



House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 046 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, April 19, 2007

—
Chair

Mr. Gary Goodyear

Also available on the Parliament of Canada Web Site at the following address:

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

Standing Committee on Procedure and House Affairs

Thursday, April 19, 2007

• (1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Good morning, colleagues.

Let's proceed with our meeting this morning. We will be discussing the main estimates of the Chief Electoral Office.

I would like to advise members that this meeting is being held in public.

I would like to also suggest that if time permits, members remember that a draft report was tabled at the last meeting regarding private members' business. If we have time, we'll deal with that at the end of this meeting. If not, we will obviously have to defer it to the next meeting.

Colleagues, we are dealing with the Chief Electoral Office during the first hour of this meeting. For the second hour we have the Commissioner of Elections appearing before us. Clearly we do not have to finish this estimates discussion. We can have the Chief Electoral Officer back at another time, should we feel that we need more time.

You have been provided with the estimates page from the blue book for this morning's discussions. As well, some notes from Mr. Mayrand were circulated this morning.

I would like to introduce Mr. Mayrand.

Thank you very much for coming this morning. Please introduce yourself and the officials you brought with you today.

Thank you.

Mr. Marc Mayrand (Chief Electoral Officer, Office of the Chief Electoral Officer): Thank you, Mr. Chairman.

I'm really pleased to appear before you today to discuss our main estimates for 2007-08. I'm accompanied today by Mrs. Diane Davidson, the Deputy Chief Electoral Officer; Ms. Janice Vézina, senior director of financial matters, audit, and corporate services; and Mr. Rennie Molnar, the senior director for operations, register, and geography.

Before I launch into my formal notes, which were distributed, I thought I would share some observations following 60 days on the job now. As you will recall, on February 20 I appeared for the first time before this committee. Following unanimous endorsement by you and by the House a few days later, I started in the position.

It's been a very busy two months, but also fascinating, I must say. I met with my predecessor on two occasions. He had the generosity to share his wisdom and hindsight on the electoral process. I also spent a day with my counterpart for Ontario, the chief electoral officer there. I met with his team to discuss matters of mutual interest. I was also a guest of Mr. Blanchet in Quebec for polling day, where I had the opportunity to observe the *quartiers généraux* and visit returning officers in polling locations to observe directly the unfolding of the election on that day.

I also took time to visit all staff at Elections Canada, introduce myself, and learn more about what their challenges were. I was struck by their commitment, professionalism, and dedication to do the right things and to do things right.

I also hosted two foreign delegations, one from the political parties of Morocco, which spent the day with us discussing matters of mutual interest. I also hosted a delegation from the Australian election commission. We had the opportunity to discuss matters of mutual interest, but especially STV, which is a new method provided by the bill for the appointment of senators.

I also attended several new Canadian forum sessions, where I had the opportunity to speak briefly about democracy and the electoral process. I spent 45 minutes in a question and answer session with participants at those forums. Each time I came out lifted by the quality of *la relève* and confident that the future of this country will be in good hands—I can assure you of that.

I also attended a meeting of first nations aboriginal youth with Mr. Phil Fontaine to discuss matters of interest on the electoral process, and more specifically participation of first nations people in the election process.

I met with the new returning officers who have been in training in preparation for a possible electoral event. I met with many assistant returning officers who were also in training; the field liaison officers who are set across the country to support returning officers; as well as the commissioner, staff, and a group of investigators he employs to carry on his responsibilities.

Throughout this I learned much about the institution itself and spent much time learning about the electoral process and the machinery of elections. At the same time, I made the decisions required to ensure that Elections Canada is ready to conduct an election whenever it's called.

After those 60 days, I can report that I've developed a strong feeling and sense of responsibility and accountability for Elections Canada. I have also developed an unabated enthusiasm for and commitment to the position. I have not had a chance to call a meeting yet of the advisory committee of political parties, but I plan to do so some time in June. Part of the agenda we'll propose will be to discuss the workings of the committee, its governance, mutual expectations, and how we can move forward in our future discussion.

• (1110)

Now, going back to the main estimates and my formal presentation, as you know, my office is funded by two separate budget authorities: an annual appropriation, which is called vote 15, that provides for the salary of permanent, full-time staff; and a statutory authority that funds all other Elections Canada expenditures. Vote 15, which is the component of our budget that you are considering today, amounts to \$21.8 million. Again, this represents the salaries of some 330 full-time employees.

For its part, the statutory authority, which is a direct draw from the CRF, ensures that Elections Canada has the capacity to be ready at all times to conduct an electoral event. It also recognizes that Elections Canada's independence is critical to maintaining the integrity of the democratic process.

Of course, the estimates under the statutory budget authority for which I am accountable vary from one fiscal year to the next, reflecting the particular activities of the office. This includes the conduct of elections by election referendums, as well as support for the decennial redistribution of electoral districts.

Two other budget authorities are also statutory. The first is my salary as Chief Electoral Officer, and the second is the funding required for contributions to employee benefit plans. The statutory authority is essential to fund all the functions and duties related to the effective delivery of election and referenda. This is particularly relevant in the current situation when a second consecutive government has been elected for the first time in 40 years and only the second time in our history. This situation requires Elections Canada to continuously maintain a high state of readiness.

Just as it is impossible to predict the timing of an election, it is impossible to identify every exceptional circumstance that could arise during an election. Here the statutory draw is also essential, complementing the power under section 17 of the act to adopt the legislation.

The budget under the statutory authority of 2007-08 is \$82.6 million. Including the annual appropriation, the total budget for Elections Canada will be \$104.4 million.

The major items in our 2007-08 estimates, in addition to the salaries of permanent employees, include: political financing, including allowances to political parties, to the extent of \$30.8 million, \$28 million plus a bit more for the allowance; the information technology program, at \$21.9 million; the national register of electors, at \$8.6 million; public education and information programs, at \$7.4 million; and employee benefit plans, at \$4 million.

There is also another item for event readiness activities, at \$1.7 million. As well, totalling some \$8.2 million are other ongoing costs

that essentially cover the salaries of terms and casual employees, temporary help, professional services, and other related matters.

Our preliminary estimated cost for the 40th general election, if it were called now, is some \$219 million. We would have to add an estimated amount of \$56 million to include the reimbursement of election expenses to Canada's political parties. This will bring the total cost of the election to \$275 million, compared to \$273 million for the previous election.

I'm happy to report that Elections Canada is ready to conduct a general election whenever it is called. Since December 2006, when the responsibility for appointing and dismissing returning officers was transferred to the Chief Electoral Officer, all three of the 2008 returning officers have been appointed, and their training will be completed by the end of the day tomorrow.

• (1115)

Meanwhile, we have had a small number of resignations. To address the gap, we have appointed and trained new returning officers from a pool of qualified candidates set in the earlier competition process. Currently we have three vacancies, and as provided for in the act, assistant returning officers are now currently assuming their duties until proper competitions can be conducted.

Since the 39th general election, returning officers have completed more than 20% of pre-event assignments. For example, they've located suitable offices across the country, assessed the accessibility of polling stations, identified key personnel to hire once the writ is dropped, and trained community relations officers. In addition, returning officers have planned how they will conduct target revision in their electoral districts, and they have made revisions to some 10,000 polling divisions, 800 mobile polls, and over 2,000 advance polling districts. These revisions were carried out in consultation with members of Parliament and local riding associations. In fact, revised maps and geographic documents reflecting these changes were distributed to registered parties and MPs last week.

During this fiscal year, Elections Canada will continue its preparations to ensure that all resources can be quickly mobilized at the start of an electoral event. We also continue to update the national register of electors. The quality of the register is measured in terms of both the coverage—the percentage of electors on the list—and the currency of the information on the list.

Our coverage target for the registry is 92% for coverage and 77% for currency. As of April 1, 2007, the estimated quality of the register resulting from various quality assessments showed the registry is meeting the 92% standard of national coverage and is in fact exceeding by 7% the currency target.

In 2007-08 we will continue to identify opportunities to further improve the quality of the list of electors, both in coverage and currency and in voter registration services. In fact, with the help of returning officers, we plan to improve the process and strategies to reduce the incidence of non-residential addresses in the register. We have developed an elector quality improvement system to improve incomplete and inaccurate elector records, and we will implement the generalized record linkage system developed by Statistics Canada, with the aim of improving record-matching and identifying electors' records to be included in mailings.

• (1120)

[Translation]

Since 2003-2004, my office has been the subject of annual financial audits by the Auditor General. Her reports have indicated that the transactions she has reviewed are in all significant respects in accordance with the legislative provisions of the Financial Administration Act as well as with the statutes administered by my office.

In addition, at the request of my predecessor, the Auditor General conducted a performance audit of Elections Canada resources, which was completed in the fall of 2005. While the Auditor General indicated some areas for improvement, she made many positive observations, citing the agency's ability to effectively plan, manage and administer the federal electoral process, and the key role it plays in supporting the fairness and transparency of elections.

To quote from her report briefly:

[Elections Canada] delivers a number of public education and information programs aimed at enhancing the understanding of the federal electoral process and increasing the participation rate of targeted groups of electors. We found that Elections Canada works effectively with Parliament and other stakeholders to identify ways of improving the electoral process.

As reported last year, Elections Canada acted promptly on the recommendations made by the Auditor General in her 2005 report. A number of priorities outlined in our current Report on Plans and Priorities follow up on her recommendations.

I would like to touch briefly on three other areas that will be priorities for Elections Canada. They were also the focus of my first appearance, on March 22, before the Advisory Panel for Funding and Oversight of Officers of Parliament, which is chaired by the Speaker of the House.

The first area is information technology. Elections Canada has an urgent need to renew its IT infrastructure to keep pace with evolving technologies and to use the new technologies in order to better meet the needs of Canadians and the requirements often arising from electoral reforms. Our hardware and software are aging, implementing changes is becoming difficult and we need to be in a position to offer more electronic services. Renewing our IT infrastructure will ensure that we are able to continue delivering electoral events efficiently. And it will enable us to respond effectively to our future needs and those of our stakeholders, including the need to respond to legislative change. We cannot afford to delay this process.

Our information technology renewal project began last year, and will continue into next. This year, our focus will be on replacing hardware and software. This involves some 4,000 computers, in every constituency, as well as the servers and all the technological equipment that the offices of returning officers need.

More than just replacing the equipment, we also want to create a new simplified infrastructure that takes full advantage of modern information and communications technologies to provide improved business capacity, maintain the reliability expected by our users and meet our requirements for the coming decade.

The second priority is performance measurement. The Auditor General noted that while Elections Canada has the core elements of a good performance measurement and reporting framework, it lacks performance targets and indicators for some of its key activities. I consider performance measurement indicators are an important, no, an essential part of my accountability. So we will get to work on establishing an updated performance framework for our organization, with indicators and data that will allow us to be more accountable for our results and to give priority attention to areas where we see that variances have been greatest.

The third priority that I would like to bring to your attention deals with human resources. As I mentioned earlier, Elections Canada has 330 indeterminate employees. We also hire a significant number of term employees, consultants and temporary staff to meet the ongoing requirements of the agency and to ensure high-quality service to Canadians and political entities.

• (1125)

Like many federal organizations, Elections Canada faces the challenges presented by a number of retirements in the next five years, and the need to design a succession and recruitment plan so that key staff will continue to have the specialized knowledge and experience that the organization needs.

As noted in our Report on Plans and Priorities, we will finalize a master human resources plan in the coming year. Among other things, it will ensure that we have a succession plan in place to maintain our high level of service delivery. Meeting these priorities—each of which requires long-term strategic planning and focus—will be challenging given the environment in which we currently operate.

At the present time, we must be ready to conduct an election at all times, since we are in a situation of consecutive minority governments. We must also adapt to the effects of electoral reform in two directions at the same time: upwards; as we prepare for these reforms, we must always be ready to provide advice on the proposals that are put forward, and downwards; we must also be ready to analyze the effect of new legislation and to implement it.

Taken together, these challenges are hindering our ability to implement the recommendations of the Auditor General in the most diligent way. They also affect our ability to meet the statutory obligations and stakeholder requirements when, or as diligently as, we would like. As long as we must keep our attention on the shifting realities of the present, we cannot put adequate focus on longer-term priorities. This is why, in the next few weeks, I will be submitting a proposal for additional resources to Treasury Board. This is in order to improve the capacity of the organization to better deal with the various immediate pressures that the organization finds itself under, including the need to improve long-term planning and maintain the viability of the organization into the future. This proposal will be made to the parliamentary oversight panel a little later this spring.

This concludes my presentation. Thank you.

The Chair: Thank you.

[English]

Colleagues, we're going to start our rounds in the normal fashion. I would encourage folks to be very focused in their questioning. We can probably get two rounds in if we do five-minute rounds, if that would be acceptable. And we certainly can extend this meeting if we have to, but I think we'll try five-minute rounds to begin with.

Could we have Mr. Owen first, please?

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

Thank you, Mr. Mayrand, and your colleagues. Let me first say congratulations to Elections Canada for the fine reputation it has within the country, but also globally. Congratulations to you for the very rapid way in which you familiarized yourself with the operations of the office and the responsibilities, including your meetings with stakeholders.

I will be focused, but I won't necessarily be short. I had three particular questions that I wanted to put to you. One is with respect to the very hard-won and honoured high reputation of Elections Canada around the world. Your predecessor, Jean-Pierre Kingsley, developed a reputation for Elections Canada as an advisor in situations of emerging democracies, helping create electoral commissions, overseeing the registration of voters, and then monitoring the elections themselves.

With respect to the estimates, I'm wondering, first of all, whether this is a practice that you favour and would like to continue, and if so, and in any event, where the funding for this type of activity shows up in the estimates. Is it from specific CIDA allocations, or is it something within your internal budget?

The second question is with respect to your meeting with the national chief of the Assembly of First Nations, which, I was very pleased to see, was one of your first meetings.

In the discussions around the bill concerning voter identification, which went to the Senate and actually is now back in the House—some of our major concerns were the lack of registration of people in first nations communities; their voter ID; and the status cards, which, although they have a picture, don't have an address. I wonder if that's something you have taken up or will take up with the national chief to ensure that, at the band level at least, the cards are improved to include the address if it's on reserve or wherever, or if, at least

through the band management, letters confirming the address could be made readily available. That could perhaps also assist in encouraging a greater percentage of registration, simply through that process of familiarity.

The third point was with regard to your mention of electoral reform. With respect to that, have you or your colleagues had the opportunity to review the Law Commission of Canada's report of the spring of 2004, which recommends to the Government of Canada a mixed member proportional electoral system? Anyone I have encountered who has considered that report understands it to be one of the most thorough pieces of research on public consultation in the Commonwealth. Is that something you're preparing for as we go forward, at the provincial level and possibly at the federal level, with electoral reform?

• (1130)

The Chair: Two minutes.

Mr. Marc Mayrand: First, regarding the international missions, we have completed the missions for Iraq and Haiti at this point in time, and there is no ongoing mission. Those missions are generally funded outside of Elections Canada, either by CIDA, DFAIT, or other international organizations. My plan, certainly as the needs arise or the requests come, is to consider them, given the priorities of the organization at the time, but certainly to seek to foster the branding of Canada around the world through our electoral process.

With respect to first nations, there are a number of initiatives that are taking place to assist and foster greater registration among first nations. We have a number of community relations officers who provide information and facilitate the process for registration. We also use elders and youth in the community to reach out to first nations.

As for the requirements under Bill C-31, I think I did forward a letter to the chair of the committee regarding identification pieces. I understand the matter is still before the Senate, and I'm sure the matter will be raised in due course when it is discussed there.

As for electoral reform, I must admit I'm not familiar with the Law Reform Commission.... I understand, and I think we all understand, that many provinces are looking at alternatives, and we expect to have maybe two provincial referendums on these matters in the coming years. I also understand that the government has launched a process to have public consultations on the democratic process and democratic reform. I am not privy to those consultations, but I'm certainly looking forward to the outcomes and the proposals that will be coming through that process.

Hon. Stephen Owen: Thank you.

The Chair: I have to say I'm very impressed. That was lots of answers to lots of questions, and on time.

I'm not going to restrict anybody's questions, but I would just remind colleagues that today we're trying to focus on the estimates. We can have the CEO back at any time to discuss other issues.

Mr. Lukiwski, for five minutes, please.

•(1135)

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

I also have three questions, Mr. Mayrand. I'll try to get through them quickly.

The first is contained in your report, the section talking about appointing returning officers, now that it's within the power of Elections Canada. I'd like to get you to expand on that a little bit and tell me how that process went, your experiences, any improvements you think you might be able to entertain for future appointments, and specifically what the cost factor was to complete your process.

The second question deals with coverage and currency targets, if you can just verify that a little bit for me. It seems extraordinarily high. I'm very pleased to see that, that you have the currency and coverage targets basically at or above what you anticipated. I'd like to get a little bit more explanation on how that was accomplished, because if it's true, then I think we're in pretty good shape.

Lastly, could we get a status update on your information technology renewal project? I understand from the last time you appeared before a committee that I also sit on, the oversight committee, that you had some serious concerns there. I understand that you really need to upgrade your software and hardware capabilities to be totally ready for another election, and I hope to get an update on where that stands right now.

Mr. Marc Mayrand: With regard to the appointment of returning officers, which, again, is based on merit, basically what was done at the time was that we reviewed all the returning officers and consulted with MPs as to whether they had any views on the returning officers. As provided by the act, as a result of those consultations, 190 of those returning officers were reappointed without competition. They were already in place.

We had to run a competition across the country for 118 returning officers. In order to do that, we published in the media, through various forms, notification of positions being available. We set up boards in each of the ridings to assess candidates, who had to go through a merit process that consisted of work at home, a written exam, as well as an interview. The board consisted of an expert on HR matters, as well as two field liaison officers. Their recommendations were put forward and resulted in the various nominations that all members have been apprised of. In fact, all the appointments are posted on the website.

The cost was \$1.4 million for the whole exercise. We had more than 3,000 applicants for those positions across the country. In terms of an improvement, we are in the process of conducting a post-mortem and looking at what we could do better in the future.

In terms of the coverage and currency of the registry, basically we did a test with 30,000 random electors on the registry to validate the information we had on them. We conducted phone interviews, and that's how we came, essentially, to the figures I have tabled today. It's an exercise that we plan to run on a regular basis, at least a yearly basis, so that we continue to track and over time be more comfortable with the figures we're seeing.

In terms of the IT status, I think that's a development since I last appeared before the panel. We have now a request for proposals that has been posted on MERX calling for submissions. We are confident that we will meet the deadlines we've set for ourselves of having the hardware renewed by the end of July.

Mr. Tom Lukiwski: With your RFP for IT improvements, will you be on budget?

Mr. Marc Mayrand: Well, we certainly—

Mr. Tom Lukiwski: We won't know until the end, but I mean, with your RFPs that you've submitted, you're still confident—

Mr. Marc Mayrand: At this point in time, yes, but we'll have to see what proposals we get from the potential bidders on this, plus we will have to negotiate the terms of the contracts, because there are a number of options in the contract.

Mr. Tom Lukiwski: What is the deadline again for completion of the RFP?

Mr. Marc Mayrand: It's by the end of July. By August 1, we hope to have a contract in place.

Mr. Tom Lukiwski: All right. Thank you.

•(1140)

The Chair: Thank you, Mr. Lukiwski.

Monsieur Guimond, five minutes.

[*Translation*]

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

You have indicated that our questions should be on the estimates. As I have always been a bit difficult, I am declaring that my questions are not on the estimates. However old I get, I have always acted a bit like a teenager, and my father grouches about it to this day.

So in the same spirit of being difficult, Mr. Mayrand, I was almost thinking that your new job had made you forget your knowledge of French, given the length of your presentation in English compared to the one in French. Witnesses have the right to speak the language of their choice, but your predecessor's presentations were mostly 50% English and 50% French. I kept track: you spoke in English for 16 minutes and in French for 8 minutes. I suspect that my colleague Ms. Picard could say the same. I don't want to speak for my francophone colleagues from the Liberal Party, Mr. Proulx and Ms. Robillard. But I am sure that we were happy to see that you kept your French. Ms. Davidson will tell you how miserable I can get. She knows.

Back to your presentation. You say that since December 12, 2006, you have appointed 308 returning officers. Since this is a public document, would it be possible to provide the clerk with a table containing the 308 names? In fact, there are 305, since three positions are vacant. I would like to know which returning officers were already appointed, and which were appointed under the new regime. The Bloc Québécois is very pleased that Bill C-2 guarantees an open and transparent process in this area. Could you send us the information as soon as possible?

Mr. Marc Mayrand: Absolutely, that shouldn't be a problem. The web site has a lot of information on the subject, but I can certainly send you a table showing those who are continuing in the job and—

Mr. Michel Guimond: Right, those who are continuing in the job and the new ones.

On the same page, you say that since the last election, returning officers have completed twenty or so pre-election tasks. For example, they have found suitable offices. In my view, the idea of suitable is subjective by definition. Something suitable for you may perhaps not be for me. You may find that a \$300,000 house is suitable, but if you are a hockey or baseball player, you could feel that a \$300,000 house is not suitable. So would you agree with me that the meaning of the word is subjective?

This has been a great source of discontent in the past. I even invited Mr. Kingsley and Ms. Davidson to come to Saint-Laurent on the Île d'Orléans to see a hockey changing room where six voting booths had been made with screens. As the MP, I walked around the room, and I could see the people who were voting for me and those who were voting for someone else. On election day, the act allows candidates to come into polling stations. You do not get in the way of the voting procedure, but you shake hands with the election workers and the people standing in line. I saw people voting for me and against me in a hockey changing room where there were six booths.

Mr. Kingsley and Ms. Davidson came to see that polling station and found it to be totally unacceptable. So much for the definition of the word "suitable". As an official candidate in the next election—and all my colleagues will agree with me on this—I expect that our returning officer will bring party representatives together to tell them where voting will take place. But he should be ready to be told about things that don't make any sense—

• (1145)

[English]

The Chair: I'm sorry, Monsieur Guimond, time is up on that round.

I really have no objections if you use your five minutes for whatever you want, but I would just like to remind members, out of respect, that Monsieur Mayrand has spent a number of hours, I'm sure, preparing for discussion on the estimates. I'm knowledgeable that the team has offered to come back at any time this committee would like to invite them back; we can have any discussion on any subject. That would be fine, I'm sure, with all colleagues. However, today we're discussing the estimates and the spending of taxpayers' dollars. If we have questions that are in relation to that subject, I have five minutes available to any colleague who wants to discuss those.

Ms. Davies is up next, and then Madame Robillard. Thank you.

Ms. Davies.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much, Chairperson.

First of all, I'd like to request that the letter the CEO referred to about the voter ID, which he sent to you as the chair, be made available. Could I get a copy of it?

The Chair: Yes. It is circulated. Do you have it in your package?

Ms. Libby Davies: No.

The Chair: We will certainly get you that copy.

Ms. Libby Davies: Okay.

First of all, congratulations on your appointment. It's a pleasure to meet you. Thank you for coming to the committee today.

I have a couple of questions related to the estimates in terms of where the priorities are. Having listened to your presentation, where you talked about performance targets, I am very concerned. Elections Canada, overall, is a terrific organization. You have, as has been said, an incredible reputation both nationally and internationally. But I have concerns about performance targets and making sure the system we have is based on real voter accessibility for all people, based on their socio-economic indicators.

I too have a question about Bill C-31. It has gone through the House. The former CEO has been quoted in the press as estimating that up to 5% of the voters who show up at the polls could possibly lose the right to vote because of these new rules. You have mentioned briefly this new voter ID that will be required, and I know you met with representatives in the aboriginal community. But to me it is a given that of course Elections Canada will strive to make sure that people are registered. Maybe for 80% of the population that's a very easy thing to do, through income tax filing or through public announcements. But it's that last 10% or 15% or 20% of people who, for various reasons—they don't have addresses, they are homeless, they don't have ID, or they move around a lot—are the most difficult to get.

When you talk about performance targets, I'd like to know whether they include this, because I am very concerned that under this new, rigid requirement for voter identification there will be many people who lose the right to vote. I would like to know what Elections Canada intends to do to ensure that doesn't happen, and if someone hasn't been registered, to make your best effort to register them for sure.

When it still hasn't happened, what will happen on election day or in advance polls when those people show up and have to go through this ridiculous vouching system, where we have to find another person in the same poll who is registered and who has the right ID to vouch for one other person? It's going to create havoc in communities such as mine, in Vancouver East.

That is one question I'd like you to respond to.

This is the second one. It took me a long time to twig to the fact that there's systemic discrimination, I believe, in the way we do election spending, in that the election spending for each riding is based on the registered voters list. To take two ridings in Vancouver—Vancouver Quadra, which is a very affluent riding, and my riding, Vancouver East—the former probably has the highest number of voters in Vancouver and I probably have the lowest. Because our electoral spending is based on that—It's level for all the parties within that riding, which is good—it would be terrible if it weren't, so I agree with that—but, for example, my spending limit could be \$20,000 less than that of some of my colleagues in other ridings.

It comes back to this question of who's on the voters list. It's taken me years to realize that it actually is a systemic issue that even impacts the level of election spending that can take place from riding to riding, which can produce huge variations.

I don't know whether you're aware of this or whether you have any suggestions about how to deal with it, but it may be something that requires an amendment at some point. It is systemic discrimination that exists within the system.

• (1150)

[*Translation*]

Mr. Michel Guimond: I have a point of order, Mr. Chair.

I do not think that there can be a lot of time left for the Chief Electoral Officer to reply. I am going to try to use up the five remaining minutes so that he can't answer, just like you did not let him answer me a little earlier.

I would like him to tell us where in the estimates the specific case of Vancouver East is to be found. I keep going through the estimates, and I cannot find any mention of the homeless vote in Vancouver East.

You told us that questions should preferably be on the estimates. You saw what I did with your recommendation. So—

[*English*]

The Chair: Go ahead, Monsieur Guimond.

Mr. Michel Guimond: Excuse me, Libby. Don't take this personally against you.

The Chair: Excuse me. I'm just going to interrupt. I think we're getting a little off course here on what our intentions are today.

Madam Davies, you have 30 seconds left in your round. I know you did premise it with—

Ms. Libby Davies: I linked it to the performance targets the CEO raised.

The Chair: Do you know what? I'm happy to allow colleagues to talk about whatever they want. You've got your five minutes and you've got 30 seconds left for an answer.

Go ahead, Monsieur Mayrand, for 30 seconds, please.

Mr. Marc Mayrand: We do have a range of programs to reach out to various groups, one group certainly being homeless individuals across the country. We try to facilitate registration and make it accessible for them, as well as to provide them, through community relation officers, with the information they need to exercise their right to vote.

On the matter of Bill C-31 and the 5% figure, I would just point out that this 5% is coming from an assessment done in Toronto on a municipal election that had ID requirements. We found out there, after a discussion with the municipality, that they estimated up to 5% of electors did not necessarily have the ID pieces required—

The Chair: Thank you. We're going to have to stop there. I allowed that to go over by 30 seconds.

Madame Robillard, you're up next.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Thank you.

[*English*]

The Chair: It is five minutes again. I'm hoping to get a five-minute round in one more time for folks, so let's try to stay focused. Thank you.

[*Translation*]

Hon. Lucienne Robillard: Good morning, Mr. Mayrand. Good morning to all your team.

I am looking at your budgeted expenditures. If I set aside election expenses, I see that most of the amounts in the main estimates are for staff. You have \$21 million for employees, plus \$4 million for contributions to their benefits, which makes a total of \$25 million. You say that you have 330 full-time employees. I would like a much more detailed breakdown.

I understand that you are going to develop a human resources plan for next year, but are you able to tell me how many employees will be retiring in the next five years? What is your staff profile? How many bilingual positions do you presently have? Do you have any problems on that front?

Turning to employee training, what part of the budget do you devote to that each year? What about the mentoring of your employees, what about their career planning, their mobility? Is your staff representative? How many men and how many women do you have. There was a very concrete plan to have visible minorities all through the public service. I know that you represent a government-mandated agency.

Can you tell us about your employees?

Mr. Marc Mayrand: I am happy to give you a full answer by sending you more complete information, but I can assure you that, in general, Elections Canada meets the visible minority requirement according to the standards established by the commission and Treasury Board.

I should also mention that we have to comply with the same requirements to report on these matters to central agencies. I would be happy to send you those reports, and any other information you would like to have.

As regards the balance between men and women, I do not have the exact percentages, so I do not want to mislead you. But I think the situation at Elections Canada compares favourably to almost all similar organizations. The same applies to our linguistic profile.

I will send you more precise data on the subject with pleasure, that is to say, I will send you the organization's current demographic profile.

This is actually one of the priorities I identified in my proposals today. We need a human resources plan that is more current and more attuned to the needs of the organization especially for the next five or six years in the light of a likely retirement rate of from 7% to 8%. Clearly, the people most likely to leave are those with most experience, which creates an urgent need to establish development programs for those who are going to be taking over when the time comes.

• (1155)

Hon. Lucienne Robillard: What is your employee training budget?

Mr. Marc Mayrand: It is \$500,000.

Hon. Lucienne Robillard: Has it gone up over the years? Have you had to respond negatively to any employee's training requests because you do not have the budget?

Mr. Marc Mayrand: No, these requests are dealt with according to the organization's operational needs. But it seems to me that we have a very generous policy whose goal is to encourage our employees' professional development.

Hon. Lucienne Robillard: Did your staff take part in the last survey on employee satisfaction in the public service? If so, what were the results in your organization?

Mr. Marc Mayrand: I know that they took part. I have not had the chance to become familiar with the results, but I can send them to you as well.

Hon. Lucienne Robillard: I think that this survey, which was done throughout the public service several years ago, should be required reading for senior managers and the chief executive officer, so that they know what the staff is feeling. We know perfectly well that when employees are happy in an organization, they are even more productive. Sometimes, we let ourselves get carried away with the organization's mission, and we forget the welfare of our employees. It happens everywhere.

I strongly encourage you to become familiar with it. I am interested in doing so too.

Thank you.

[English]

The Chair: Thank you very much. That round is over.

Mr. Reid, you have five minutes.

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

Welcome to our committee, Monsieur Mayrand.

I wonder if I could just start by asking you to finish the comments you were making in response to Ms. Davies about the 5%. You got partway through it and ran out of time.

Mr. Marc Mayrand: Basically, that's based on the City of Toronto's municipal election. We looked at the number of people who did not meet the ID requirements during that election. One other thing we have to keep in mind is that it is a very large, densely populated urban area. I think we have to be careful as to how we could extrapolate across the country on this matter.

I'm not sure—

Mr. Scott Reid: That's all I wanted. You were cut off midway through. To be honest, I thought there was a bit of bombast in the question, but the answer sounded very factual. But you were the one who was cut off, so I just wanted to provide a chance to get that.

I wanted to ask two questions relating to the issue of voter fraud. I realize this is not the subject of your comments today, but you are here. On the list you provided of ID, some of the ID that's there I think makes perfect sense. Some might be alarmed if they weren't there. But there are some examples that I would be concerned about having remain on this list, based on my discussions with people who have been witness to voter fraud. I'm not really in a position to go through it exhaustively, but if we were to bring examples to your attention, perhaps by bringing individuals to this committee who could cite examples from previous elections, would you then have an openness to potentially removing pieces or having phrasing for some pieces—?

• (1200)

Mr. Marc Mayrand: I would welcome bringing any advice or any information that would help us solidify this list. The list was distributed for consultation purposes. It was also distributed to all political parties. So far, only two parties have responded, and we're still waiting to get additional comments. I'm sure that in June, when we have the meeting of the advisory committee of political parties, that will be an item on the agenda.

Mr. Scott Reid: Very good. Okay.

If I could ask another question, I think one of the problems that occurs with ID is that many people who are serving as poll clerks will not have seen some of the pieces of ID that are there, so they actually will have trouble identifying them. As well, if we have a general list, like a library card, you can understand how a Vancouver library card with my name on it really ought not to count for purposes of a vote being cast in a riding in Ontario, to take an example. Perhaps it's an example that won't occur frequently, but you can see the point that there should be some geographically relevant limitations on it, and anything that can be done to (a) narrow these things down to a reasonable level and (b) ensure that void copies of these IDs are available for those who are working for Elections Canada would be enormously helpful in removing voter fraud.

I wanted to ask one other question very specifically about the voter fraud issue. It relates to the estimates. Some ridings, and I think here in particular of the riding of Trinity-Spadina in Toronto, had huge numbers of people who weren't on the voters list who turned up to vote on election day.

There are very high population turnovers in some ridings, of course, some urban ridings in particular. One way to try to deal with this would be to have a more extensive, old-fashioned enumeration, that kind of thing, but these are not inexpensive operations—just thoroughly redoing a list that clearly has completely collapsed in an area like that.

I'm told there were something like 12,000 election day registrations. At that point, essentially, you're saying we're going to let everybody who turns up vote, and we just have to accept that they may or may not act honestly. I think that is an inevitable result of a list that's in that complete a level of collapse.

Is there money available to take care of ridings of that nature to go through and do a really thorough redoing of the list?

Mr. Marc Mayrand: We have targeted revisions in those ridings or in areas within ridings where we are aware there's high mobility and significant change in the demographic of the population. So we would identify that area for targeted revision.

We will also be looking at some improvements in polling day registration for electors. One of the things I will share with the committee is that, as you know, my predecessor had commissioned an audit of the process that took place in Trinity-Spadina. That audit is almost completed, and I will be able to share it with the committee in the next very few weeks, I believe.

So I think with that information it will help to have a more productive discussion on this matter.

The Chair: Thank you.

Mr. Marc Mayrand: I will be glad to discuss it further.

The Chair: Thank you very much.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Thank you, Mr. Chair.

Given that my preambles are always longer than my questions and your answers, I am going to ask my next 12 questions in one go. So please take notes.

On the topic of suitable office space, what do you think of the returning officer calling a meeting of local party representatives to go over the list?

Second, on the other page, you specifically mention that the list has been reviewed with MPs' agreement. You talk about revisions to polling divisions, mobile offices, and advance polling districts. Personally, unless my official agent or my representative is involved, any talk of revisions having been made with MPs' agreement means nothing.

In Quebec, an election was held last March 26th. Are you going to immediately transfer the data in Quebec's register to the National Register of Electors?

There was a question from Hon. Stephen Owen on Bill C-31. You know what Bill C-31 contains, the unique identifier, lists with dates of birth, revised tasks for the poll clerk. Are you starting to get ready in case an election is called?

During the last Quebec elections, there was a picture of the ballot at the entrance to each polling station. In other words, there was an enlarged photocopy, a homemade one, of what we see on the small ballot in the booth. I found that useful and practical in helping us make a choice when we are lining up. A photograph of each candidate had been added as well, and I found that interesting. Ms. Stoddart will probably say that our faces are protected information, but whatever.

I was kidding with that last remark.

Those are my questions, Mr. Chair. Thank you.

● (1205)

Mr. Marc Mayrand: I counted five questions.

Mr. Michel Guimond: I have a slight tendency to exaggerate.

Mr. Marc Mayrand: We strongly encourage returning officers to meet with party representatives, be they MPs, candidates, or representatives from constituency associations. I will check to see if the process has been followed, but I understood that MPs had been consulted about revisions to polling divisions. I can get back to you on that.

As for the transfer of information from the Quebec register, this has already been done. It was done on March 30th, I believe, certainly on one of the days after the election. The information was sent to us by the Chief Electoral Officer of Québec.

Mr. Michel Guimond: Once more, on the subject of polling stations, was there consultation? And have we been consulted in preparation for the next election?

Mr. Marc Mayrand: The notes deal with office space for the returning officers. Polling stations as such have still to be confirmed.

Mr. Michel Guimond: Would it be a good idea to consult us about the places where the people are going to vote, the polling stations, before we end up with unacceptable situations? Would it be good to have a little meeting with all the parties?

Mr. Marc Mayrand: I have no objection to that at all. I am telling you that I support the idea.

Mr. Michel Guimond: We need more than your support. It is your call.

Mr. Marc Mayrand: Yes.

Mr. Michel Guimond: Mr. Kingsley told us that. It is not my call, it is yours. So please do more than support the idea.

Mr. Marc Mayrand: As regards preliminary preparations given Bill C-31, I do not know if I have any more time to talk about it.

Mr. Michel Guimond: Go ahead. Don't think of stopping.

Mr. Marc Mayrand: I can say that very, very preliminary work has been done. I have to point out that none of the training given to elections staff up to now to prepare for a vote that could take place at any moment refers to C-31 because we do not have the final text. Senate consideration has just begun, so we did not think that it was appropriate to revise all the training manuals and write new procedures. We have started to think about it within the organization, to be sure, and we shall see.

[English]

The Chair: Thank you very much.

Ms. Davies, five minutes.

Ms. Libby Davies: Thank you.

Could you tell us when the proposed list you've put out for voter ID will be concluded? When will it be finalized?

Mr. Marc Mayrand: I don't have a firm date.

Ms. Libby Davies: A month, two months? Obviously, if there's an election—

Mr. Marc Mayrand: I would like to discuss it with the advisory committee of political parties, which will take place in June.

To me, there's no great urgency to close that list until the bill comes through the Senate, but I think it's good to start thinking about this matter.

Ms. Libby Davies: Secondly, I would certainly support the idea of enumeration. We've always supported that, and I think it was a sad day when enumeration was basically abandoned. Maybe it needs to be done in certain areas.

I think it does deal with this question of what is voter fraud. When you look at your performance target in your brief and when you look at your coverage target for the list itself—and you're saying you've actually reached 92%—does Elections Canada have any figure on fraud? Do you have an indicator on that or something that you look at as a measurement? And if you don't, why don't you?

•(1210)

Mr. Marc Mayrand: We have various initiatives to validate the information on the registry. From that validation, I don't know that we can draw this as fraud. If there's incorrect information or—There may be a whole series of explanations for variations in information in the registry.

One thing I can assure you is there is no evidence of systemic fraud in the system. I was recently made aware of that during a review to determine whether there really was someone living at the address being claimed to be the residence, which was a Turkish bath. It turned out that, yes, two electors were living there and had been living there for six years. So we have to be very careful before concluding it is a question of fraud.

Ms. Libby Davies: I think it's a very critical question, because the former CEO was of the opinion that fraud was not a major issue. The commissioner we had before the committee talked about various cases that were being investigated, because of course there are cases and there are reports and they need to be investigated. But I'm curious. We have this bill that is now going through allegedly to deal with all of this voter fraud, but what it's actually going to do is cut people off from voting based on political assertions that this fairly major fraud is taking place, and yet I don't think it has ever been demonstrated or documented, certainly not by Elections Canada.

Is there anything that Elections Canada has that can show us that fraud is taking place at a level that you think is unacceptable? I know there are isolated situations, but is there anything beyond that?

Mr. Marc Mayrand: I haven't seen any evidence of systemic fraud.

The Chair: Thank you.

Colleagues, it appears to me that we have finished our questioning on the estimates. Perhaps we need to get the Chief Electoral Officer and his team back for discussions on other things. I would ask colleagues right now if we are ready to deal with the main estimates only.

Monsieur Guimond.

[Translation]

Mr. Michel Guimond: Mr. Chair, before I can focus seriously on the estimates, could you ask the Chief Electoral Officer to answer my last question? I asked if it is possible for a poster to be placed at the entrance to each polling station. The poster would show an enlargement of the ballot to help the people in line in making their choice, just as was done in the last Quebec election. Then I would have a better picture of the estimates.

[English]

The Chair: Mr. Mayrand, would you like to answer that question?

[Translation]

Mr. Michel Guimond: It could be crucial.

Mr. Marc Mayrand: It is a suggestion that we could consider. It is not something that we are presently discussing. You just brought it up this morning.

Mr. Michel Guimond: It is a good idea.

Mr. Marc Mayrand: Maybe. I will discuss it, weigh the pros and cons, and consider any other factors that may need to be taken into account. It is certainly something that we could consider.

[English]

The Chair: Thank you.

Are we ready for the question on the main estimates, colleagues?

I'm seeing agreement on it.

[Translation]

Mr. Michel Guimond: It has taken a long time.

[English]

The Chair: Shall vote 15 under the Privy Council, less the amount voted in interim supply, carry?

PRIVY COUNCIL

Chief Electoral Officer

Vote 15—Program expenditures.....\$21,766,000

(Vote 15 agreed to)

The Chair: Should I report the main estimates to the House?

Some hon. members: Agreed.

The Chair: Thank you very much. I would like to thank our witnesses, Monsieur Mayrand and his team.

Thank you very much for coming out today.

Colleagues, thank you as well for your questions.

It does appear there may be an opportunity to invite you back for further issues, and I know you are completely cooperative in doing that.

I would like to suspend the meeting for a few minutes so that we can dismiss our current witnesses and bring in the next round. I will suspend the meeting at this time.

- _____ (Pause) _____
-
- (1215)

The Chair: Colleagues, let's resume our meeting.

I would again just like to remind members that we are in public, and if time permits we will deal with the private members' business, as tabled by Mr. Preston at the last meeting.

Right now we're going on to the second half of our meeting today, with the Commissioner of Canada Elections.

Mr. Corbett, I will give you a few moments, if you could just introduce yourself and your colleague, and then I'll offer you some time for a brief opening statement. Thank you.

Mr. Corbett.

- (1220)

Mr. William Corbett (Commissioner of Canada Elections, Elections Canada): Thank you.

I have with me, Johanne Gauthier, who is the new general counsel with our office.

I appeared in front of the committee on February 8, 2007. Since then we have been busy, and I can give you a brief update on our activities.

We've engaged Ms. Gauthier, who has a strong management background. She is formerly with the Military Police Complaints Commission and is a former winner of the Public Service Award of Excellence in management. So we have a strong management component with our office now.

This has allowed our long-serving general counsel, Johanne Massicotte, who you may have met, to take advantage of a pre-retirement program.

We are in the process of transforming two key employees who were with us on secondment into indeterminate positions. One has a strong litigation background, having been a former Department of Justice prosecutor, and the other is very knowledgeable in the intricacies of the Canada Elections Act, which is still somewhat of a mystery to me.

We're working with the CEO to reduce the number of unnecessary referrals from Elections Canada. We're going to work on some standards for referrals. You may have noted the huge amount of paperwork that seems to come our way.

We're also working with the CEO with regard to resourcing for our office. If I had my way, I'd have some full-time investigators available to me, with particular skill sets that I think will be necessary for the future, and possibly a forensic accountant.

We have recruited some new contract investigators, and we're aiming for people with experience in financial matters, financial investigations. And we're continuing our update of the investigators' manual.

We have developed a workplan for the office for 2007-08. Ms. Gauthier will be responsible for it. It's quite ambitious and it certainly is comprehensive. It's been discussed with the CEO. We're already acting according to it, and I can make it available to you.

To ensure our readiness for the next election, we've held a training seminar in Ottawa this week for our contract investigators. This was attended by 37 investigators, mostly field investigators. It was a very positive experience, and it gave me a chance to meet many of them for the first time and to address my expectations of them. We're well deployed across the country with capable investigators presently.

The agenda and course materials are also available to you, should you be interested.

As you know, I must act independently in making decisions and maintain the confidentiality of matters under investigation by the office. This reflects my obligation of fairness to anyone dealing with the office and for the privacy interests of individuals.

Please accept that I am constrained in responding to some questions since to do otherwise would have a serious impact on the ability of our office to carry out its responsibilities.

The Chair: Thank you, Mr. Corbett.

We'll go to our first round, which will be five minutes again.

Mr. Owen, please.

Hon. Stephen Owen: Thank you, Mr. Corbett and Madame Gauthier, for being with us today.

Commissioner, I wrote on October 24, 2006, to the Chief Electoral Officer at the time with respect to two potential breaches of the Canada Elections Act with respect to political donations. On October 31, 2006, Mr. Kingsley wrote to me, with a copy to you, referring it on to you as being within your area of responsibility rather than his.

I wonder if you are able to provide an update on your investigation into that matter.

Mr. William Corbett: I feel I am constrained from providing you with an update, sir, in view of the fact that it's publicly known that it's with our office. This is not, in my view, the proper forum to do that.

But we have heard from your executive assistant and we'll be responding.

Hon. Stephen Owen: All right. Can you give any idea of the time that might be required for the response?

Mr. William Corbett: I'd say soon.

Hon. Stephen Owen: Thank you.

The Chair: Mr. Owen, did you want more time? Are you finished?

Hon. Stephen Owen: I'm finished. Thank you.

•(1225)

The Chair: We could share your time with one of your other colleagues. You still have four minutes left.

Okay, we have no one from the government side who wants to ask any questions.

Sorry, Mr. Preston, I did not see your hand.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): I forgot that I was here by myself.

The Chair: You are in fact—

Some hon. members: Oh, oh!

The Chair: —alone again, naturally.

Mr. Preston.

Mr. Joe Preston: Mr. Chair, I have a couple of small questions. I may not take my whole time either.

The Chair: That's fair.

Mr. Joe Preston: In this deck of papers, you've provided us with the commissioner's caution letter, or a sample thereof. You've also provided us with a list of how many have gone out and under what terms.

The caution letter itself is not a public document. It would be between you and the person it was sent to. Unless they decided to share it, this is not a public document in any way. No one would know if someone had received one.

Mr. William Corbett: That's correct. In some cases we perhaps copy it to the other party to a transaction.

Mr. Joe Preston: If there was a complainant in the—

Mr. William Corbett: No, we wouldn't copy that to a complainant.

For example, if there was a transfer of money to a candidate before the time...we might advise both parties. But otherwise, you're correct. It's not a publicly available document.

Mr. Joe Preston: If someone had brought a situation to your attention and you decided to use a caution letter, would you let the person who brought the complaint forward know that?

Mr. William Corbett: We would advise that a caution letter had gone out, but not the letter itself.

Mr. Joe Preston: Not the letter itself. So people would know that was the resolution you had chosen.

Mr. William Corbett: Yes.

Mr. Joe Preston: Okay.

The other thing you mentioned in your opening speech is that you were busy training contract investigators this week. You mentioned there are some 37 across Canada.

Mr. William Corbett: There are five or six in headquarters and the rest are across Canada.

Mr. Joe Preston: They're contract investigators, so they don't work full-time for the commissioner.

Mr. William Corbett: They work when we have a case for them.

Mr. Joe Preston: Can you give me a fairly short description of who these people would be? Are they private investigators and they ask to be a contract investigator with you?

Mr. William Corbett: They're generally retired policemen with 20 to 30 years of experience. Most of them are former RCMP.

Mr. Joe Preston: All right. Do you search them out, or do they search you out?

Mr. William Corbett: There are organizations of retired policemen. Individuals who are about to retire and who are looking for work can register with them. I believe we consult an organization that can provide us with names.

Mr. Joe Preston: Thank you very much. That satisfies it.

The Chair: Thank you very much, Mr. Preston.

Madam Picard, please.

[*Translation*]

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

Good day, Ms. Gauthier, Mr. Corbett. I assure you that I'm not on a witch hunt. I have nothing against staff, management or the organization. I spoke to you about this when you last were here. I simply want some assurances that the provisions of the Elections Act are being upheld and that what happened in my riding and elsewhere won't happen again.

I've brought with me the letters that you were sent during the last election. Your file on the riding of Drummond is no doubt quite voluminous, because complaints have been filed in connection with each of the last five elections.

I'd like to briefly review our experiences, because sections 481 and 482(a) of the Elections Act were clearly violated. At the advance polls on January 13 and 14, a group of Liberal party members were systematically intimidating voters at the entrance to the polling station. A group member was trying to convince voters not to cast their vote for me, a registered candidate. The returning officer warned the group to cease their actions. An elderly woman even asked me to accompany her when she exited the polling station because she was afraid. We received several complaints from voters about this situation and these are included in your file. The returning officer even asked us to file a complaint on January 15, to ensure that everything went smoothly on January 16 and January 23.

On March 2, we received a letter from the Commissioner of Canada Elections. Your staff apparently contacted the Liberal Party's legal counsel. He assured you that the individuals named in the complaint would be contacted. Your office proceeded to contact the returning officer to get her version of the facts. The letter that we received concluded that it was impossible to find beyond a reasonable doubt that an offence had been committed. This letter was signed by Ms. Johanne Massicotte, who is now retired.

Are you aware of the riding organizer's actions? He accused me of making an unfounded complaint, of indulging in political muckraking. His accusations were reported by all of the newspapers. I learned that the person charged with investigating the complaint had called the candidate and simply asked if the statements issued were true. The candidate maintained that the statements were false and that we were just imagining things. The investigation ended there.

I've read sections 48, 166(1)(c) and 482(a) of the Canada Elections Act. In my opinion, these provisions are useless because the facts cannot be proven. Section 482(a) reads as follows:

(a) by intimidation or duress, compels a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election;

We have witnesses. The current legislation is useless because your office is not interesting in ensuring compliance. We would have needed to videotape the individuals outside the polling station. I was the candidate, and she even grabbed my arm. She was grabbing everybody by the arm and telling them to vote for her candidate because he was the better choice. Her actions smacked of outright intimidation.

What evidence should I have supplied to justify my complaint? What procedure do we need to follow to get some results? I'm not the only person who was targeted, and mine is not the only riding to have encountered this problem.

• (1230)

The returning officer was appointed by an opposing party, but she is an honourable individual. She herself was really surprised. She was intimidated by this man throughout the electoral process. She filed complaints with the Chief Electoral Officer. Yet, this man is still around and will resume his intimidation tactics.

We're not sure how to deal with this situation. The letter that we sent you is signed by Élisabeth Jutras, who is a lawyer.

[English]

The Chair: Excuse me. I just want to interrupt for a moment. We're in a bit of a funny situation here.

Madame Picard, you are over your time of five minutes on this round. However, there's no one else on the list, so I just want to inform—

Hon. Lucienne Robillard: I will give her my five minutes.

The Chair: That's exactly what I was expecting to happen. It was just so that we follow the rules here and make sure everybody's aware of it.

Madame Picard, you are up again.

[Translation]

Ms. Pauline Picard: I'll listen to what you have to say, then I'll respond.

[English]

The Chair: We're officially on our second round, then. We're on the second round, and the only people on the list right now are Madame Picard and Monsieur Plamondon. We can share your time with Monsieur Plamondon. Please continue.

[Translation]

Ms. Pauline Picard: You may respond.

[English]

Mr. William Corbett: I'm not in a position to debate particulars of the case you have described.

The structure of the legislation gives the returning officer remarkable powers under the act to maintain peace at any polling station where there's a disturbance. The legislation is quite clear on what that person may do to rectify and resolve a situation on the spot. The instructions to returning officers are also to engage the local police immediately in order to maintain the peace at polling stations, if this is considered necessary, and in my experience they do phone the local police. The local police will investigate and assist in the maintenance of order and the rectifying of an immediate situation. I submit that the first goal should be that the electors be entitled to vote without interference. Thereafter, a complaint can be made to our office, and we would investigate it, but the first thing to do is to make sure that the functioning of the polling booths takes place.

I'm not familiar with all of the facts involved in the matter you raise, but I presume you did receive from our office a response that an investigation took place and that a resolution, as far as the investigators were concerned, occurred. I'm not, as I say, familiar with this particular file, but it was, according to you, looked into and investigated, and a decision was taken. That decision, I submit, was taken in good faith, although you may not accept it. I appreciate that. If you want me to review this file again, you may wish to write me a letter and ask me to do so, and I'll undertake to do it.

• (1235)

The Chair: There are still four minutes left on this round.

[Translation]

Ms. Pauline Picard: I was told that an investigation had been conducted, but the problem is that in cases like this, the person named in the complaint was contacted and said that the complaint was utterly unfounded. And that was the end of the investigation. My colleague will tell you that the same thing happened during the last election campaign. Our complaints never go any further because the person named is contacted and we're informed that there is no valid reason for pursuing the investigation, for lack of evidence.

I'd like to know what steps we should be taking. I know the returning officer can intervene, but the fact that she must call Canada's Chief Electoral Officer, that she has admitted to me that she can't control the situation with this lone individual, and that she has to advise candidates or their representatives to file a complaint with the Commissioner of Elections Canada are indications that the situation is serious.

We did in fact file a complaint, but we were subsequently informed that our complaint was unfounded. There was some doubt as to whether we had reasonable grounds to file a complaint, when in fact the Elections Act was violated on two counts. If I were the one to have committed an offence and if someone had contacted me, I could have easily denied everything, or maintained that I wasn't there at the time. The investigation would go no further. We have some doubts as to whether a thorough investigation was conducted. We have some reasonable doubts.

[*English*]

Mr. William Corbett: Then, Madame Picard, you may wish to send me a letter to that effect, that it was not properly carried out and would I mind reviewing it. I'd appreciate that, and I'd be prepared to do so.

The Chair: Thank you, Mr. Corbett.

There's one minute left in that round for you, Monsieur Plamondon, if you would like it.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Commissioner, one of my constituents sent a letter to your predecessor, Mr. Raymond Landry, describing with supporting evidence eleven violations of the act. We initially checked by phone to see if the act had truly been violated, and this was confirmed to us.

For instance, an advertisement appeared in the newspaper, despite the fact that it hadn't been approved by the official agent and the wrong riding name appeared. We called about the ad and were told that indeed it was a violation of the act. We submitted as evidence the ad that appeared in the newspapers along with examples of 11 other offences. We submitted all of this evidence on February 2, that is a few days after the election, to ensure that you would receive it before the candidates filed their reports.

On March 27, that is a month and a half later, we received a letter notifying us that the candidate's official agent had been contacted and claimed that his name had accidentally been omitted and that the riding's name had been given incorrectly. The author of the letter claimed to be satisfied with the answer he received, indicated that the investigation was closed. The person in question would even have up to 60% of his expenses refunded. Assuming that the publication of these ads was simply a mistake, the fact remains that the Election Act was violated. He shouldn't be entitled to a 60% refund of the cost of these ads, which are illegal.

Imagine if I were to run a stop sign at a street corner while I answered the phone. Imagine if I were to tell the police officer who arrived on the scene that I didn't mean to run the stop sign. That won't prevent him from giving me a ticket anyway. That's not how things work. The law exists for a reason and must be respected. Perhaps these individuals didn't mean to run the ads, but they broke the law anyway. At the very least they should be reprimanded. At the very least, they should receive a warning and their expenses should not be reimbursed because they aren't official expenses. The letter was very clear. It noted the following:

The official agent acknowledged that the mistakes noted were made inadvertently. Accordingly, given the steps taken and the explanations given, the commissioner is of the opinion that these actions were unintentional and that it is not in the public interest to pursue this matter any further. The commissioner therefore closed the file.

Therefore, when the next election rolls around, I could purchase \$50,000 worth of advertising and flood the newspapers in my riding, without giving the name of the official agent, and in the process using black money or money given to me by certain individuals. I could always claim subsequently that my actions were unintentional.

Really now, that's not how things work. The law is very clear and must be upheld. I don't want to send this person to jail or slap him with \$1 million fine, but at the very least, I want him to be issued a stern warning and I don't want any of the expenses he incurred to be deemed election expenses, since they should have been, but were not, approved by the official agent, as stipulated in the act. I've tabled the two letters for your consideration, that is the letter sent to you by Mr. Tremblay, and the rather childish response sent to him by the commissioner. My constituents sent copies to my office.

• (1240)

The Chair: If I could interrupt you.

Mr. Louis Plamondon: I have nothing further. Thank you.

[*English*]

The Chair: Thank you very much.

I certainly hope my colleagues from the Bloc realize that I allowed that session to go quite a bit longer than we normally do.

Mr. Corbett, did you have a reply there?

Mr. William Corbett: Once again, as a matter of trying to deal with a case I know nothing about—I didn't take office until September, so I don't know this file particularly well—one of the changes I made immediately upon taking on my responsibilities was to develop the caution letter that my friend just referred to earlier, which can be used to warn somebody about conduct that may not need more than a strong warning. So I'm in a position now, officially and otherwise, to deal with some of these matters in perhaps a slightly more aggressive way than to do nothing. That tool is now available to me. It wasn't available then.

The Chair: Thank you.

We do have a bit of time left here. It's not often that I have the privilege of asking a few questions myself, so if I may refer you to page 10 of your letter to us, Mr. Corbett, I just want to know, in paragraph 43(b) we're talking about impersonation of a revising agent. It would seem to me that if somebody is impersonating a revising agent...you're not there. I'm sorry.

Mr. William Corbett: It's page 10 of—?

The Chair: Oh, I'm sorry, it's your letter to us, dated March 14, 2007.

Mr. William Corbett: My letter is only two pages long.

The Chair: It's in the package that came with it, sir. I'm sorry.

Mr. William Corbett: I'm sorry, you'll have to help me here. Is it page 10 of the materials?

The Chair: It's the chart of offences that you supplied to the committee.

Mr. William Corbett: Oh, yes.

The Chair: I just want to ask you a few questions on some of these categories—"impersonation of revising agent". Do you see where I am?

Mr. William Corbett: Yes.

The Chair: “Number of Cases: 1”. The case was closed. I suspect it was closed with a cautionary letter.

I'm sensing from my colleagues around the committee that some of these offences are significant and reasonably serious. So I have a concern about that one.

I have also a concern about subsection 24(6) on page 2, concerning a returning officer's engaging in politically partisan conduct. Would you not agree that if a returning officer were engaging in politically partisan conduct that dismissal is the answer there and not a precautionary letter?

• (1245)

Mr. William Corbett: It might very well be, but at the time dismissal wasn't available to the CEO. It was a matter for the Governor in Council. You've heard Mr. Kingsley say he wasn't getting anywhere with recommendations to the Governor in Council regarding returning officers.

There's a procedure for dismissal set out in the act, and it's pretty strict. Now something could be done that may not have been available before as a result of Bill C-2.

The Chair: I'm glad to have that on the record.

In the preamble—I don't see a page number here, so I'll apologize for it, it seems to be on the back of the very first page—we have seven situations in which double voting occurred. Three letters were sent. Would the remaining four have requested a second ballot a few times?

Mr. William Corbett: I'm sorry, I don't have the documentation, but I can speak generally to this. The double vote cases involve persons voting twice or trying to vote twice. Many of them are essentially inadvertent. There are people who think they can vote at their cottage where they have a VIC card and at their home where they got a VIC card. There are elderly people. I'm getting anecdotal, but there was a lady whose husband said to her, “It's voting day, go out and vote”, so she went out to vote and got home and remembered

that she'd voted at the advance poll. She actually went back to the polling station and asked them if they could take her ballot out of the box.

So, believe it or not, there are a number of inadvertent situations of double voting that we've dealt with through caution letters.

The Chair: Okay. That's fair, and that certainly answers my question. I appreciate that.

Are there any other questions from colleagues for the commissioner? Thank you very much.

Seeing none, I would thank the commissioner and Ms. Gauthier for coming today and spending your time with us. We certainly appreciate your doing that.

I hate dismissing witnesses, but we are finished. We appreciate your being here, and you are dismissed.

Colleagues, we don't have quorum remaining in the meeting to continue with private members' business, so I'm just going to simply remind colleagues of future business. On Tuesday, April 24, we will be continuing our discussion on the main estimates with the Speaker of the House and the clerk, which was interrupted in the last meeting by division bells.

On Thursday, April 26, I have to advise you that the Clerk of the House of Commons is unable to attend discussions, but briefing notes on these matters, prepared by the research staff, will be sent out in the next few days. She can come, of course, on May 1. That's in my notes.

Now, colleagues, if there's no further business of the committee, I would propose that we adjourn at this time. Is everybody in agreement?

Some hon. members: Agreed.

The Chair: Thank you very much, colleagues. The meeting is adjourned.

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

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

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

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

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