities, and many other countries.

By providing three options for meeting the ID requirement, Bill C-31 will provide greater voting accessibility than some jurisdictions that do not provide any alternatives to photo ID. For example, some American states that do not provide alternatives to photo ID have encountered legal challenges; on the other hand, states that provide alternatives like those found in Bill C-31 have not.

Each jurisdiction must determine for itself what works best for its system and its electors, and I think we have found the right balance in Bill C-31 between maintaining voter accessibility and protecting the integrity of the Canadian electoral system. Indeed, without a system that functions with integrity, the right to vote would become meaningless.

• (1120)

[Translation]

The other two issues raised on second reading were raised by the Bloc Québécois. First, my Bloc colleagues indicated a desire to amend the bill so that the date of birth would be added to the lists of electors sent to candidates, rather than only on those used at the polls. To this I would note that the committee expressly recommended against this approach in its report.

[English]

Further, this appears to be an unnecessary intrusion into the private lives of Canadians without a clear policy rationale. In appearing before the committee, the Privacy Commissioner noted the importance of adhering to privacy principles in formulating legislative recommendations—in other words, the importance of ensuring proportionality between an objective and the degree of privacy intrusion.

The justification for adding the date of birth to the list used at the poll is clear. It improves the integrity of the system, acting as a means of confirming the identity and eligibility of voters. The same justification does not appear to exist for giving the dates of birth of Canadians to individual candidates. Many Canadians are sensitive about such personal information. While it is an important tool to verify identity, we should avoid unnecessary distribution unless there is a pressing reason.

[Translation]

The other issue raised by the Bloc Québécois was with regard to how the provisions on the unique identifier are drafted in the bill. The identifier would be a permanent number or code assigned to

each elector by the chief electoral officer and tracked on the voters lists. The bill currently contains permissive language so that the chief electoral officer is authorized to assign identifiers, but not expressly obligated.

[English]

We would see no problem with strengthening the language so that the Chief Electoral Officer is required to assign the identifier.

Before concluding, I would note that other issues arose in second reading. For instance, many members raised recurring concerns with the accuracy of lists of electors and the national register. Indeed, this issue was raised in committee and discussed with the Chief Electoral Officer.

As a result, Bill C-31 implements a number of the committee's recommendations that will unquestionably make important improvements to the register and the accuracy of the lists. For example, the bill will clarify a Chief Electoral Officer's authority to have returning officers conduct updating activities between election periods. Such activities could include targeted revision of the register for areas of low registration, such as areas with a high degree of homelessness or on aboriginal reserves. I would further suggest that the committee pass a motion to formally request the Chief Electoral Officer to undertake such initiatives.

In combination with the greater predictability that fixed dates for elections will provide, measures in Bill C-31 will enable better planning and preparation for accurate voters' lists. Of course, there is always more that could be done, and the government fully supports the committee's desire, as it was expressed in recommendation 6.8 of the 13th report, to explore other methods for improving the lists, such as the use of census data or targeted enumeration.

However, in the meantime, I would suggest that we act now to implement the committee recommendations in Bill C-31, and we can continue to work together on other ways to improve our electoral system.

In closing, Mr. Chair, I will simply quote the committee from page 1 of its report:

As Members of Parliament, we are directly concerned with the electoral process, and have first-hand experience with the rules governing the conduct of elections. ... It is important that we use these experiences and the lessons learned to correct deficiencies and improve our electoral system. ... [I]t is important that the necessary legislative changes are made in an efficient and timely manner. The Committee believes that a window of opportunity for legislative changes exists.

Bill C-31 provides these legislative changes. This is an opportunity to implement your recommendations.

Let me say, on a personal note, that I have been involved with many committee recommendations and reports over the last 22 years, and many, if not most, of those committee recommendations did not end up as completely as parts of legislation as your 13th report has, as before you.

I would ask you to seize this opportunity, keeping in mind that this is a minority parliament, of making a difference in the legislative framework of improving the electoral system, enhancing its integrity. With your cooperation and with your leadership in that report, I think this is very possible, and I urge you to act on that.

Thank you, Mr. Chair.

• (1125)

**The Chair:** Thank you, Minister. I appreciate that.

Colleagues, we're going to open our first round of questioning in the usual format. Just to remind members, we will go seven minutes on the first round and five minutes on the second round, and if we have time for a third round, certainly we'll do that.

First on my list is Madam Jennings, please.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** I have a very short question, and then I'll share my time with my colleagues, if they have any subsequent questions.

[Translation]

We heard testimony on the issue of identity cards which will be required following amendments to the bill. These amendments affect remote communities and especially Aboriginals, who often don't have any other identification card than their status card which, I believe, is issued by the Department of Indian and Northern Affairs. However, the current Chief Electoral Officer of Canada does not recognize that card as identification.

I'm wondering whether that is in fact the case. If we look at section 21 of the bill, which amends section 143 of the current legislation, subsection 143(2)(b) reads as follows:

(b) two pieces of identification establishing the elector's name and address that are authorized by the Chief Electoral Officer.

I'm wondering whether it wouldn't be a good idea to establish a non-exclusive list of certain cards that the government finds acceptable, especially if these are cards issued by the government. The Chief Electoral Officer of Canada would still retain the power to extend that list.

[English]

**Hon. Rob Nicholson:** You've raised a very good point, Madam Jennings. The status card is, of course, acceptable, and you're quite right that being issued by the Government of Canada, it would be one of the pieces of identification that would be acceptable at a polling booth.

In addition to that, individuals could have anything, even a utility bill, establishing their residence, and again we're aware of that. You made a good point, but it is provided for, and of course it is acceptable.

**Hon. Marlene Jennings:** But the issue is that without these amendments, right now someone who is challenged, as in the last election, would have to provide some form of ID to show they are who they are, even if their name is on the list; they are being challenged that they are not the individual on the list.

Some of our first nations members of Parliament are saying, and have said very clearly, that in past elections, when someone was being challenged and presented their status card as proof of identity,

the representatives of Elections Canada in those polling stations refused to accept it. So the point I'm trying to make is that if we leave—

**Hon. Rob Nicholson:** It's hard to believe that was the case, and I'm sure you'll direct that question to the Chief Electoral Officer, who, I believe, is following me.

One of the things this bill provides for is that the Chief Electoral Officer will, in advance of an election, make the acceptable identification absolutely clear. He will publish that and make that available to people, so we don't get that kind of confusion on election day.

As I say, in the past, it was very difficult and quite disconcerting that people who had Government of Canada identification were turned down at a polling station. But this bill will clear up any ambiguity in that regard, and in addition, the CEO will make it very clear the types of identification that are acceptable, so everyone will know that in advance. I think that is as it should be.

• (1130)

**Hon. Marlene Jennings:** It's not entirely satisfactory, because even then, if the list is published and certain Canadians feel the list isn't complete, it might be too late. But I'll take your comments.

**Hon. Rob Nicholson:** The alternative, of course, is to have a Canadian citizen vouch for them and take an oath.

**Hon. Marlene Jennings:** Sure. I don't want to get into an argument, but even that can be a problem, because if you have several people, only one citizen can vouch for one, which I am in perfect agreement with. But in remote communities where you may have to travel out of your community to go and vote, then you may not be in a position of having an elector who hasn't already vouched being able to vouch for you—

**Hon. Rob Nicholson:** You've made an excellent point.

**Hon. Marlene Jennings:** As I said, I don't want to get into an argument on this—

**Hon. Rob Nicholson:** No, I think it's an interesting discussion, and.... Sorry, go ahead.

**Hon. Marlene Jennings:** I will take your comments under advisement, and definitely, when the Chief Electoral Officer comes, I will ask the question to make sure it's on the record, that he in fact does accept these cards as being sufficient proof of identity, along with something else that shows the address, because these cards do not show the person's residential address.

Is there any time left?

**The Chair:** Two minutes.

**Hon. Marlene Jennings:** Mr. Proulx.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Very briefly, I have two quick questions, but the second one we'll come back to in the next turnaround. It's with regard to identifying the voters as they vote during the day, but we'll come back to that.

The quick question is the identification process. We've discussed this before at this committee, but I want to look at this again with you and see if there's any solution with regard to the identification of, for example, homeless people, in the sense that they don't have an address; they're not on the list. They show up to vote. Most of them wouldn't have identification cards with photographs, unless it's in the province of Quebec, where we have the medical insurance program card. They don't drive, so they wouldn't have a driver's licence. So they would have to be identified by somebody else. That somebody else who would identify one homeless person could not identify another one, nor could that person who's just been identified, identify another one.

So how do you expect these people to be able to vote? If 50 people show up together to vote, they would need to bring 50 other people who could identify them officially. Do you think this is feasible? Do you think it's reasonable?

**Hon. Rob Nicholson:** It's presumed that out of 50 people in a shelter, absolutely nobody will have any identification showing that they are a Canadian citizen. I don't think we can draw that conclusion exactly. But as a result of amendments that were made in 2000, as I indicated in my opening remarks, a shelter is identified as a residence. I think that has helped.

I mentioned as well that we have passed in the House of Commons fixed dates for elections. With Canadians knowing in advance when an election date will be, there will be a certain onus on and encouragement of those who operate shelters and assist homeless people to assist them in the voting process. I think that's one of the things.

We should also—and it's certainly open to this committee—encourage through resolution a greater focus from the CEO's office, which has a huge mandate, of course, to target those particular areas and areas of concern to ensure that they are enumerated and on the list. That's the first step forward. In doing so, they can assist them and make sure they are able to exercise their rights.

**Mr. Marcel Proulx:** Yes, but some are not in shelters.

We'll come back.

**The Chair:** We'll definitely have time.

Mr. Guimond, please.

[*Translation*]

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

I'd like to put a brief question to you minister.

You followed the work of this committee since we undertook consideration of Bill C-31, an act to amend the Canada Elections Act and the Public Service Employment Act. We've had an opportunity to discuss the system that is in place in Quebec. That system enables us to eliminate representatives from each party, which complicates even the physical layout of the tables in polling stations. The committee will be receiving the Québec Chief Electoral Officer, who provides a formula to compile the names of people who have come to vote from the time the polls open. Some doubts were expressed, because it was feared that this would require hiring extra staff. I don't know if this came from you or the returning officer. However, it is

possible that in each polling station, the clerk could do this compilation work. This is what we normally call the bingo cards.

Minister, I would like to know if you're opened to amending this bill, if that is the wish of my colleagues here on the committee. This system is not in place in provinces other than Quebec, where it has existed for many years. That's why I suggested we invite people from the Office of the Chief Electoral Officer of Quebec. If that is the wish of the committee, would you be prepared to amend your bill to reflect this, minister?

● (1135)

[*English*]

**Hon. Rob Nicholson:** I don't want to overly complicate the system, and that actually wasn't what was recommended by the committee. A slightly different system was recommended by this committee, and that's what we adopted. The Chief Electoral Officer indicated that the system you refer to as the bingo card system would cost anywhere from \$10 million to \$23 million in additional staff and resources. That would be a considerable change.

That being said, I was actually fascinated to hear and learn about the bingo system. In Ontario we have what are known as “draggers' lists”, and we just compare our lists of identified party supporters with the marked-up voters' lists. You will still be able to—and you may not use the term—“drag” your supporters to the polls, but that will still be a possible course with the updated voters' lists you will be provided with. It seems to me you will be given the opportunity on election day to compare that with the marked-up voters' list.

I'm open to the suggestions of this committee, but it seems to me that an expenditure of that type is a considerable change to what we have before us here. Quite frankly, I think at this point in the legislative process it might unduly complicate the passage and implementation of this bill.

[*Translation*]

**Mr. Michel Guimond:** We will try to find a formula that would mean that no extra staff would have to be hired and that would allow for a smooth flow of work at the polling station.

Thank you, minister.

Mr. Chairman, that was my only question. I'd like to give the time I have remaining to Ms. Picard.

[*English*]

**The Chair:** Please go ahead, Madame Picard.

[*Translation*]

**Ms. Pauline Picard (Drummond, BQ):** Thank you, Mr. Chairman.

Good morning, minister.

A little earlier, you stated that the Bloc Québécois had asked that electoral lists transmitted to candidates and parties contain the date of birth of electors, as is the practice in Quebec. You said that you disagreed with this proposal because it could be construed as a violation of electors' privacy.

I don't understand. This practice is common in Quebec and nobody has claimed that this affects the privacy of citizens. Have you contacted those responsible for the Canadian Charter of Rights and Freedoms to obtain their opinion on this?

You mentioned the name of a person responsible who looks after the Canadian Charter of Rights and Freedoms. This practice is allowed in Quebec, which has a very enviable reputation in Canada regarding electoral procedures. Why couldn't this be allowed at the federal level? I don't understand why that decision was taken.

• (1140)

[English]

**Hon. Rob Nicholson:** I think having the date of birth on the official list that will be held by the returning officer will give us a considerable improvement over the present system.

It's not just a question of the charter; it's a question of balancing and being proportional as to what information we want to release about people. It seems to me that providing the date of birth on the official list helps identify, and I think that helps to improve the integrity of the system.

In my opinion, there wasn't as strong an argument for individuals' birthdates to be made available to basically everyone else, which is what the case would be. Quite apart from any legal requirements, I believe some Canadians—not all, but some—are sensitive to the fact that their birthdates would be known. Unless it is absolutely necessary for it to be public knowledge, it's my inclination not to make it public. That's why we differentiated in the lists that would be provided to political parties and the official list that would be kept by the returning officer. That was the reason for the distinction.

[Translation]

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

We'll now move on to Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Thank you, Mr. Chairman.

Welcome, minister. During your opening remarks, you said that the committee had reported to the House and that you had responded with a bill. You said that we should work together because this is a minority government. I don't think this is how things work in reality. Quite sincerely—

[English]

**Hon. Rob Nicholson:** I'm hoping it happens that way.

**Mr. Yvon Godin:** I want your hopes to start to go down a little bit.

[Translation]

A bill is important, because if it's adopted, it becomes law in Canada and then we have to live with it. This has to be taken seriously.

When the committee did its work leading to the report, almost everything was done in camera. We worked in camera half the time. The report was drafted in camera and finally, this ended up before Parliament. Now, you're responding with a bill.

This isn't how things should be done. Normally, the minister responds to the report, there are discussions and sometimes a bill

appears. I appreciate the fact that you tabled a bill, but certain Canadians would like to express their views on this bill and want to send us their comments. We can't simply pass a bill and then end up with a result that we'll regret later.

It's therefore my opinion that the bill has to be examined in-depth. For example, when you talk about our first nations, Aboriginals and the homeless, we don't want a bill that will...

It's been said that certain people circumvented the system and voted three or four times. Mr. Kingsley told this committee that no such incident occurred, that this is just hearsay. No one was able to prove cases of fraud. Some said they did it, but we don't have any concrete cases.

What I fear, minister is that we're removing the right to vote from poor people. Take the example of the homeless. They don't work and therefore they don't need a driving licence with a photograph. They don't have 10 credit cards and this and that. I'm not compromising myself; I'm just saying that we reported to Parliament, you prepared a bill and now we have to consider it. We have to remain open to suggestions. At the end of the process, it may remain the same or the committee can come to the conclusion that it forgot something or that the witnesses convinced it of something.

Do you agree with me? Do you think that we must be cautious and act appropriately if we want to pass a bill?

• (1145)

[English]

**Hon. Rob Nicholson:** In your last comment, that you may have missed something or that it may not be perfect, I think you're actually being too modest, Mr. Godin, and I think the report was an excellent report. I was impressed by the fact that it had the support of all four political parties.

I can tell you, as far as how quickly our response was, I think it's a measure of how impressed we were and how thorough we believed that report was that we tabled legislation. We had it for some time ourselves. We looked very carefully at your report. We didn't do it overnight. We didn't get the report and then have the bill. We tabled our response after due consideration.

You ask, how do minority parliaments work? I think this is one of the best examples of how a minority parliament should work. I think the government can and should have a look at any report that comes from a committee.

Let me tell you this. I was involved with, as I indicated to you, dozens of committee reports on all justice legislation from the middle of 1984 through to the end of 1993, and I don't remember an instance where a government, whether I was a member of it or not, faithfully responded in terms of legislation to the unanimous report, or indeed to any report of a committee.

**Mr. Yvon Godin:** Mr. Chair, I understand all of that. But I want you to understand the concept under which the report was done. Most of the report was done in camera. Canadians didn't know what we were doing. Now Canadians are worried about it. We are receiving calls from B.C., we're receiving calls from different places in the country, we're receiving calls from chiefs of first nations, saying "I'm worried about it". Okay?

It's in that respect that I'm saying it.

**Hon. Rob Nicholson:** I wasn't privy to how you came to the report. I am only saying that when we had a look at the results, again, I will tell you that we were impressed.

You also went on to say that there are few or, in some cases, no proven problems with fraud being committed. Part of what we are trying to do here is to stay ahead of the curve. I believe Canada has the best electoral system in the world, but to maintain that integrity we have to be sometimes proactive. Again, this bill is a reasonable response. In fact, it's a faithful reproduction, quite frankly, of the recommendations you made.

**Mr. Yvon Godin:** Don't you agree with me that the goal is to have Canadians vote?

**Hon. Rob Nicholson:** There is no question, Monsieur Godin.

**Mr. Yvon Godin:** Okay, that's the goal; we want all Canadians to vote.

[Translation]

We have to take into consideration that not everyone wants to disclose their birth date. Personally, I wouldn't want to give my birth date to some political party, including my own. My birth date is something personal.

We're asked for our birth date too often for identification purposes. When you report a lost credit card, representatives of the bank involved ask for a birth date. Therefore there are people who know our birth date, in addition to our credit card number. That's almost an identification. Maybe that's why people get nervous.

When you said that a person could use a credit card together with a

[English]

a "utility bill"—what do you mean by that? Is that the bill from New Brunswick Housing or New Brunswick energy?

**Hon. Rob Nicholson:** In Madam Jennings' case, she indicated the individual might have a status card as an aboriginal Canadian. I said something as simple as a utility bill could be used in conjunction with that to identify his or her place of residence.

**Mr. Yvon Godin:** It would be in conjunction. Okay.

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

We're out of time on that first round. Thank you, colleagues.

We'll begin our second round now. The second round will be for five minutes. We will begin with Monsieur Proulx.

**Mr. Marcel Proulx:** I'm back, Minister, on this thing with what Mr. Guimond has qualified as a "bingo card".

Unfortunately, the figures given to you by Mr. Kingsley are based on the wrong description of what we explained to him. He's referring to the possibility or...the use of photocopiers in every voting station; that's not at all what we had explained to him, and it's not at all the system that is being used.

We will have witnesses at our next meetings; we have a witness from the Quebec election system, and we also have a witness who's been summoned from the City of Gatineau, which uses the system.

I just want to take two minutes of the committee's time so that you realize Mr. Kingsley was wrong.

What we're looking for is a system in which we have, as you were mentioning, what we may call voter tracking. As voters proceed during the day, on a multi-copy form, whether it be carbon or non-carbon, the clerk or somebody else—but the clerk would do this—would strictly check off the numbers. We call it a bingo card because we use little cards that are the same size as a bingo card, and they're numbered from 1 to 300. As the voters come in, the clerk would just check off voter number 34 or voting number 56—whatever—and then every hour or at a predetermined time you'd pull off these copies and give them to each representative of each candidate. Then they come back to our election office, "our" meaning the partisan election office of each party. This way we can do the tracking of the voters as the day continues.

We will be having witnesses, as I said, and you will realize that the system is so much simpler than what Mr. Kingsley has been proposing. Whether he misunderstood or whether he wanted to misunderstand, I don't know, but we'll explain through these witnesses that it's very straightforward and very simple.

I wish we could have your commitment today that you will look a second time at this, based on the testimonies we will be getting next week. Then you can see on your own, not through Mr. Kingsley's eyes, that this system is fairly simple and not that expensive.

Thank you.

● (1150)

**Hon. Rob Nicholson:** I'd like to say a few words, Mr. Chair.

I don't think Mr. Kingsley would want to misunderstand. I know Mr. Kingsley and I think he's a respected public servant. I think he does his very best, and he has had an excellent record of public service. An individual, including me or you, can misunderstand something; I don't think we would "want to" misunderstand anything. I just wanted to make that clear. Thanks.

**The Chair:** We're going to move to Mr. Lukiwski, please.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Thank you, Chair.

Thank you, Minister. I have just a couple of comments, and then I'd like your observations, perhaps, on my comments with respect to some of the observations of Monsieur Godin about perhaps opening this bill up to scrutiny from members of the general public now that the bill has been presented.



My first observation is that I'm not sure whether there will ever be an electoral system in Canada, federal or provincial, that is absolutely perfect, that comforts everyone, that will never have a disenfranchised voter. The best we can do is to bring forward a system that deals as best we can with most of the problems we've experienced in the past, and I think this bill basically does that.

I think we've had extensive consultations within this committee, in camera and in public. Most of the initiatives put forward, and most of the amendments contained in our report and captured in your bill, will mean that we are going to have a new electoral process in the system that is better than the previous. I think that's a step in the right direction.

The other point that I think we all agreed upon as committee members is that we wanted to try to have as much due diligence as we could, being mindful at the same time that, as a minority government, we could be experiencing an election at any time. We could be seeing an election, if you believe the political pundits and prognosticators, as early as next spring. I would not like to think that we would still have this bill in committee before the next federal election, because I think there are distinct and very meaningful improvements in the bill that you have presented.

So with respect to Monsieur Godin's comments, that perhaps we should bring this bill forward and allow members of the general public, whether they be first nations communities or those who deal with homeless shelters.... While I'm not opposed to that in principle, I would hate to think that by continuing on with an examination of this bill, which is a marked improvement over the past system, we would delay its implementation.

First, Minister, do you share those views? And if we got out of this committee today with this bill intact, as presented, how long do you think it might take before we could implement the changes contained in the bill? Would we be ready for an election by next spring?

•(1155)

**Hon. Rob Nicholson:** That's a good question, Mr. Lukiwski.

Again, I made the point that your report was an impressive one. It was wide-ranging, and it covered a lot of areas that needed to be covered in our electoral system. We applauded it when this particular bill came forward.

Every committee is the master of its own agenda. You of course hear, and it's quite proper that you would hear, from people who have something to say, just as I'm sure you heard from people when you were putting together the committee. You would have had quite a bit of input, I'm sure, from various sources. So of course you will want to hear from individuals.

That said, I threw out the challenge that this seems to me to be a faithful reproduction of the recommendations that came from your committee. This isn't something the government dreamed up on its own. To that extent, it seems to me that it should get a favourable response, I'm guessing, from this committee. Again, that said, time and tide waits for no man.

Wasn't that the expression from the 19th century—from Dickens, I believe?

**Mr. Tom Lukiwski:** Excuse me for interrupting, Minister, but I guess one point that I wanted your comments or observations on had to do with the speed of this.

I know, Marlene, I'm out of a job now; this is my own minister.

As everyone here knows, just because it passes committee, goes into the House, and passes the House, that doesn't mean it's going to be law. We have to go through the other place, the other house, the Senate. We saw with Bill C-2—that was not dealt with by this committee but by a special legislative committee—how long it took, and we're still not finished that process. The Senate took an extraordinarily long time, in my view, to bring it back to the House, with a lot of amendments. I would hate to think that this bill would be stalled in the Senate and then not be in effect before the next federal election.

I'd just like your comments on that.

**Hon. Rob Nicholson:** Well, that's very likely, Mr. Lukiwski. If the bill gets delayed long enough, it probably won't see the light of day, certainly for another election.

The bill would go into effect six months after royal proclamation, unless it's implemented earlier by the Chief Electoral Officer. I suppose that would be an interesting question to ask him, whether it would be possible to shorten that timeframe.

But again, I'm hoping that the matter will proceed expeditiously through this committee. I hope it will proceed through third reading at the House of Commons, and I hope we get a break in the Senate on this and that they have a look at it. I'm sure they'll want to examine it, but I hope they pass it.

**The Chair:** Thank you, colleagues.

Madam Picard, please.

[*Translation*]

**Ms. Pauline Picard:** Minister, I would like you to confirm that you took the decision of establishing a unique and permanent identifier for each elector. I want to make sure I understood properly.

Secondly, I'd like to talk to you about the bingo card, which I have an copy here that I could give to your staff. I don't know how the chief electoral officer arrived at the decision to establish such a system which costs \$23.5 million. This is a card that could be used with carbon paper. The clerk, who is already paid by Elections Canada could fill it out, thus eliminating the need to have representatives at the tables.

Regardless, the Quebec Chief Electoral Officer is supposed to come and explain to us how this bingo or representation card works. I'd like to inform you that this system will not cost \$23.5 million. I don't know how the Chief Electoral Officer of Canada arrived at that amount. He's not familiar with the bingo card. How come he gave you that figure?

You will get further clarification when the Chief Electoral Officer of Quebec comes to explain the card. Suffice it to say for the moment that this is a score card that a clerk in an office, at a table, could easily fill out. That could be part of her job.

•(1200)

[English]

**Hon. Rob Nicholson:** I know that the job of the poll clerks and the deputy returning officer is a busy one on election day. Just from my own experience, it would seem that to have another procedure in place would take extra time and effort. But I can't speak for the estimates of the Chief Electoral Officer. Please feel free to mention that to him.

With respect to my opening comments about the identifier, the legislation you had before is permissive, that the Chief Electoral Officer "may" do this. I threw it open to you that if you wanted to make that a requirement, we would look positively on that. But again, we would look to the committee for some direction on that. You may want to proceed with it.

I'm quite interested in your area. For someone who has been "dragging" people to the polls for the last 30 years in every election in my area of Ontario, this is a fascinating new wrinkle on this. If it works, I'm at least intrigued on the part of a candidate.

But in any case, I'll let you ask that question to Mr. Kingsley.

Thank you.

[Translation]

**Ms. Pauline Picard:** Thank you very much.

[English]

**The Chair:** Madam Picard, you have one minute left. Are you okay?

[Translation]

**Mme Pauline Picard:** That's fine for me.

[English]

**The Chair:** Monsieur Goman...I mean, Godin. Are you splitting your time with anyone?

**Mr. Yvon Godin:** Yes, Mr. Michelin.

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

**The Chair:** He's a bit slow over there. He just got it.

**Mr. Yvon Godin:** I hope the counter is not....

**The Chair:** No, you have three minutes left now.

**Mr. Yvon Godin:** Well, that's the privilege of the chair, and I respect that.

[Translation]

That will be done in committee. Minister, you clearly stated that you wanted a debate nevertheless. You know what a minority government is, you know that there's a possibility that there'll be an election. We all have good intentions. But sincerely, we don't want fraud and at the same time we want people to vote.

If we can achieve both those things in keeping with democracy, then, together with Mr. Lukiwski, we will want to act appropriately and with all the facts before us. However, we mustn't forget the public. We don't want a Parliament that passes bills without any regard for the public.

Let me say it clearly: some people are worried. A list of witnesses sent to the clerk. I want us to hear these witnesses and make enlightened decisions.

We haven't discussed university students. Students who attend a university, be it in Winnipeg or Moncton, don't all come from those cities. They come from everywhere. People in my riding attend the University of Sherbrooke. They arrive there and they are not properly enumerated. That's what happened with the University of Toronto. Students arrived in Toronto and were unable to exercise their right to vote. That led to scandals.

How can we make sure these people can vote?

If we develop a bill, we have to do it adequately. I accept and I appreciate the speed with which you tabled this bill. But as a committee, we still have responsibilities. University students are one. I'd like to hear you on that subject.

Not only the homeless and Aboriginals; there are other groups as well and they're asking that the bill take them into account.

•(1205)

[English]

**Hon. Rob Nicholson:** I think you made a very good point about students. When I was here on a previous occasion talking about the fixed election dates, one of the considerations that went into the third week of October was to accommodate students.

If you got it in the spring and you get it in the middle of April or the middle of May, when university students across this country are moving home or are in between residences, that could be problematic. By the third week of October, everyone who is a student is where they are supposed to be at that particular time.

With respect to the requirements in this bill, one of the things I think you can say that is characteristic of all students is that they do have identification. That usually isn't a problem at that particular level. In the experiences that I've had, the universities themselves have cooperated with efforts to make sure that students are enumerated and get that opportunity to vote.

I think this is a reasonable response, and I think, quite frankly, the combination of this bill and the previous bill that you passed would be of assistance to students.

**Mr. Yvon Godin:** But I still say, Mr. Minister, if people are interested in coming to give their views, we should listen to them.

**Hon. Rob Nicholson:** Of course. I said you were the masters of your own—

**Mr. Yvon Godin:** I knew you would say that. I'm saying that's your opinion. We know we are the masters of our own house, but in your opinion you will recommend.

**Hon. Rob Nicholson:** Do you want to have a student organization?

**Mr. Yvon Godin:** No, no. If—

**Hon. Rob Nicholson:** If you want a student organization, by all means—

**Mr. Yvon Godin:** If they make a request. As a minister, if you know there's a request from students, you will wish for us to hear them. Right?

**Hon. Rob Nicholson:** By all means.

**Mr. Yvon Godin:** Thank you. No more questions.

**Hon. Rob Nicholson:** I have no problem with that.

**The Chair:** Thank you, colleagues.

The third round. We do have time, but we're starting to repeat the same sort of stuff, so let's see if we can keep it to three minutes. We can go to a fourth round, if we need, but can we keep it down to three minutes?

Madam Jennings, please.

**Hon. Marlene Jennings:** Earlier, in response to Mr. Lukiwski's criticisms of the Senate with regard to Bill C-2 and their holding it up, you made some comments that you would hope the Senate would not do the same thing with this piece of legislation once it gets through the House and gets to the Senate.

I'm curious, because the work the Senate did on Bill C-2 was in large part as a result of requests of witnesses who had appeared before the legislative committee of the House of Commons. They felt they had not been given sufficient time to fully expose their point of view and recommendations they wished to make and felt the committee itself had not been given sufficient time to deal with some of the very grey and complex issues. Therefore, they went to the Senate and basically got the full hearing they wanted to have. I don't think one should be bashing the head of the Senate for having taken the time that the legislative committee of the House did not.

In this case, as you very well know, there is consensus. This committee put forward a report with recommendations. We were taken by surprise by the government coming out with a piece of legislation as part of its response immediately, because, as my colleague Monsieur Godin pointed out, our meetings were basically in camera. Therefore, ordinary people, organizations, etc., did not have an opportunity to bring forth their views prior to the committee developing a report with recommendations to the government.

I'm not going to criticize the government for acting very quickly. We now have the opportunity, because we do have this legislation, to bring forth witnesses, to hear from Canadians and interested stakeholders. I'm very pleased to hear that you agree that should we receive requests from representatives of organizations or ordinary Canadians and that this committee should in fact hear from them.

That's the only statement I wish to make. I believe I've done it within the three minutes you asked for. I wish to thank the minister for his openness to having this committee hear from ordinary Canadians who request to be before us.

Thank you.

**Hon. Rob Nicholson:** As a clarification, Madam Jennings, I actually didn't repeat Mr. Lukiwski's comments about the Senate. I said in the legislative process it's my hope—and it is my sincere hope—that, and I used the words, “we get a break”. As we do in the House of Commons, I hope—I'm in the business of hoping—that all pieces of legislation get through Parliament.

With respect to the legislative process, I try to be reasonable, and I think I've been patient. Part of our democratic reform package was an introduction of a bill on Senate tenure. It was introduced at the

end of May. I know what you're going to say, I should be more patient, but it is six months later and it's only at second reading. So I encourage my colleagues in the other place, to the extent possible and to the extent that's reasonable, to move some of these pieces of legislation. That's my view of it.

● (1210)

**The Chair:** Thank you.

I have Mr. Reid on my list next. Are you taking the time, Mr. Hill?

**Hon. Jay Hill (Prince George—Peace River, CPC):** I'll just take a minute.

I want to make the point, in listening to the comments, that nobody is suggesting we don't do this right and don't do it thoroughly. But the issue here is that there is a sense of urgency. We had agreement around this room when we had earlier discussions on this that all four parties said there are things that need to be addressed and should be addressed before the next election campaign. That's all we're saying here. If there are serious flaws, let's hear about it.

We can drag this out. We know the opposition certainly can drag this out until the cows come home and it won't be in place for the next election campaign. That's our concern. I share the minister's concern in that, and I think the government side is ready to move ahead as quickly as possible. I thought that was the agreement we had in this committee when we launched ourselves down this road of trying to bring improvements in time for the next election.

**The Chair:** Thank you.

Mr. Reid, you have two minutes left.

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** Thank you, Mr. Chair.

Like Mr. Hill, I have comment rather than a question for our witness.

In one of his earlier interventions, Mr. Godin said there's no evidence that there's fraud, or there's very little evidence of fraud. I actually thought what I got out of the witnesses who'd been before the committee, and particularly the Chief Electoral Officer and the Commissioner of Elections, was that there really is no way of collecting evidence of voter fraud in Canada due to the way the law is set up now. It was for that reason that I specifically asked the Commissioner of Elections how many prosecutions for fraud we've had in the past number of elections since the 1980s, and we've learned there were half a dozen. That suggests to me that it stretches the balance of plausibility that with 300-odd ridings and five elections in a row, there would only be five cases of voter fraud out there. So I suggest that there is some evidence that there's more fraud than we're able to capture.

It seems to me that is well illustrated by the fact that in the riding of Trinity—Spadina, James DiFiore was able to vote three times—he says once for each party, so at least he cancelled himself out. At any rate, his point was how very easy it is, and the *Toronto Star* ran a major feature on this, and so on. So it seems to me that it is certainly a problem that's out there and that justifies taking some actions.

The other thing I want to mention is this. We do really want to make sure that people get the chance to vote, including the homeless, including students, including people who, for any reason, don't readily have access to ID. The problem, I think, is that we have to make sure we're designing systems that allow people, everybody who can, to vote, but nobody to vote more than once. I'm not suggesting that anybody in those groups are more likely to vote more than once, but if you start to erode the protections for all of us, we're all being disenfranchised a bit. What we want to do is focus on the positive measures that will help people who are homeless or in other ways likely to be disenfranchised, such as bad enumeration and so on. It seems to me that's not really a legislative problem; that's a problem for administration by the Chief Electoral Officer.

**The Chair:** Thank you.

Colleagues, I'm noticing discussions versus questions for our witnesses, so I just want to focus back on questions for the witnesses.

Madame Picard is next, and then Monsieur Godin.

[*Translation*]

**Ms. Pauline Picard:** Mr. Minister, I would like to speak about the right to vote of convicts who are serving a sentence of two years and more. To allow inmates in federal establishments to vote, the chief electoral officer recently had to invoke the adaptation right that he has pursuant to section 17 of the Act.

For what reason did the government drop the committee's recommendation regarding inmates' right to vote from Bill C-31?

[*English*]

**Hon. Rob Nicholson:** Thank you for the question. It's very clear from the Supreme Court decision of, I believe, three years ago that prisoners have the right to vote, and the tools the Chief Electoral Officer has in place now will allow prisoners to vote in this next election. So there has been no intent in this particular piece of legislation to alter that. My understanding is that he will continue to have the legislative ability to provide for prisoners in federal institutions.

•(1215)

[*Translation*]

**Ms. Pauline Picard:** Thank you.

**Le président:** Mr. Godin.

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

You want us to stick to the subject at hand, but with all due respect, Mr. Hill said that the opposition could be stalling. As he was in the opposition for a long time, he might know what he is talking about.

I have to agree with Ms. Jennings, and you know that I do not often agree with her. If we do not do our work, the Senate will do it, and then the Senate will be blamed.

Mr. Minister, you were very clear. My question was very clear. You want Canadians to be able to participate in the report. They could not participate because it was done in camera. Mr. Kingsley was called upon to testify in camera; all the work was done

in camera. With your permission, I think that we made a mistake and it should be rectified.

[*English*]

**The Chair:** Please go ahead. I was just trying to quieten people.

[*Translation*]

**Mr. Yvon Godin:** I do not remember what my other argument was.

[*English*]

I cannot speak about what is in camera.

[*Translation*]

Minister, we can bring witnesses before the committee and quickly adopt the bill. If we can all reach an agreement, the Senate will be more inclined to cooperate than if the bill does not have unanimous support. We have already adopted bills in one day.

The intention is there. I agree with Mr. Reid in saying that what we want is to avoid fraud and give citizens an opportunity to vote. We all agree on that. We, as parliamentarians, are responsible for legislation. Canadians have the right to participate in the process. They asked to participate in the process for this bill, and we will grant them their right.

Do you agree with me?

[*English*]

**Hon. Rob Nicholson:** I'm of course in agreement with committees doing their work, but I hope you can act in an expeditious manner, because I think time is of the essence.

**Mr. Yvon Godin:** We understand that.

**Hon. Rob Nicholson:** I threw out the challenge to you that many times you can be in opposition, and you can be around this place a long time, and you may not ever get to affect legislation, as directly as I believe you are affecting legislation, for the good of Canada. I think that's what you have done here.

**Mr. Yvon Godin:** The difference is... Look at this bill here, which everybody agrees with. We don't want fraud, and we want Canadians to vote. And we all understand, then, that to do it in an expedited manner doesn't mean you don't invite Canadians who want to come to meetings. We can do our agenda, we can meet at night, we can do anything and do it fast, and we're doing it.

**Hon. Rob Nicholson:** I wasn't going to tell you how to do your business.

**Mr. Yvon Godin:** Exactly. We have control of our home.

**Hon. Rob Nicholson:** Exactly.

**Mr. Yvon Godin:** Thank you.

**The Chair:** Thank you.

Thank you, colleagues. That ends our third round. As I mentioned earlier, I'm noticing more debate than questions. I would ask the members here whether they have any more questions for the witnesses. I'll recognize you at this moment.

Seeing no hands for questions, I would just like to thank our people today: the Honourable Minister Rob Nicholson, leader of the government, House of Commons, and Minister for Democratic Reform; Dan McDougall, director of operations, legislation and House planning; Natasha Kim, senior policy adviser, legislation and House planning; and Raymond MacCallum, counsel, human rights law section. We appreciate you being here and being available for any questions the committee would have had for you. I'm happy to dismiss you at this moment.

I would ask that the members of the committee stay in their chairs. We're just going to take a brief break while we go in camera to discuss future business. Thank you witnesses.

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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**The Chair:** Colleagues, we're going to resume the meeting. I would like to just remind you that we are actually still in public right now. My apologies.

Mr. Preston has a report on private members' business, so we are in public while we do this little bit of business.

Mr. Preston, please.

- (1220)

**Mr. Joe Preston (Elgin—Middlesex—London, CPC):** This would be the second report of the Subcommittee on Private Members' Business. We were asked by this committee to look into a remedy for Ms. Bell, the member from Vancouver Island North, regarding a bill that, through no fault of the Standing Orders, had collided with another bill of a very similar nature. We've come up with our recommendations for this committee on how to remedy that

problem. If you'd like, I'll just tell you the recommendations. We'll tell you how we arrived at them. It's in the report.

We've simply said that we will ask Ms. Bell... She'll have the option of Bill C-295 being debated in the House of Commons for a second hour, but the bill would be declared non-votable. Or she can advise the Speaker, in writing, within five days of the adoption of this report, that she wishes to have Bill C-295 withdrawn and the order of second reading discharged, and that she will be given 20 sitting days from the adoption of this report to specify another item of private members' business. Notwithstanding any other Standing Order, such item will be immediately placed at the bottom of the order of precedence and such item will be entitled to two hours of debate and shall be votable and subject to the application of Standing Orders 86 to 89.

In essence, we're giving her a choice of remedy from doing nothing and debating her bill, doing nothing and dropping her bill, or putting another bill forward and hoping that we can amend the Standing Orders at a future committee meeting to make sure that this does not happen again. That's the second report of the Subcommittee on Private Members' Business.

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

Are there any questions for Mr. Preston at this time?

Is it the wish of the committee that we accept this report?

**Some hon. members:** Agreed.

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

Now we will go in camera.

*[Proceedings continue in camera]*





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