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—
Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Good morning, colleagues. Let's begin our meeting.

Thank you all for coming out.

I want to advise members that our meeting this morning will be held in public.

We have the pleasure once again to have Mr. Jean-Pierre Kingsley, the past—that's hard to say, actually—the past Chief Electoral Officer.

As members know, but for the record I will tell everyone, Mr. Kingsley served 17 years as the Chief Electoral Officer, and his position ended on February 17. Lots of 17s in there, but I'm sure you're not 17, so we'll pass on the next possibility.

I understand Mr. Kingsley does not necessarily have an opening statement, but I welcome you to the committee this morning. The committee has asked for a wrap-up meeting, so we will open the floor.

We'll keep our format to our rounds of questioning, although it is a little bit more casual than our tend-to-be-formal meetings. But we will stick with our rounds of questioning, eight minutes first round, and see how it goes from there.

Mr. Owen, the floor is yours.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Thank you, Chair.

I'm not sure that I need eight minutes, but in this public forum I would like to express our deep appreciation for the work Mr. Kingsley has done for the last 17 years in the service of our country through the most basic and fundamental structure, which is our electoral process, and well beyond Canada's borders, in working in so many different countries to spread our experience and to learn as well from him and his colleagues how precious what we have here is, but also to see the extraordinary enthusiasm people in newly democratizing countries bring to their electoral process when they're given this opportunity for the first time. I think his experiences, as he's talked publicly of them over the years, provide a great lesson for Canadians in what we have and what we must treasure and what we must use.

In thanking Mr. Kingsley, I could mention that one reflection of the fine state with which he is leaving Elections Canada is the speed

and ease and unanimity with which his successor, Mr. Mayrand, was approved by this committee and the House of Commons.

Perhaps, Mr. Kingsley, I could just pose the question. Since we've just finished in the House with Bill C-31 on voter integrity, could you comment on the apparent—and perhaps it's just apparent and it's not accurate—greater scrutiny that is applied in newly democratizing countries with their first electoral experiences, in terms of voter identification and protection against abuse? We have had some very interesting and challenging discussions here and in the House about whether we were going too far, whether we were putting too many impediments, whether the bar was too high. Yet it seemed at times that what we were suggesting, with your recommendation, as more stringent tests of identity proof still fell short of processes we recommend to other countries designing their first electoral process.

•(1110)

Mr. Jean-Pierre Kingsley (Former Chief Electoral Officer, As an Individual): Mr. Chairman, I would like to thank the committee for providing me with this opportunity to appear before you as an ordinary citizen.

In all seriousness, it has always touched me profoundly to come to this committee and render account for what Elections Canada did and did not do. It's in the same spirit that I approach this opportunity.

I want to thank you, Mr. Chairman, for the excellent letter you sent to me on behalf of the committee. I shall cherish it, in light of the 17 years to the day that I spent in the position. When I gave my eight weeks' notice, I wasn't conscious of the fact that it was going to be exactly 17 years.

On Bill C-31 and the international scene, one must remember that when going to another country to provide advice, one is not selling a system or selling Canadianism; one is sharing values. When it's a newly emerging democracy or a democracy that used to exist but was taken over, smitten, and is being brought back, there's an element of distrust at the core of what they're trying to do. That is the reason why there's such a fundamental difference between what Canada has and what new democracies and newly re-emerging democracies usually give themselves.

When the Iraqis visited Canada during the election, they were surprised that there was no need for ID at the polls, because the international community, the United Nations, had told them they needed that. These were board members from the Iraqi electoral commission. Some of them went back with the idea that they wanted to look at that again. I'm sharing that with you because it's something they had never thought of, but they knew they had something to overcome. That is an important difference.

I want to add one thing about Bill C-31 that I think needs to be said. Parliament has decided to address the question of ID at the polls. I've always said that was fair, but proof of address at the polls may prove to be more problematic, and you'll want to review with my successor how that's going to work.

The experience Canada has is limited in that respect. In the city of Toronto, if you don't have proof of address you can swear yourself in at the poll; you don't need to have somebody else in line who's able to do it. From the statistics they provided to us, about 5% of the people had to go through that process. At the federal level, would 5% of the people have to go back home to get proof of address that they did not bring with them to the polls?

So I wanted to share that with the committee. You might want to look at that in more detail with my successor, because some of this research only came in after you put together Bill C-31.

I also want to mention that the letter on the pieces of ID recommended by the Chief Electoral Officer is ready to come to you. My commitment was that it would come here the moment Bill C-31 received third reading. It wasn't supposed to come before that because we did not know how Bill C-31 was going to come out in third reading. That letter is ready, and obviously the people at Elections Canada will have to decide about sending it and when. All the work was done in that respect, and it's just waiting to be sent and for your review.

I would look at the address situation as a committee. If 5% or even only 1% of the people don't bring the necessary proof of address with them, how do you address that? Do you send them back home to get another piece of ID? Right now they will have to find someone in line to attest to who they are, and that person will need to have all the necessary proof of ID and address as well.

● (1115)

So I just thought I'd bring that to your attention.

The Chair: Okay.

Thank you, Mr. Owen. I think we have about 40 seconds left. Maybe we'll just move to our next questioner.

Mr. Lukiwski.

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

Mr. Kingsley, on behalf of the Conservative Party, I also want to add my congratulations to you on your new position, and also an official thank you for all the hard work you've done on behalf of Canadians in the electoral system for the past 17 years.

I often have said that your position is probably one of the most thankless jobs that a person could have in Canada, because from time to time you're always going to be getting complaints and criticisms from individuals, from political parties. It always seems to me that in jobs like yours, where you do yeoman service on behalf of ordinary Canadians, as well as political parties, you always hear the complaints but never the thank you. So I want to take this opportunity on behalf of the Conservative Party of Canada to say thank you for all of the work. I think you've conducted yourself over the 17 years in a manner that befits the position. You've conducted

yourself and your affairs in a manner of impartiality and professionalism that is absolutely required for that position. So good on you, Dr. Kingsley, and good luck to you.

I do have a question, though, and we've spoken of this before. I understand that this will be your personal opinion now that you're a private citizen, so I'm not looking for anything that would be the official position, obviously, of Elections Canada, but it's something that's been a little confusing to me.

We spoke just before the meeting. We have a situation in our party where we have what should be considered a convention, a campaign training school that's coming up in the next couple of weeks. My question would be this. If a registered EDA—electoral district association—were to pay the registration fees on behalf of a couple of delegates, would that be considered, in your opinion, a contribution or a transfer of money from the EDA to the party? This would be out of their own resources. This would be a transfer or flow-through money from a person who pays \$300 to the EDA, and then the EDA pays \$300 on their behalf for the registration fees. This would be out of the EDA's own resources, and they pay the registration fees for a couple of delegates to this convention.

Mr. Jean-Pierre Kingsley: Well, if I were still in office, I would ask my people to look into the following points—one of which you've already addressed—before answering the question. Where does the money come from? Was it part of the funds that were there already? And the other question I would ask would be whether any of those funds are from corporate, union, or association funds, because there's an interdiction from passing those through from the EDA to a political party. The last thing I would ask is whether this is the kind of transfer that is permissible between these two entities. Based on that, then I would give you the advice, from what I understood you to say, that it would be okay so long as the two other conditions, over and above the one that you stipulated, were okay. And if they said yes, that is an appropriate one, but I can tell you that I don't remember specifically if that is entitled as such.

Mr. Tom Lukiwski: Thank you.

Mr. Jean-Pierre Kingsley: I do want to thank you very much, before I forget. I also forgot to mention how deeply touched I was by the thanks that were addressed to me by Mr. Owen and by you, sir. That touches me deeply, especially since it's all part of the public record here. To have served Canada and Canadians is a noble pursuit, I can tell you this. So thank you.

● (1120)

Mr. Tom Lukiwski: Sir, whatever praise you receive from this committee today is well deserved.

I'll cede my time to Mr. Preston.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Again, I will offer you congratulations. I just love your attention to detail, making sure it was exactly 17 years. It's the level of detail we've seen from you on all of the topics.

I'd like to just throw it open and give you the opportunity to talk about the job you're heading to, and tell us all, and all Canadians, what you're planning to do next.

Mr. Jean-Pierre Kingsley: I should first of all mention to you that I was looking for a snowstorm in which to walk before making my decision.

Some hon. members: Oh, oh!

Mr. Jean-Pierre Kingsley: But I had to make it anyway.

The position to which I'm going as president and chief executive officer is an NGO, a non-governmental organization, non-profit organization, situated in Washington, D.C. It does work internationally. Its budget is between \$40 million and \$50 million U.S. a year. The funding is on a project-specific basis. So if a government wants an organization to go and help a particular country develop an aspect of or a total electoral system.... For example, IFES was involved in organizing the Iraqi elections; they were part of the United Nations group that was there. There is work that's done in Latin America in different countries. If you want an education program, and an electorate, for example, during an electoral process in Haiti.... Or IFES will also do observation for a particular event because of its credibility. So that's what I'll be doing.

IFES is situated in about 15 offices around the world now, on a project-specific basis. It's not there forever. When the money runs out, the people come back, and that's it. So people are working on a contract basis. About half the staff are in Washington. I'll be travelling, I would suspect, in some parts of the world to achieve this. So that's the type of business that it is.

Most of the funding comes from the American equivalent to CIDA; it's called USAID. There is some that comes from European countries, and there is some that comes from funding agencies in the States, principally, that like to see this kind of work being done around the world.

I'm already starting to have ideas on further thoughts about how to pursue these things, and how to make it grow, and so on and so forth. Obviously, the attraction for me is that I'll be working in an area that has become very rewarding for me in a personal sense, because of the work we did around the world, especially what we did in Iraq and what we did in Haiti. There were a lot of untold stories about Iraq, but they were extremely gratifying—very dangerous, obviously, but extremely gratifying, and the work in Haiti as well.

So all of that is to say that I'll be focusing on that, as opposed to the details of the Canada Elections Act, to come back to the detailed comment that you made.

Mr. Joe Preston: Well, congratulations and good luck.

The Chair: Thank you very much.

Madame Picard.

[*Translation*]

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

Mr. Kingsley, it is my turn to thank you ever so much for your 17 years of work dedicated, to democracy. I have always appreciated your openness, and your willingness to come before us to explain the intricacies of the Elections Act, and your vigilance in suggesting amendments to the act to enhance the voice of democracy. Thank you very much.

I was dismayed when I heard that you were leaving us. I gather that this may be a part of your career plan. I venture to presume that you have new work to do. On behalf of the Bloc Québécois, I really want to thank you. We really appreciated your cooperation and the work you did.

Mr. Jean-Pierre Kingsley: Thank you very much.

• (1125)

Ms. Pauline Picard: Have you any comments regarding the limits of the Chief Electoral Officer's power, and regarding the vexations that you had to endure in the course of the past 17 years?

Mr. Jean-Pierre Kingsley: I did not understand your question. Are you talking about limits?

Ms. Pauline Picard: Yes. Have you any comments about the limits imposed on the Chief Electoral Officer's power or on the impossibility of avoiding certain vexations because they stem from the legislation whose amendment requires a lengthy process?

Mr. Jean-Pierre Kingsley: Mr. Chairman, first let me thank everyone once again for their kind words. You have my gratitude.

I believe that I tabled three major reports before Parliament, and before this very committee. In each report, I specified some important amendments that the legislation required.

There is one thing that I always found interesting. We sometimes heard that the Chief Electoral Officer was trying to seize power through recommendations. On the other hand, there were times when I appeared before the committee, and the members entrusted me with responsibilities. I would ask them if this was what they really wanted. I understood that the best way to get something was to start out by refusing it.

That being said, I do not think that there are any major shortcomings. As I said in several reports, I know that we are not there yet and that the road will not be easy. For the returning officers, the process took 17 years minus one week. In fact, although Bill C-2 had already passed, it was only on last February 10 that the governor in council authorized the Chief Electoral Officer to appoint returning officers.

The Chief Electoral Officer's ability to access the essential documents and accounts of political parties is an issue about which I already wrote to you. I understand your reluctance, but this issue will have to be settled sooner or later. This would help to keep a balance with the information that the political parties provide. In fact, the reports that the parties make are different from the reports that you file as members. You have to show evidence, whereas the parties do not have to do so. It is very difficult to make this compatible with the rule of law. Is this an irritant? Let us say that this is an issue that the committee and Parliament will have to solve.

Ms. Pauline Picard: Is this the only improvement that you propose?

Mr. Jean-Pierre Kingsley: I have always stated my frank opinion before this committee. In some cases, bills were amended without consulting the Chief Electoral Officer. The amendments were unexpected.

In similar cases, I recommend that the committee consult the CEO again to determine whether the amendment is as simple as it looks. An MP, as a candidate, may think that it is simple, whereas in fact, it may be very complicated for the electoral system.

This is the only thing that comes to my mind. I do not have any specific examples to offer.

Ms. Pauline Picard: You spoke earlier about Bill C-31 and the percentage of people who will not be able to vote because the act requires people to provide their address. We are talking here about 5% of the population—the poor and homeless.

Mr. Jean-Pierre Kingsley: I've not looked into this matter, because the reference here is to a report we received very recently from Toronto, after the amendments you made to the bill. I think it would be reasonable to predict that that is where the main problem will lie. It is not out of the question that the problem could affect others as well. People could go to the polling station without the required proof, people who have changed address but who have not brought along a copy of a bill or a lease that shows their new address, for example. The problem will come up.

How will people in the polling station ask these individuals to go back home to get a copy of a letter or some other document? The 5% figure reflects the experience in Toronto. Will it be the same throughout the country? I have no idea. If we lower the percentage to 1%, would that be acceptable? That is the question you must ask yourself as members of Parliament.

• (1130)

Ms. Pauline Picard: What would you suggest we do to identify these individuals?

Mr. Jean-Pierre Kingsley: On my last appearance, I talked mainly about proof of identity. An address is shown for people on the registry. Now you are saying that that address is not adequate, that we need proof that the person actually lives at that address.

It is true that changes could have been made to the register. The person could be at the right address and say that that is in fact where he or she lives. People in the polling station should then require that the individual provide proof of this. The person could then say that he or she has no such document, but does have an I.D. card. That is a problem.

I do not think there is an easy solution to it. I think that you should look into it and that the new Chief Electoral Officer should have an opportunity to work on that with you.

Ms. Pauline Picard: Thank you very much.

[English]

The Chair: Thank you, Madame Picard.

Monsieur Godin.

[Translation]

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

Mr. Kingsley, speaking personally and on behalf of the NDP, I would like to thank you for the 17 years you spent serving Canadians in the name of democracy.

I would also like to tell you how much you impressed me over the years as an individual. Whenever we asked you a question to which you did not know the answer, it was remarkable to see how quickly you got back to us with the answer.

Your expertise at Elections Canada meant that you were accessible to everyone. If someone wanted to talk to Jean-Pierre Kingsley, that could be done. How many organizations are there where you can never talk to the person in charge? Of course, it is possible to speak with assistants, but not to the person in charge. You have always been remarkably available to serve people.

When there was an issue regarding boundary readjustment for Acadie—Bathurst, I remember there were some problems that I do not want to go into here. I was impressed when you called me at home on a Friday evening around 8 p.m. to tell me that you were going to set things in motion, that there would be no problem, that the decision had been made and that Elections Canada was looking after the matter. I do not think many people would do something like that. Personally, I was very impressed.

I would also like to mention your honesty and your direct approach. Sometimes, you said things that the political parties did not like, but I think you did that in the name of democracy, and I thank you for it.

I would also like to thank you for your tenacity, because it took you 17 years, but you were the person responsible for getting returning officers appointed by Elections Canada. You were like a pit bull, you simply did not give up. After 17 years, you can say that you managed at least to do that. I would like to congratulate you on that as well.

The question about the 1%, 4% or even 5% of people who will not be able to vote concerns me as well. We go to other countries and tell people there that in a democracy, everyone has the right to vote. The members of my party and myself are very concerned about Bill C-31, and that is why we voted against it.

In Vancouver-East, there are many homeless people who have no address. They have no papers, they have no driver's licence and no electricity bill. In the past, a lawyer could sign a document certifying to the Elections Canada staff that she knew certain individuals. The lawyer could perhaps vouch for as many as 30 people. Tables were actually set up on the sidewalk in Vancouver-East to meet people and to have them certified as Canadian citizens.

Now, under Bill C-31, one person can only vouch for one other person. So I think we are going to lose a lot of voters that way. Under the former act, you had calculated that 5% of people would not be able to vote, but under the new act, I think we will be losing more people, and that is unfortunate.

Second, there has been a recommendation that the voter information card be placed in an envelope. I would like to hear your views on that.

My third question has to do with people's birth date. Is that information necessary? We think that the provision of the birth date opens the door to other abuse, because everyone will know the voter's birth date. I think the birth date is a precious piece of information.

At the moment, for example, financial institutions can ask people to provide their birth date in order to check whether a credit card really belongs to a certain person. However, once this bill is passed, everyone will be able to find out an individual's birth date.

I would like your views on these three issues, Mr. Kingsley.

Mr. Jean-Pierre Kingsley: First of all, Mr. Chairman, I would like to thank the honourable member for his comments, which I find very moving. You were there pretty much from the outset, 17 years ago. You have been a member for quite a long time.

Mr. Yvon Godin: For 10 years. There have been a lot of elections in 10 years.

• (1135)

Mr. Jean-Pierre Kingsley: That is true.

Mr. Yvon Godin: Maybe that is why you decided to leave.

Mr. Jean-Pierre Kingsley: I'm also touched by your comments about the fact that I was available to serve people. Sometimes people criticized us for being available on Friday and Sunday evening to do certain things. I learned when I was the CEO of a hospital that one has to be available to serve people at all hours of the day or night. That is why my telephone number has always been in the telephone book.

When I announced that I was resigning, I received some phone calls from Canadians—and I will take the liberty to make this comment—who told me how much they appreciated the fact that when they telephoned during an election, I was the person who answered the phone. They wanted to talk to me, and I did just that. So I find it tremendously touching when ordinary Canadians tell me something like that.

As regards the impact of Bill C-31, I have already said what I had to say about the percentages involved. I think the committee will obviously want to look into this matter at some point with Mr. Mayrand. You will need to show some imagination to move forward on this. Perhaps you will find a solution in this type of document. Personally, I have not found a solution to the problem so far.

However, as I said, I was rather surprised by the amendment made by the committee following my appearance. That is not what I was expecting. I thought you would stick with the proof of identity—on that, I was in complete agreement.

As regards the voter information card, there was a project—and we will have to check on this—to put the cards into an envelope with a window, so that we could have even more control over what happened to them. We would have to check how far that project got, I do not remember that. However, I thought the committee did have a good idea. I know that something was done in this regard, but I do not know how far the project got. The cost is minimal, and the integrity of the process is the important thing.

As regards the birth date, the committee made some amendments there as well to make this information more available to the representatives of the parties. I am wondering whether this is really a good idea, because we worked very hard to control the distribution of the list of electors, so much so that, as you know, some information is included in the list provided to members of each party

each year. It is specific to each party. In other words, we send the Bloc Québécois the information that is added and that enables us to determine who provided an electoral list specific to the party. It meant we could call up someone in the party and tell that person that the leak came from his or her shop. We could also call up a member of Parliament and say—although I do not think this ever happened—that the leak of the list came from his or her office. People wanted this information to be protected. That was one of the main objectives when the register was established in the act, which was passed on December 12, 1996. We attached a great deal of importance to this.

During an election campaign, it is more difficult to do something of this type. I'm being quite frank here—it is more difficult. When it comes to sharing this type of information, the committee will want to review whether this was the right way of proceeding.

Initially, we proposed that a birth year be shared to provide another check on the individual who comes in to vote. If the person looks 30 but the information shows that he or she is 50, the deputy returning officer can ask some questions, and can even push the questioning even further.

• (1140)

Mr. Yvon Godin: This is also my case. I am only 30, but I look like 51.

Some members: Oh, oh!

Mr. Jean-Pierre Kingsley: This kind of thing could get past the monitoring.

Thank you.

[English]

The Chair: Thank you.

Thank you, colleagues.

[Translation]

Mr. Yvon Godin: Mr. Chairman, I want to wish Mr. Kingsley good luck in his new endeavours.

[English]

The Chair: We'll conclude the first round and start a second round. It looks like we might have a lot of time.

Monsieur Proulx.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chairman.

Mr. Kingsley, thank you for so many years of service.

You will not be surprised to hear that although you must have a few minor faults, I am not aware of them. You have great qualities, and I hope that you successor will have the same kind of qualities. Although I am still young, I have known two Chief Electoral Officers, namely yourself and Mr. Jean-Marc Hamel, whom I knew more personally because we were colleagues at the Club Richelieu.

Like Mr. Hamel, you are a very frank and straightforward man. When you were questioned as a witness by the committee, we often found that you gave lengthy answers in a roundabout way. It was certainly your way of gaining a few minutes of reflection before giving us a final answer. Nevertheless, your answers always told us exactly where we were going. I offer you my thanks.

I will not wish you good luck, because you already have the luck and the skills. I wish you every success with your new challenges.

I have two questions for you. The first question is the one that everyone in this room wants to ask you since you said that you were leaving. Now, I dare to ask you that question. Why are you leaving your job before the end of your mandate?

Secondly, what would be the 30 pieces of advice that you would give to your successor?

Mr. Jean-Pierre Kingsley: Let me begin by explaining the reason why I resigned. I have been thinking of leaving my job for the past three or four years. There have been opportunities. As I thought them over, I was told that I could not leave.

This time, I seized the opportunity. I did not ask for it, it was offered to me. The organization asked whether I was available. I gave the same answer as the one I gave to the journalists who put this question to me many times. Although the organization was not making an offer and was only inquiring about my availability, I still wanted to be in a position to accept its offer as well as to give eight weeks notice before my resignation. Eight weeks is no small matter.

Obviously, I took a chance, because the organization could have changed its mind, in the course of its selection process. I had to show due diligence to meet the organization's requirements. I wanted to be in a position to accept the offer without getting trapped again. In fact, it was argued that I could not leave at a time like this. That was what prompted my decision.

Now we can wonder about what could have happened had that not been the case. But that would only be speculation. I felt confident. I do not know whether this is a quality or a defect, but there you have it.

I offered some general advice to my successor when Ms. Malloy, of the *Hill Times*, asked me a similar question. I advised him to become familiar with electoral management as soon as possible, because there could be an election any time.

I am aware of the positions that the different parties express from time to time, and I find that they are entirely reasonable. However, the Chief Electoral Officer cannot afford to stick to one single approach. That is what I did up to last Friday, the last day of my mandate. I made all the necessary decisions in case an election is called in the near future. I did not wait for my successor to take over. I gave the necessary authorizations to hire more personnel to prepare various aspects of the process. The authorizations can always be revoked, but tardiness in making these decisions could have a serious impact on the organization's state of preparedness.

This is the main piece of advice that I gave and obviously, I can assure the committee and my fellow citizens that I offer all my support to Mr. Mayrand for as long and for as many times as he wants. It is up to him to decide.

Elections Canada is an excellent organization with excellent workers who know what they are doing. It will be up to my successor to decide exactly how he organizes and structures his time to hear and learn what I have to tell him.

• (1145)

[*English*]

The Chair: Thank you very much.

[*Translation*]

Mr. Marcel Proulx: Thank you, and best wishes.

[*English*]

The Chair: Thank you.

Mr. Hill.

Hon. Jay Hill (Prince George—Peace River, CPC): Thank you, Mr. Chair.

Thank you for appearing today, Mr. Kingsley.

I want to pick up on the sentiments being expressed by all colleagues around the room and offer my sincere thanks and congratulations. I did that privately before the meeting, but I'd like to say that publicly.

As Mr. Godin indicated, we haven't always agreed. Sometimes things became quite heated when you appeared before the committee on difficult issues you had to deal with and the committee had to struggle with. In fact I would suggest you're probably sitting there in a bit of shock that you have nothing but accolades coming at you, as opposed to some very pointed questions.

All that's in the past. I do sincerely wish you all the very best in your future endeavours. There's no doubt in my mind that given the skills and qualities you've shown in your 17 years as a CEO for our nation, you will continue to do great things in whatever you undertake.

Having said that, I'd like to pose a couple of questions. The first one Monsieur Godin touched on, which is Bill C-31.

I've always believed there's a delicate balance in any democracy regarding the right of every citizen to vote. Hopefully every citizen in our democracy believes that fervently and passionately. Having said that, I also strongly believe that every citizen has a responsibility as well. It isn't up to governments or Elections Canada to go to inordinate lengths to ensure that every single citizen is on the voters list. I believe there is responsibility that comes with citizenship, if you will. I think that all too often we take our rights for granted in this country and we don't pay much attention to our responsibilities.

Certainly you, in the time you have spent internationally, and the many colleagues who have served as election monitors in other countries, have seen that other countries' citizens—especially perhaps at a time when these rights have been denied to them—take their responsibility very seriously. I've heard stories of people who walked for hours in the blazing sun and stood in line to cast a ballot. Those people will go to inordinate lengths to ensure they can vote.

As we're parting company, I would like you to express your views on that delicate balance, which all of us recognize exists, between our right as citizens to vote but also our responsibility to take some personal responsibility to ensure that as individuals we protect that right.

The other issue is whether there is more that Canada can be doing internationally. Is there more than what we're already doing to promote and assist democracies, whether it's our efforts in Afghanistan or your efforts in Iraq and things like that, that you see we could do to promote that in future initiatives?

• (1150)

Mr. Jean-Pierre Kingsley: Mr. Chairman, I should like to thank the honourable member for his kind words. I'm touched by them, because I know that some of the meetings were not always much of a love-in. As a matter of fact, the thought ran through my mind that I should have left more often.

With respect to that fine balance between state responsibility and individual responsibility, I happen to be a fervent believer that the answer to that lies in Parliament and the statutes that Parliament passed. It's not in the hands of Elections Canada. What Elections Canada has an obligation to do is tell the committee this is going to be the consequence of this, or this is going to be the consequence of that, or here's how we think you can handle this situation.

I've always stayed away from making the basic judgment about whether it's the right thing to do or the wrong thing to do. I think that in this country—it's an incredibly strong democracy—the answer lies in your hands. And I've always said that when I've appeared before the committee. It's the committee that recommends changes to the statute through bills that are presented, and Parliament passes that. To me, that was supreme, and that's been my orientation.

So how do we handle that balance? I've given advice on some of the problems that are going to be raised. You're going to see through the documents that my successor will be providing that Parliament will make that balance through the statute that it will pass. The Chief Electoral Officer will simply salute and say yes, we'll implement that—once you have all that advice.

With respect to the international scene, I did appear before the committee dealing with international affairs, chaired by Mr. Sorenson. In terms of democracy development, not only electoral democracy development, but other facets as well.... And there's a movement afoot now with the Department of Foreign Affairs and with CIDA to create what we call a democracy council, inviting Elections Canada to participate. In all the years I've been there, when we started to see the Iron Curtain tumble and countries—not only the Iron Curtain countries, but the others that were in Africa, for example—hiding behind that curtain saying we have to get on with

the new way of thinking here, I've often felt that there was more that we could do.

But it wasn't Elections Canada's mandate to staff up to do the promotional stuff. It was our responsibility to respond, and our responsibility to respond was...not severely hampered, but I always took into consideration the question: Where are we in Canada? Can we afford to do this type of thing? My priority was always Canada, and I never accepted an international assignment unless I felt we could do it without hampering in any way what we had to deliver for Canadians. We always knew where the bread was buttered; it's buttered in Canada.

But this thrust.... I gave similar remarks the other evening when there was a session organized with these people and the Georgian delegation was here. What I said was that there should be within the envelopes of financing in those organizations something that relates directly to democracy development, rather than having it face all of the challenges that come within organizations for funding for other ongoing projects. It's the nature of a bureaucracy to do this. What you have to do is set up a structure that allows a specific amount to be allocated. It's not a large amount, in my books, that would be required to do that. Initially, I felt \$1 million a year for Elections Canada would have produced three to four times the results that we're able to produce.

So that's a long answer to your question, sir.

• (1155)

The Chair: Thank you very much. We went a little bit over there, but I felt we had the time.

Madame Picard, and then I have Mr. Reid.

[*Translation*]

Ms. Pauline Picard: Mr. Kingsley, I read that you implemented the process for appointing returning officers. I would like to know how it was done and what criteria you were looking for.

Mr. Jean-Pierre Kingsley: Mr. Chairman, the selection criteria for evaluating the performance of returning officers and for determining whether they should keep their jobs or not were tabled with the Speaker of the House on December 12 or 13. I think that he recently made them public, because there was a loss at a certain point.

The criteria were set by Elections Canada and they are based on our understanding of the returning officer's role. It is important to be politically impartial and to be able to manage a group comprised of x number of persons. In fact, 500 or 600 persons are hired for one day and they need training. The returning officer is also in charge of an office with about 30 people. He must have an understanding of human resources.

Elections Canada developed its process for selecting returning officers before the adoption of Bill C-2. We wrote to every political party leader and we asked them for their advice regarding returning officers.

Ms. Pauline Picard: Excuse me.

Mr. Chairman, we have trouble hearing because people around us are talking.

Mr. Jean-Pierre Kingsley: We received all the advice from each party. Each time a party asked us to put someone through a competition, we complied. Elections Canada also had a word in this, because the performance of some returning officers was not up to the normal expectations of Canadians.

Ultimately, more than 60% of the returning officers kept their jobs after their merits were evaluated by our system. They respected basic principles, and their performance varied from very satisfactory to satisfactory. As soon as the legislation was adopted, we put ads in the newspapers to fill the remaining 40% of the positions. We also advertised on some radio stations and on the Elections Canada website, as well as other links to the Elections Canada's website. We received more than 2,000 applications for 115 or so available positions.

The management and evaluation of candidates for each returning officer position was done by a selection committee chaired by the liaison officer in charge and comprised a liaison officer from neighbouring ridings and a human resources management consultant hired from the private sector. The latter was not an employee of Elections Canada. All these persons had the benefit of a training session given by Elections Canada, while waiting for this part of the legislation to be adopted. You might say that I was overly optimistic; let me answer that I was extremely hopeful.

We managed all these competitions so that all the new returning officers, namely about 40% of the entire group of officers, could be on the job on March 1st after receiving six days of training for March 1st. As a matter of fact, the training is going on right now. It will all be done in two months and a few days after Bill C-2 is passed.

The governor in council accepted the recommendation that February 10 should be the day on which the new returning officers begin their work, and the former officers will leave as the new ones are appointed. Some of the new positions will not be filled, because people are still resigning. Some people accepted their appointment but then changed their minds for various reasons. Change is a part of human nature.

That is where things stand at the moment.

● (1200)

Ms. Pauline Picard: I can only congratulate you for implementing this process. I knew that you had been asking for it for a long time and that you wanted to have it as much as we did. Congratulations!

I wish you good luck in your new career. I think that we will miss you.

Mr. Jean-Pierre Kingsley: Thank you.

[*English*]

The Chair: Thank you, Madame Picard.

Mr. Dewar, did you want to...? You have the floor, and then Mr. Reid.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you.

I too would like to thank you, not only for the work you've done in your capacity as Chief Electoral Officer but also for your work

before that as a public servant. Those of us who are from Ottawa will know you have worked in the public service for quite a while and have done stellar work. I've always been impressed by that, and I say that not only on behalf of the people in my party but also, I think, on behalf of the people in Ottawa in general.

I also know the work you've done internationally is well known. My brother happened to be in the former Yugoslavia and got to know people in the international community. He was part of the NDI group that went over there. Your name has been well noted in the international community, so I'm glad to see you'll be moving on to a global stage. I hope we'll be able to support you in any way we can, because I think it is important.

The next step for Canada to take is to help build strong democratic frameworks in the rest of the world. I think that really is our role.

I wish you well. We will miss you. Personally, I would have hoped you would have been around for a little longer, with a couple of things we're dealing with.

I would like to touch on a couple of things, and that has to do with Bill C-31. You had mentioned to my colleague.... I was just talking to Mr. Godin about the concerns raised with birthdate information. I will be very specific.

When I wrote to the Privacy Commissioner on this—and she wrote me back last week—she stated the following. I'd just like your take on it.

Is the problem of voter fraud so serious and sufficiently widespread to require the use of additional personal information?

That's the first thing. And we talked about having voter identifiers. I think you mentioned to Mr. Godin that it might be helpful to have the year of birth. But she then says that if it is a serious problem.... Do we have a problem here? That's her first point. And,

If it is a serious problem, is it necessary to provide polling clerks with the date of birth or can the same objective be achieved using less detailed information?

To this, I think you would say yes.

In light of what the bill—it's gone through the House, now it's going to the Senate—has in it, amended, with date of birth information to be available to all polling clerks but also to be shared with all political parties, is it your fervent belief that was the right tool to use to deal with voter fraud? I should say potential voter fraud, because we've heard from you there were only four cases in the last three elections that we're aware of. I believe we've gone too far with it, in terms of the use of personal information. But what would suffice, in your estimation?

● (1205)

Mr. Jean-Pierre Kingsley: To begin with, thank you very much for those comments about the international scene.

I should mention, by the way, that NDI is the National Democratic Institute, which is also Washington-based. Probably half its staff is Canadian. There is a large contingent of Canadians. IFES works with them and sometimes competes with them, depending on the nature of the project. So they're partners and competitors at the same time.

With respect to my views about the date or year of birth, I already gave that advice when I made the recommendation that year of birth was what I was recommending, as opposed to date of birth. I haven't seen sufficient reason to step away from that, especially in light of the risks involved.

But frankly, as I said earlier, it's really in the hands of the committee and Parliament to decide what the best balance is in terms of what is required.

Mr. Paul Dewar: On the concerns about administration, getting all this information collected, ensuring—as I mentioned to Ms. Stoddart—that this is kept private, we've had that debate, and wiser minds prevailed, apparently. But if we look at the concerns around address information being given at the polls, are you not deeply concerned about people being turned away, and then—I've heard this from a couple of people—challenging the validity of an outcome?

If you have people who go to the polls and are sent home.... And thank goodness we don't have to walk two days and be sent home, because what would happen? If people are sent home, they then challenge their right to vote or you end up with a situation where people, at whatever time the polls close.... Let's say it's 7:30, and the polls close at 8 o'clock. They go home, get their ID, come back, and the door is shut. We could be running into a major challenge of one's right to vote.

I'm wondering if you've thought that through in terms of contingencies and how to deal with them.

The Chair: I'm sorry, but—

Mr. Paul Dewar: That was my last question.

The Chair: We're over time on that one, Mr. Dewar. I do think that question was already answered. Unfortunately, Mr. Dewar, you weren't here at the beginning of the meeting. We will have time for another round at the end if you want to ask that question again.

Mr. Tom Lukiwski: I have a point of order, Mr. Chair.

The Chair: Certainly.

Mr. Tom Lukiwski: Quite frankly, I'm not sure if this is a point of order or not, but it might be helpful for the committee.

Mr. Dewar had mentioned he'd received a letter from the Privacy Commissioner. I just wonder if he would be willing to table that, so that the committee would be able to—

Mr. Paul Dewar: Of course. I would be delighted, yes.

The Chair: Thank you, Mr. Dewar.

Mr. Paul Dewar: Thank you.

The Chair: We're going to enter our third round, colleagues. We do seem to be doing very well, but we'll try to keep it to three minutes, which is the standard practice.

I only have one name on my list. If anybody else wants to get on, just raise your hand.

Mr. Reid, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): We're down to three minutes, are we?

The Chair: I think we can go with that. Or is everybody okay with five? He's my last questioner.

Mr. Reid.

Mr. Scott Reid: Thank you.

First of all, Mr. Kingsley, let me add my voice to those of all the others who have offered you their congratulations on what sounds like a very interesting new posting, and my thanks as well for your very long service to the country.

I'm glad you brought up the “walk in the snow” analogy, because a thought occurred to me when you were mentioning the number of years of service. When Pierre Trudeau resigned, just by coincidence he had served one day longer than Sir Wilfrid Laurier. These things happen sometimes. I suspect you've served slightly longer than either of them, actually, for which we are very grateful.

I had come here with a—

•(1210)

Mr. Marcel Proulx: You know the brief on the Liberals. I'm impressed.

Mr. Scott Reid: That's right. If I had lived in Laurier's day, I probably would have been voting Liberal.

I had actually come with a series of questions regarding the appointment of the new returning officers, but partly through your conversation with Madame Picard and partly through a press release you put out last Friday, you dealt with the question by saying everything will be in place by March 1. That's very much appreciated, and it certainly puts my mind very much at ease.

I did want to ask you another question that came out of your conversation with Mr. Dewar, and that's the question on the time at which the polls close. For a number of years now, we've had an experiment in which the polls close at different times in different parts of the country. It means that the ability of people to vote at an hour that is convenient for them will obviously vary from one part of the country to the other.

You must have had a considerable amount of feedback from across the country as to how well or how poorly that works. I'd be interested in hearing what you have to say with regard to the question of whether or not the current regime works well. If it doesn't, how might voting hours be appropriately adjusted?

In asking this, I know there was another policy consideration when the law was put in place, but I'm really thinking of the accessibility of the franchise to voters on voting day, as an issue in and of itself.

Mr. Jean-Pierre Kingsley: Thank you for the personal comments that you made. I really appreciate them.

With respect to staggered voting hours, which is how we have come to refer to them, I can't remember having received a complaint from a Canadian asking why the polls are open from 7:30 to 7:30 in their riding, but next door or out east it's from 9:30 until 9:30. I haven't gotten that. One must remember that they're still open for twelve hours during the day across the land.

I can't remember.... There may have been some, but I think they would have stuck with me, so it would seem not. I can't remember getting a lot of congratulations either for the fact that Parliament changed that law. The complaints thing is something that drives us, obviously, and I can't recollect that there was anything at all equivalent to a movement of anything.

Mr. Scott Reid: That probably provides an answer to the question. If it had been something that was causing a great problem in some part of the country, I assume you would have gotten to hear about it.

I want to ask something else that relates to your new responsibilities. Actually, let me take a step back and say it relates more to the involvement that you've had internationally in the past, and the role that Canada, projecting forward now, could take in participating in the introduction of democracy and of oversight of elections in these countries.

There are two ways of approaching this. We could try to act where there is the greatest need, or we could try to have a focus that is based on countries that have some kind of similarity to ours. For example, I assume that part of our involvement in Haiti has to do with cultural and linguistic similarities. I'm wondering if there is a direction or a focus that seems to make sense, from your perspective, in regard to where we focus our efforts as we move forward and how we best use our resources in this regard.

Mr. Jean-Pierre Kingsley: What I've noticed since we've started to be involved on the international scene is that initially, countries were moving in that direction voluntarily. In other words, they were changing because of the fact that geopolitics were changing. Now what's happening is that more of the situations are stressful. They're brought about by massive change that comes from the outside, to a certain extent, and that is sometimes fomented from the inside. That makes the issue more problematic.

I think—I'm not going to call it the market—the second and third time is where people have to live with their disillusion that democracy did not solve everything after the last election. The last election did not solve everything. Democracy's still not installed. This is where progress will have to be made. Efforts will have focus on helping them to establish systems that are more credible and on reaching out to people to make them understand that democracy is a permanent process; it's not just that particular event.

Without that particular event, you don't have it. But it's more than that. You have to work at it every day. You have to have a free press. You have to have a country that is free of graft among the public servants. You have to have so many things. You have to have a Supreme Court. You have to have a court system that is independent of the legislative and executive branches. You have to have an auditor general who reviews the books and produces reports. All these things come together, and I think this is where more of this will have to be done.

In many cases, they went for the election, and it did well, but it's not sufficient. We saw Haiti having to start over and start over and start over.

• (1215)

The Chair: Thank you.

Mr. Jean-Pierre Kingsley: I will only add this comment, Mr. Chairman.

Whenever I was asked, if time allowed, I accepted the challenge. Because I think, despite most circumstances, it's always worth another try, especially when you see the people, the situation they're in, and how they stand to benefit, eventually, from a process starting the right way.

The Chair: Thank you very much.

Mr. Godin asked to speak. You have three minutes, please, and then we'll have Mr. Hill.

Mr. Yvon Godin: I still believe that from 9:30 to 9:30 or 8:00 to 8:00, you still have 12 hours. I think one thing we have to cope with in a big country like ours is that there is a four-hour time difference between the Atlantic and Vancouver. I think that sometimes, when the results start to come in and become public before the last poll closes, that could create interference. Maybe we could get your view on that, very quickly.

I would also like an answer to the question Mr. Dewar asked about a person who goes in at the last minute to vote. If a poll closes at eight o'clock, and he walks in at a quarter to eight, and you say, "No, you don't have your identification card, you have to go back home," then he cannot vote.

I want to give you the opportunity to answer those two questions, please. Thank you.

Mr. Jean-Pierre Kingsley: I think, as I said in my earlier comments, that it will be up to Parliament to decide and then to review what will happen in those cases. I did bring forth the example of the only knowledge I had, which was the situation in Toronto and the numbers that came out of that situation. They have a system that allows a remedy on the spot, as opposed to having to send people back home to get another piece of ID or finding someone who is already on the list for that particular poll who will attest for them. So that's something to look at.

With respect to what we call staggered hours, it must be remembered that, in effect, the six time zones of Canada have been reduced to two time zones through the staggered hours. What one gets is Atlantic Canada, with perhaps one Quebec riding—I can't remember the name—as the first time zone, and at this time, the results of those polls are frozen. They shut down, I think, two hours before the rest.

All the rest, except for a half-hour differential in British Columbia, shut down at the same time. They open at the same time and shut down at the same time. So there are no results that can go out.

So we're talking about the 10.1% of the results flowing out from Atlantic Canada. It must be remembered that those results are available to Atlantic Canadians who have voted. By law, at this time they've not been made available to the rest. That is a matter that the Supreme Court now has under advisement. That was questioned. The law, as written, was passed by Parliament, but it was contested by a particular person. That has gone right up to the Supreme Court, and it's now under advisement, so I won't comment any further except to reiterate what the basis of it was.

The Chair: Thank you very much.

Mr. Hill, please.

Hon. Jay Hill: Thank you, Mr. Chair.

Actually, my question was going to follow up on Mr. Reid's comments and questions about the staggered voting hours and on exactly the problem Mr. Kingsley just referred to, about it being at the Supreme Court and about the whole business with modern technology, the difficulty of trying to contain election results in one part of the country while the polls are still open in another.

You've already addressed that. Thank you.

The Chair: Thank you very much, colleagues.

I see that the comments are wrapping up and I sense the committee has finished. I would therefore like to wrap things up.

Mr. Kingsley, I've been chairman of this committee for about a year and a bit. I have not known you for decades and decades and decades, as some of my other colleagues have expressed. I can tell you that my experience with you in the very short time that we've known each other has been extremely pleasant. I very much appreciated some of the times we've spoken on the phone. I frankly find your balance between wit and humour extremely refreshing. A little humour around here sometimes is very good medicine. I hope the friendship that we have forged continues in the future. I certainly hope that our paths cross in the future.

I want to wish you the very best of times and the fullest of futures. I can tell you, sir, that you should be proud and you make Canadians very proud. I'm sure you will continue to do that as you spread the qualities and the full spectrum of your talents and skills that Canadians have had the good fortune to experience. I guess the good news here is that Canada's loss will be someone else's gain.

On behalf of the committee and many prime ministers, and indeed the entire country, Mr. Kingsley, that you have served so aptly, I want to sincerely thank you.

Some hon. members: Hear, hear!

• (1220)

Mr. Jean-Pierre Kingsley: Thank you very much, sir.

I am deeply touched by those words. I can only say to the committee and to you that I've established bonds with parliamentarians through this committee. This was the committee through which I related to Parliament as Chief Electoral Officer, and I've always assigned the highest degree of importance to this and I've always attempted to serve as well as I could. I thank you for that opportunity.

I want to thank Canadians for allowing me to enrich myself as a human being in serving them.

So thank you.

Some hon. members: Hear, hear!

The Chair: Colleagues, that ends our business for today. I simply want to remind everybody that we have a meeting next Tuesday, February 27, whereby we will discuss decorum in the House. We will be discussing the possibility of submitting a report. As you well know, when we do that sort of business that type of meeting is held in camera.

Is that acceptable to the committee that we have next Tuesday's meeting in camera because we may be discussing a report?

Some hon. members: Agreed.

The Chair: So next Tuesday we'll meet here. And Thursday, February 28, we have a delegation from the Cayman Islands. The standing orders research team has requested that they meet with the committee here. It will be very informal, in camera.

Mr. Joe Preston: Mr. Chair, can we ask that we visit them there instead?

The Chair: That was my first suggestion, and somehow it was denied.

The clerk will obviously get some information to you between now and then. So that's next Thursday, for one hour.

Is there any other business? I see none.

The meeting is adjourned.

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