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—
Chair

Mr. Gary Goodyear

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•(1110)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Colleagues, let's begin our meeting today.

First of all, welcome. Thank you for attending the meeting.

Ladies and gentlemen, today we have, pursuant to the order of reference of Thursday, November 15, 2007, Bill C-6, An Act to amend the Canada Elections Act (visual identification of voters). We have the honourable minister before us this morning for that, which I hope we can deal with in the first hour.

Colleagues, following the first hour we will also have the minister with us, but we will be dealing with a separate bill, Bill C-18. We can go into that in the second hour.

As well, colleagues, I'm going to ask that we have an additional fifteen minutes—and we probably don't need that long, but an extra fifteen minutes—to deal with committee business at the end. We will do our best to speed it along, but we do have some committee business.

Without further ado, I would like to welcome the honourable minister, Mr. Peter Van Loan, leader of the government in the House of Commons and the Minister for Democratic Reform.

Minister, I will ask you to introduce your team, and then we will allow you some time for an opening statement.

Colleagues, we'll follow the usual procedure of a seven-minute round of questions. And, members, in front of you is the legislative summary for Bill C-6, an Act to amend the Canada Elections Act (visual identification of voters). Although the minister is here and has a number of bills before us, it would be very helpful to stay focused on this particular bill. We'll deal with the other ones as they come up.

Minister, I'm going to offer you the floor for your opening statement, please. Welcome. Could you introduce your team?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform): I'd like to start off by giving Natasha Kim and Marc Chénier an opportunity to tell you themselves about themselves.

Ms. Natasha Kim (Senior Policy Advisor, Legislation and House Planning, Privy Council Office): Hello. I'm Natasha Kim, from Privy Council Office—senior policy analyst.

Hon. Peter Van Loan: And you are here dealing with...?

Ms. Natasha Kim: Bill C-6.

[Translation]

Mr. Marc Chénier (Counsel, Legislation and House Planning, Privy Council Office): My name is Marc Chénier and I am the legal counsel at the Privy Council Office's Legislation and House Planning section. I am here for the consideration of Bill C-18.

[English]

Hon. Peter Van Loan: Thank you very much, and thank you, Mr. Chairman. It's always a pleasure to be here in this room, notwithstanding the terrible acoustics under the portrait of the fathers of Confederation and Sir John A. Macdonald done by Rex Woods, especially after a weekend of enjoying that great national cultural event, the Grey Cup, in which people from all across our country come together to share what they have in common in a way that Sir John A. Macdonald would have wanted them to, by enjoying the odd beverage and having a good time. Tom is, of course, very proud of his Saskatchewan Roughriders and the result.

I want to start by thanking all the members of the committee, including you, Mr. Chair, for the opportunity to discuss the government's visual identification of voters bill. The government introduced Bill C-31 in the last session of Parliament. It was a bill to improve the integrity of the voting process and to prevent voter fraud, and while the legislation made many changes, the one we are dealing with today responds to how that bill was interpreted by the Chief Electoral Officer in the conduct of applying the voter identification requirements.

[Translation]

Before Bill C-31 was enacted, voters could simply turn up at a polling station, give their name and their address, and vote.

Since then, and for the first time, voters will have to establish their identity and indicate their place of residence before being able to vote.

After Bill C-31 received royal assent on June 22, 2007, Canada's Chief Electoral Officer decided that the changes would be implemented in time for the September 17, 2007, by-elections in Quebec.

[English]

Later, the Chief Electoral Officer publicly stated that contrary to what I believe Parliament's intent was—namely, that voters would have to demonstrate their identity before voting—people would be permitted to vote while concealing their face.

Beside the fact that it's not logical for someone to demonstrate their identity while concealing their face, the decision went against what I think most people saw as common sense, and it left many people shaking their heads. All of us, as parliamentarians, probably heard about it from our constituents.

[Translation]

The government was of the opinion that this interpretation of the act did not take into account Parliament's clear will and intentions, and called on the Chief Electoral Officer to review his decision.

[English]

The government was not alone in asking for this. All four political parties in the House of Commons expressed disagreement with the Chief Electoral Officer's interpretation, and in September this committee, on a recorded motion, unanimously passed the following motion:

That the committee call on the Electoral Officer to use his powers of adaptation to require electors to show their faces before being permitted to vote at voting stations across the country.

Moreover, many other members of Parliament from all political parties expressed their support for the requirement to demonstrate visual identity. For example, on September 7, 2007, Stéphane Dion, the leader of the Liberal Party, issued a statement that said the following:

...we do believe that when they are casting a vote in elections, Canadian citizens have a responsibility to fully reveal their identities. For this reason, we would ask Elections Canada to reconsider its decision, and to require veiled women to unveil their faces to confirm their identities.

Later, on September 10, 2007, he told the Canadian press, "We disagree with Elections Canada's decision and we ask them to revisit their decision", and then again later the same day, "At the end of the day, you must be able to identify yourself when you vote."

On October 24, 2007, Liberal MP Marlene Jennings told the Montreal *Gazette*, "I think that people showing their faces for identification purposes to vote is fine." She went on to say:

"Most of the Muslim community say so as well. They didn't ask for the ruling that the chief electoral officer made. Nobody had asked for the right to vote with their faces covered. It was a unilateral decision on the part of the chief electoral officer."

I think that Madam Jennings hit the nail on the head when she said that, and that is in fact why we are here. It is not because of any decision or action taken by parliamentarians in adopting Bill C-31, but rather in consequence of the interpretation of the Chief Electoral Officer and his reluctance to accede to the advice of this committee when the matter was discussed in September.

The Canadian Press reported that "NDP Leader Jack Layton said he continues to hold out hope that Mayrand"—that's the Chief Electoral Officer—"will change his position before the byelections, but is prepared to support a legislative move. If not, it appears it will be necessary to change the law to make it clear." During committee hearings in September, Mr. Dewar said the following: "...the position from our party has been clear. ...that you show your face; the veil has to be removed to get your ballot."

However, despite the overwhelming support from the party leaders and members of Parliament for voters to show their faces before voting, the Chief Electoral Officer refused to heed that

expressed intent of Parliament and of the committee, and on election day we saw the consequences of that decision. In several places in the ridings in Quebec where the by-elections were occurring, people voted while purposefully concealing their faces for no justifiable reason. I think we recall seeing on television one even wearing a pumpkin on their head.

Throughout Canada, these actions and the fact that these folks were permitted to vote in that fashion caused a lot of Canadians to question the credibility and the integrity of our voting process—exactly the opposite of what we were seeking to do with Bill C-31. When people start to ridicule the rules that are in place for an election, that starts to erode public confidence in our system.

I don't believe we as parliamentarians can stand by and allow this to continue; certainly we in the government don't believe we can. We have to ensure that public confidence in our electoral system is maintained.

To maintain that confidence and ensure that the will of Parliament is respected, the government has committed to making the necessary legislative changes, which are in the bill we are discussing with you today. That bill flows directly from the commitment in the October 2000 throne speech.

The legislation sets out a simple requirement for a voter to show their face before voting. It will assist in voter identification, reduce the potential for voter fraud, and enhance the integrity and credibility of the voting process. In short, our bill will prevent someone from, if you will, putting a bed sheet over their head and then going to vote first for themselves and then, using the identification of someone else in their family, voting again somewhere else with someone else's identification—a friend's identification, or bills they've picked up in the mail room of the apartment building, or what not.

The bill also makes Parliament's intent explicit in law, preventing any future disagreements on what the intent of this act is.

•(1115)

[Translation]

There is one exception: an individual may vote with a concealed face if he or she has valid medical reasons to do so.

For example, if a person was severely burned and her face is covered in bandages, she can still vote on the provision that she swear an oath attesting to the fact that uncovering her face would be dangerous to her health.

[English]

The bill also takes into consideration the fact that some, because of their cultural customs, cover their faces in public. The bill allows—in fact I argue that they already have this—an additional administrative flexibility for Elections Canada to establish the processes they may need to require visual identification while respecting cultural practices, but the bottom line of equal treatment will be maintained.

It's a position that was supported by NDP Quebec lieutenant Thomas Mulcair. Stéphane Dion felt the same way. He said the following in a statement on September 7, 2007: "We would also propose that female Elections Canada officials be available to confirm the identities of veiled women, thus ensuring their values and privacy are respected."

The Canadian Islamic Congress agrees as well. The Montreal *Gazette* reported on September 8 that Mohamed Elmasry of the Canadian Islamic Congress said the solution is as simple as having women who wear a niqab show their faces to female elections officials.

The government believes our bill is a sensible compromise between respecting cultural customs and maintaining the integrity and credibility of the voting process.

Some critics have claimed our bill is unnecessary because there is no evidence of a problem. Even if this were true, that's surely not a reason for doing nothing, but in fact there is, as we've seen, a problem. Certainly we don't want to wait until we see many documented cases of electoral fraud before we put in processes to prevent that fraud from occurring. The government isn't going to wait for that, and that's why we're taking action now, I think as all parties want us to do.

Nevertheless, it's important for this committee and for Canadians to know that the government did not want to go down this road. We don't believe every single detail of how elections are run and how electoral officers do their work should be made explicit in law. We don't need to sit there and prescribe which pencil or pen or ruler electoral officials use when they check people off the list. However, the Chief Electoral Officer continues to interpret the law in this way, which we know is contrary to what was the expressed will and intent of Parliament and of this committee. That makes it necessary for us in this case to act. The result is our visual identification of voters bill.

• (1120)

[Translation]

The bill requires electors to show their face at the polling station before being able to vote, with the stipulation that an exception be made for medical reasons and accommodation made for persons who normally cover their face in public.

[English]

The bill will protect and maintain the integrity and credibility of the voting process and ensure that the will and intent of Parliament are respected.

I hope all members of the committee will work with the government to ensure successful passage of this bill. I'd be happy, along with Ms. Kim, to take any questions you have on the subject.

The Chair: Thank you, Minister. We certainly appreciate your opening comments.

Colleagues, I want to remind members that this meeting is being televised. We will go to our usual seven-minute round of questioning.

First up on my list is Madame Robillard, *s'il vous plaît*.

[Translation]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Minister, I thank you for being here today with your associates. You've done a very good job at providing a context to the bill which is before us today which, if I've understood correctly, constitutes an addition to Bill C-31. Bill C-31 has already been adopted by Parliament, and its purpose was to increase the methods by which voters can be identified.

I should point out that my party did not necessarily question the Chief Electoral Officer's interpretation. Different people have different interpretations of legislation. Indeed, there was a request made concerning the use of the power of adaptation which is set out in the Elections Act. The Chief Electoral Officer may use a power of adaptation to resolve a particular matter.

Having said this, Minister, following a discussion of this issue, which even went public, various communities throughout the country reacted in certain ways as you pointed out. Various opinions were voiced. And it is very clear that parliamentarians want to make absolutely sure of the identities of those persons who vote.

On this matter, a number of people raised the perhaps problematic issue of voters who exercise their franchise by mail. These people would like to see just as tough voter identification criteria being applied to persons who will opt for a mail-in vote.

Could you remind members of the committee what the current requirements are when it comes to postal voting?

[English]

Hon. Peter Van Loan: You raise a couple of issues.

First, on the question of disputing or disagreeing with the decision of the Chief Electoral Officer, I think actually the leader of the Liberal Party was quite clear when he indicated that "We would ask Elections Canada to reconsider its decision", and he made the same statement later, "We disagree with Elections Canada's decision". So I do believe there was consensus on that question.

On the issue of the special ballot process, the special ballot is very different from people showing up at a polling station on election day with lineups and seeking to vote in person. There's a time pressure issue there in terms of allowing the balloting to occur. The special balloting process is very different. It requires a much more complicated process, where people have to apply. They have to fill out an application form for that particular purpose. They have to provide copies of identification in the acceptable forms. They have to provide additional information, including a birthdate and their gender, that they are not required, of course, to provide at a polling station when they show up to vote. There is, because of the additional time available, an opportunity for election officials to carefully scrutinize the information that comes in and ensure that it is accurate and proper and that there is not an exercise of fraud taking place. That I think has to be looked at very differently from a situation where people are coming up in person, asking to vote right then and there, and looking to be able to cast their ballot and leave immediately.

In fact, one might look at it as actually an additional solution to the problem. If someone is uncomfortable about going to the voting station to vote, even using whatever flexible means the Chief Electoral Officer might apply, this will provide an opportunity for those who are truly uncomfortable to vote by a special ballot, because of course it is something that is available to all voters. So I think these measures, taken together, work well.

• (1125)

[Translation]

Hon. Lucienne Robillard: Does the minister acknowledge that there is no visual identification of individuals who vote by mail? Any evidence is strictly documentary; there's no visual identification of such individuals. You don't know whether the documents provided actually belong to the individual who has voted by mail. Is that true?

[English]

Hon. Peter Van Loan: As I indicated, obviously it is the case. But there are also the other safety checks and other steps in the process that simply don't apply when you go to vote in person.

When you go to vote in person you don't have to fill out an application form. They don't have many days over which to review the material, cross-check it, to scrutinize it at the level of the returning officer's office. Rather, it's done just simply—when you're voting in person you only have the DROs and the poll clerks, rather than the returning officer's officials, and you don't have that time available. You don't have to provide your birthdate and that other information when you show up at a polling station.

So while it's correct that official identification isn't provided, there are other significant measures of protection that are in place by virtue of time and process and the application form, and the information that's required from you.

[Translation]

Hon. Lucienne Robillard: So consequently, Minister, the requirements are different. I understand that proof of identification requirements would be different when voting by mail as opposed to in person.

I'd like to know if your specialists or associates, when preparing Bill C-6, voiced an opinion as to whether or not the bill complied with the Canadian Charter of Rights and Freedoms. Furthermore, was the notion of equality between the sexes considered by your associates?

[English]

Hon. Peter Van Loan: I've simply understood that there are no charter issues or problems with the proposed legislation. In terms of quality, one of the most fundamental rights, of course, of a citizen is the right to vote, and obviously things that we do, such as this bill to prevent voter fraud and to prevent people's... When anybody commits electoral fraud, if somebody is voting wrongly, that affects everybody else's rights. Their right to vote is being diminished by an abuse that's occurring. So by protecting the integrity of the process, we are actually, I believe, reinforcing those rights.

[Translation]

The Chair: Thank you very much, Minister.

The floor is yours Mr. Lukiwski. You have seven minutes.

[English]

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

Minister, obviously this has been a bit of a controversial bill, particularly in light of the fact that prior to the Quebec by-elections we had meetings at which we invited the Chief Electoral Officer, Monsieur Mayrand, to appear.

I recall questioning Monsieur Mayrand at that time and expressing to him that we had unanimity among the committee members, that everyone on this committee agreed that there should be visual identification before an individual was given the right to cast a ballot. I know that since that time the Liberals have apparently changed their position, but nonetheless, at the time we met with the Chief Electoral Officer we had, I believe, expressed the will of Parliament.

In my opinion, at least—I'm giving my interpretation of that meeting—Monsieur Mayrand expressed his opinion that he would not in fact respect the will of Parliament because there was no proper legislation in place, even though the members of this committee, representing the vast, vast majority of all members in the House of Commons, said they wanted the intent of this bill to be respected and that all voters had to uncover their faces.

I'd like your comments on that, because I'm not quite sure why on one hand Monsieur Mayrand would say he has to respect the will of Parliament, yet at a committee meeting, when the will of Parliament was being expressed verbally, he did not seem to wish to act upon the instructions of this committee.

In fact, in the subsequent Quebec by-elections, there were a number of individuals who, probably as a prank or a bit of a lark, showed up, as you mentioned, at the voting station, one wearing a pumpkin and another some funny masks. I would anticipate, Minister, that this perhaps may be a continuing problem unless we have assurances from Monsieur Mayrand that he will respect this bill itself.

I have some concerns, quite frankly, with all due respect to Monsieur Mayrand and his office, that if he did not respect the will of Parliament as expressed verbally through this committee, what assurances do we have that he will in fact ask individuals to uncover their faces if they show up at a polling station in upcoming by-elections or a federal election wearing a Darth Vader mask or something like that?

• (1130)

Hon. Peter Van Loan: It's obviously our hope that the bill we are looking at will provide sufficient direction. He was looking for explicit, clear direction, rather than applying an interpretation. I think he also acknowledged he could have equally interpreted the law on the books, Bill C-31, in the other direction to require people to show their identification. We simply encouraged him to do that.

I think here it will not be equally open to him to interpret it either way, but to interpret it in the way we are clearly...it's really now a very clear statutory intent to require visual identification.

The unfortunate thing about it, and I hope the Chief Electoral Officer has learned from this, is that, as far as I know, nobody was asking, no cultural communities in Canada were asking for the right to vote without showing their faces. The major Muslim organizations that appeared on this issue made clear they didn't seek special treatment, they sought equal treatment. They want to be treated the same as everybody else.

The unfortunate consequence of his decision was to thrust, as Marlene Jennings said, these folks into the spotlight, to cause them to be the centre of a controversy that was not of their making, a controversy that only occurred because of an interpretation of the Chief Electoral Officer to provide a special treatment to a group in society that was not seeking any special treatment. I think some of the negative social impacts of that were unfortunate. I hope the Chief Electoral Officer has taken note of those and has learned from the experience.

I know, when the matter in Bill C-31 was before the committee originally there was a suggestion that he would consult extensively with communities before dealing with the bill and finding out the mechanics of how to make it work. I gather that if there was consultation, it was not that extensive, because certainly those major groups came here saying this was an interpretation they didn't seek and did not want, and they didn't appreciate being targeted.

It's my hope that by this legislation we'll be able to restore that kind of social peace, that people will see that everyone is getting equal treatment. There won't be an artificial controversy that targets anybody. I think all the individuals affected, the affected communities, will be better off for it and all Canadian society will be stronger for it.

Mr. Tom Lukiwski: Do you anticipate any circumstances, Minister, in which an individual, even with this legislation passing, would still have the ability to vote without visual identification as proof of identity? In other words, right now there are two alternatives: you can provide a government-issued piece of ID with your photo on it, or, failing that, you can produce two other pieces of identification as approved by the Chief Electoral Officer, both stating the name of the individual and one stating the residence. But it doesn't appear that visual ID is required on that. Is that still a way for someone to get around this visual ID?

Hon. Peter Van Loan: No, I don't think it gets you around visual identification. Everyone is going to have to show their face. There will obviously not always be a match to identification, because as this committee learned when it examined the issue originally under Bill C-31, there's a significant part of the population that doesn't have government-issued identification with photographs. Hence, there's a more flexible regime, and the Chief Electoral Officer has come up with a very lengthy list of acceptable identification—some people say too lengthy a list—but everybody showing up at a polling station will be required to show their face. That will allow political party scrutineers to ensure that the same person doesn't show up at three polling stations to vote, or vote three times at same polling station, or to keep showing up for every family member who happens not to be interested in coming to exercise their vote.

Certainly that's always been one of the concerns about processes where the ballots all get mailed to the people's homes and then they vote for everybody in their family, mailing in the ballots. I once had

a property where there was a municipal referendum, and although there was nobody actually resident at the household at that time, seven ballots for previous residents showed up there for people to vote. Anybody who wanted could have, in similar situations, voted many times. We don't want that kind of situation.

The rules on the books here are very different. If somebody is voting, for example, by mail-in ballot, the other option, we have the two exceptions. One is for the medical condition and the other one is by the mail-in ballot, and obviously you don't have to show it. But there, as I've indicated earlier, you have the application form, the requirements for identification being provided, the lengthy scrutinizing opportunity for the Elections Canada officials, the requirement for birthdate and for gender, and the requirement for the signature on the application form, which has to be compared to the signature on the identification that's provided. None of these are requirements for the day of voting where the visual identification is required.

• (1135)

The Chair: Thank you.

Monsieur Guimond.

[*Translation*]

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

To begin with, I'd like to make a comment to the minister, and I'm sure he has a thick enough skin to take it.

I've been a member of Parliament since 1993 and I have sat on committees since then. I spent six years at the Standing Committee on Transport. There were very arrogant Liberal ministers. For example, I remember Doug Young, the former Doug Young. Well, he's not dead, but he was formerly a member of Parliament. He was beaten by my colleague Yvon Godin, to my great satisfaction.

Ms. Robillard, my colleague from Westmount—Ville-Marie sat as minister here. And I've already had the opportunity to question her in the past.

So there were very arrogant ministers, but I can tell you, Minister and Government House Leader, that in my opinion, when you come and testify on bills, you need to stay above the fray. You didn't attack the Bloc that much, but you said things about Mr. Dion, Mr. Mulcair and Ms. Jennings. There was a little bit for everybody in the turkey. There was a thought for everybody, on the eve of the holiday season. And I want to tell you, Minister, that you've missed an important opportunity to show a bit of class and remain above the fray, in introducing your bill.

Having said that, my remark probably won't make waves anywhere. But I didn't make it for effect, I made it as a sincere expression of what I believe.

I'm now going to make a second comment which you'll have the opportunity to respond to. As my colleague Tom Lukiwski mentioned, on the eve of the by-elections in Roberval—Lac-Saint-Jean, it became apparent that the Monday, September 24 election was going to turn into a circus, so much so that the members of our committee decided unanimously to meet and hear from Mr. Mayrand.

I undertook, on behalf of the Bloc Québécois, to introduce a bill, which is what I did in early October. And you introduced your own. I was fine with that, but our committee unanimously decided that the Chief Electoral Officer enjoyed too much latitude, in other words, had too much leeway. Everyone here agreed that that was the case. He had extraordinary powers that he refused to use, I might add. But in your bill, Minister, you give this discretionary power back to the Chief Electoral Officer, particularly in the first five clauses.

Wouldn't it have been simpler to say, as is the case in Morocco, a 92% or 93% Muslim country, that voters turning up to vote at a polling station must do so with an uncovered face? But no, you are counting the angels on the head of a pin.

Clause 3 of the bill amends section 32.1 of the Act:

32.1 After the issue of the writ, a returning officer may, with the approval of the Chief Electoral Officer, appoint any other persons that are necessary to attend at a polling place for the conduct of the vote.

I had the opportunity of telling the committee that there are 280 residents in the small community of Baie-Sainte-Catherine, in my riding. That means that there are one or two polling stations. Now let's imagine that only men work in these polling stations and that a woman turns up and wants to vote fully veiled. You've given Mr. Mayrand the power to force her to uncover her face in front of a woman, in another room, in a isolated polling booth, or something to that effect. You've complicated the situation.

• (1140)

[English]

Hon. Peter Van Loan: Firstly, on the issue of the thickness of my skin, it may be thin, but there are lots of layers directly underneath that are thick.

The comments I provided at the start, in terms of providing pie for everyone, were actually statements with which we agree. These are our allies. It very much is, as I was suggesting, a non-partisan bill, in that all parties supported this.

My references are to how all parties supported it, and I don't think there was a partisan tone to that at all. I think it was in fact in a non-partisan fashion that I was referring to those, to show the broad support for the principles that all parties had expressed and to which we are responding here—in fact, to the direction of this very committee in September, when they wanted to see action taken on this issue. So from that perspective, I have to respectfully disagree.

In terms of the issue of polling staff and gender, first of all, it's no different from the staffing that's provided, for example, at airport security, the requirements for staffing at customs borders, places where searches are required, or places where people are required to show their identification. It's the same kind of situation. I don't believe anybody has a problem with it in those other contexts. I don't know if the Bloc Québécois has a problem with it in that context, but it's the same thing. So I reject the notion that it's a problem.

In practical terms, the flexibility that is there for the Chief Electoral Officer—a flexibility that's already there in the act, but we've simply expressed an ability to obtain some more resources if need be—is, frankly, one that they can apply already.

In practical terms, I don't think it will be a big problem. We've been told that the places, the number of cases where we need to provide additional flexibility, in staffing terms, where people are going to be uncomfortable, where they're going to need some kind of special measures, are very, very few.

And in practical terms, there has never been, as far as I'm aware, a difficulty or shortage of women in terms of the proportion of staff involved in elections. At the polling stations, there are always a lot of women.

I think, in practical terms, the Chief Electoral Officer will find it very easy to make it work. It can work successfully. It should be no more disruptive, and in fact less disruptive, than what we see in terms of staffing of border crossings and the like, where a similar requirement or demand exists.

[Translation]

The Chair: I'm sorry, Mr. Guimond.

[English]

We're just over time.

Monsieur Godin, you have seven minutes, please.

[Translation]

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

I'd also like to thank Minister Peter Van Loan for presenting his bill.

Earlier, Mr. Van Loan, you spoke of the difference between postal voting—that is special voting—and voting in person at a polling station. In your speech, you also spoke of social peace.

So the question is, what about the equality of the vote itself. Take identification, for example. You mustn't try and hide things or make it seem that Mr. Mayrand was the person in the wrong from day one.

Wouldn't you agree that Mr. Mayrand raised the veil issue before the Senate when he indicated an incident may take place and that it was time to address the situation?

• (1145)

[English]

Hon. Peter Van Loan: I think the response of all the parties was similar, certainly some of the parties. As regards your party, I believe your leader indicated that he was still hoping that Mr. Mayrand would revise his interpretation. I know that was the view that I expressed on many occasions. Because it was, by the Chief Electoral Officer's own admission, within his ambit to interpret it either way, our hope was that one could resolve the issue simply, quietly, and without controversy, through a reasonable interpretation.

We know that in Quebec, where a similar issue arose, the Chief Electoral Officer did change the interpretation, however only after a controversy. We were hoping that the interpretation could change before a controversy occurred. Sadly, that did not happen, even after the controversy occurred.

Mr. Yvon Godin: Yes, but is it the interpretation that they changed in Quebec, or did he use his power of discretion to say “I will force them to unveil”? There’s a difference between the two, the interpretation. Stephen Harper, the Prime Minister of the country, was very clear by saying, “I want Mr. Mayrand to follow the law”. Okay. Now he’s saying, “I’m following the law, because there’s nothing in the law that tells me they have to unveil; now I’m following the law”.

Now, though, through his discretion with the power he had, he could have said, “Well, because of social peace, because of the way it’s going, the parliamentary committee of the House on procedure, all parties have recommended...”, and he could have gone that way with his discretion. If he broke the law, if the interpretation leads to the possibility of breaking the law, we could go to the court and get the interpretation.

Hon. Peter Van Loan: Of course, that would be an option, to try to determine and define what the intent of Parliament was. There are always great debates about what that is when you go to the courts. Believe it or not, the courts take a dim view of even looking at parliamentary debates, and parliamentary committee debates, as evidence of what the true intention of parliamentarians is. The intention of parliamentarians is, generally speaking, the courts believe, something only the courts can divine and not the parliamentarians.

Here we had an opportunity, however, with this committee having weighed in on the issue, and other parliamentarians, and with the Chief Electoral Officer having indicated he had flexibility to do that, it was our hope he would do that. He didn’t do that, and he made it quite clear that he wouldn’t either change his interpretation or, as in the other option you speak of, make use of his adaptation powers.

That’s why we’re here with this bill now.

Mr. Yvon Godin: When we look at identification, photo ID—the idea of photo ID—is it not to look at the photo and the person? If the other rule of our bill is that you show two pieces of ID with no photo, isn’t it possible that the person working at the poll won’t know the person in front of them and cannot match because there’s no photo?

We’re here to question the bill and then to make a decision about if we’re going to vote for the bill, yes or no.

Does it make any difference? I could be working at the poll and about 5,000 people come to vote there. I don’t know those people. They show me two pieces of ID with no photo. If I don’t know them, how do I match the face with the ID?

Hon. Peter Van Loan: Obviously, under that, you don’t. I gather that this committee debated previously the notion of national voter registration cards, which came out, I believe, in the discussions in the report that went into the recommendations that led to Bill C-31, and using that kind of approach was rejected. So short of a national voting card with identification, you have to deal with the fact that many Canadians don’t have photo ID. That’s why the current regime was chosen.

What I can tell you, however, is that when somebody does show their face at a polling station, if they then come to vote again half an hour later, because they have shown their face—even if they have

someone else’s identification—it will be possible for the scrutineers, the election officials working at that polling station, to notice that it’s the same person again trying to vote fraudulently using someone else’s identification.

When you’re talking about maintaining the integrity of the electoral process to prevent voter fraud, even without photo identification, even when other pieces of identification are used, you have a positive and salutary effect on enhancing the integrity of the electoral process. That’s what this is all about, fundamentally.

The two bills we’re dealing with today are both building on Bill C-31. They’re dealing with unanticipated consequences or interpretations that came out of Bill C-31. In that sense, if we’re looking for our original intent, which comes from Bill C-31, to increase the integrity of the voter process, to reduce voter fraud, this will go some distance to advancing that.

• (1150)

[Translation]

Mr. Yvon Godin: But in the past, prior to bill C-31, there were recognized cases of fraud, weren’t there? Is that acknowledged?

Under bill C-31, for example, electoral workers are prevented from testifying that the same individual is attempting to vote. I don’t think that if you vote in the morning at a particular polling station, that you’re going to be recognized at that same polling station in the afternoon. These employees see thousands of people. If somebody shows two pieces of ID and his or her face, does that really prevent that individual from committing fraud?

And what’s more, I’m wondering if there were actually cases of fraud?

[English]

Hon. Peter Van Loan: Obviously that’s one of the reasons we have scrutineers at polling stations: we think they are more likely to recognize.... Parties are allowed the right to scrutineer because we think people will have an opportunity to see if there’s fraud occurring.

Some people can remember faces better than others, that’s absolutely true, but if you can’t see the face, there is no chance of doing that. You could say they’re wearing the same Halloween mask as the guy this morning, but if you take away that element, that opportunity for fraud, it’s less likely to occur. That’s what we’re reducing here—an opportunity for fraud.

The Chair: Thank you, colleagues.

We are going to enter our second round. I want to mention to colleagues not to repeat questions and to keep them as short as possible. We are running out of time on the first hour. However, with the minister here, I think we should continue with this.

We’ll go to our second round. Each person has five minutes.

We’ll start with Monsieur Proulx.

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

Good morning, Minister. Thank you for appearing in front of the committee.

I have a short comment. I don't need an answer, but I presume the seven ballots that came from an unoccupied house in that municipal election were in your favour.

Hon. Peter Van Loan: No ballots came.

Mr. Marcel Proulx: I see.

Minister, I have a bit of a problem making up my mind and I want some technical help from you.

The Charter of Rights and Freedoms allows the practice of religion to our choice. How does the fact that a woman who by religious convictions decides to be veiled come into conflict with the fact that she wants to vote while respecting her religious beliefs? Have you had opinions? Are there ways we could have opinions from constitutional experts, lawyers, etc., in the sense that...? Are you convinced we could, by a change in the election law, force women not to—and I'm saying “not necessarily”—respect their religious beliefs?

• (1155)

Hon. Peter Van Loan: It was not an election; it was a referendum. That's because in Ontario owners of property can vote, but not seven times. You're only allowed to vote once in the municipality.

The question of the charter and the balancing is perhaps the core philosophical question behind what we're wrestling with here. When you have competing rights and responsibilities, it's often what you have to wrestle with as public policymakers or as courts. Here we are dealing with fundamental rights to vote, the integrity of that system, and people's religious beliefs.

I'm not a theologian and I'm not going to pretend to be one. There's certainly been a lot of comment offered by people from the Islamic community suggesting that the wearing of a veil in this particular issue of face covering is not a religious requirement but rather a cultural choice. I'm not going to decide that question. I don't think I'm qualified to decide that question.

What we have attempted to do with this bill and with the flexibility that's available to the Chief Electoral Officer is achieve that balance, even if it is someone's religious view and somebody determines that is a valid religion—but, of course, what's a valid religion? If someone says their religion involves human sacrifice, obviously we say we don't accept that; we say that the right of an individual to life and to not be killed trumps that. As I say, there are times when you have to decide where you come down. I think here you've got a solution that allows people to vote and also gives the Chief Electoral Officer the ability to create the flexibility to respect those cultural or religious norms, if that's what they are, while still requiring a visual demonstration of identification.

I've said this before on the positive beneficial effect. What I think offended most Canadians was the notion of special treatment and lack of equality in different people being given different rights or different treatment. Then the other fear was that the different treatment could be abused by other individuals who, under the guise of pretending they had a religious view or something else, would then be able to commit fraud. That was not the intention.

I think the balance has been struck here. I'm sure you could have different views from different people depending on how they interpret both the theological questions and the balancing of rights.

Mr. Marcel Proulx: Minister, you said you didn't have an opinion as far as the Constitution was concerned. Surely your lawyers within either PCO or the justice department must have issued some opinions on whether it was respected or not. Did you not get opinions of that sort, one way or the other?

Hon. Peter Van Loan: We did get an opinion, and the conclusion is that the bill is valid under the charter.

Mr. Marcel Proulx: In regard to voting by mail, Minister, is it the next step that you're going to require voters to give us names of witnesses who made sure that the person who received the voting kit was actually the person who voted?

Hon. Peter Van Loan: There's no proposal to do that.

Mr. Marcel Proulx: Thank you.

The Chair: Thank you.

Mr. Lemieux, you have five minutes.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Thank you, Chair.

Minister, you've mentioned the earlier bill that was tabled and the feedback that had been received, both in committee and probably by your office, regarding the interpretation of the CEO with respect to the first bill that was passed. Now that this bill has been tabled in the House and is being debated, have you received any negative or positive feedback from groups regarding what's happening right now?

Hon. Peter Van Loan: We have done some consultation. The strongest feedback was actually from a group that didn't wish to see any kind of accommodation, a position similar I think to the position of the Bloc Québécois. But by and large, I think most people are content, in our consultation elsewhere, that this will resolve the issue.

I don't think the Chief Electoral Officer had a particular view about what should or shouldn't be done. I think his position has always been that he thinks he's interpreting what he's getting from us and what we give to him he will work with. I haven't had an objection from the Chief Electoral Officer—I don't know if you have—to the bill as we've proposed it. I think perhaps the flexibility you see there, in clauses 3 and 4, is a consequence of Elections Canada's identification of their needs.

• (1200)

Mr. Pierre Lemieux: What I was trying to determine was that since Bill C-6 has been tabled, there has been no uproar against it. No one is raising their arms and saying that's absolutely the wrong approach. The reason I'm asking is because if that is the case, as you mentioned, we seemed to have all-party support at one time. We do work closely with the other parties. I don't want to put you in a difficult position, but I'm wondering if you still sense all-party support. If not, have recommendations been made to win all-party support?

Groups have not approached and said that Bill C-6 is absolutely in the wrong direction. They're in favour of it. Yet we seem to be losing party support. From my perspective, I'm wondering if that's all-party support. Is that from your perspective as well?

Hon. Peter Van Loan: I'm not going to speak for the other parties, particularly where there is some ambiguity. I think the NDP remains fairly supportive on this. The Bloc, I know, has a view about the flexibility provided to the Chief Electoral Officer, and they will decide in the end through your process here at the committee, if they fail to eliminate that, whether they will still support the bill. I hope they will, and I hope the same will be the case for the Liberal Party, because I think the flexibility that we have provided in this bill provides the measures necessary to deal with the exceptional cases, and I think doing differently would have some of the harmful social consequences that all of us want to avoid having.

Mr. Pierre Lemieux: Thank you.

The Chair: Thank you very much.

I'll offer a spot to the Bloc. Madame Picard, you have five minutes, please.

[*Translation*]

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

I'd like to come back to what you said a little earlier regarding the Chief Electoral Officer's flexibility under bill C-6. You indicated that similar flexibility existed in airports, at customs, etc. I don't exactly agree with you. Being asked to vote with an uncovered face is quite different from having one's clothes taken off or being subjected to a search to determine whether or not you're hiding something illegal. As far as I'm concerned, it's not the same thing.

I also believe that this flexibility is discriminatory insofar as we don't all live in big cities where, at a particular polling station, there may be 20 polling booths and both female and male staff. There are places, in some small municipalities in my riding for example, where there's only a single polling booth, and where the deputy returning officer and poll clerk are all men.

What's a person supposed to do in such a situation? Should you call the returning officer and ask him to send a woman because a veiled female does not want to uncover her face?

In some countries, such as Morocco, where the majority of women are veiled, they are required to take off their veils, whether they are men or women, and there's no problem with that. And yet here, this flexibility is given. It makes me a little uncomfortable. What would happen if groups of women decided by way of protest to go and vote veiled and ask for someone to identify them in a polling booth by showing their faces? This flexibility makes me uncomfortable.

Moreover, have any groups of Muslim women been demanding the right to vote while veiled? You've organized a lot of consultations, so you can tell me what those consultative groups were and whether, among those groups, there were any Muslim women asking to vote while veiled.

● (1205)

[*English*]

Hon. Peter Van Loan: Firstly, on the last question of whether there are Muslim groups asking to be able to vote while veiled, the answer is still no. I think that, as I said, all indicated a willingness to show their faces. And in most cases they're quite prepared to, it's my understanding, even if it's not to a female official, and there may be some small cases where that is an issue, but the numbers are very small. So in terms of the resources and the application of the resources to the appropriate places, the Chief Electoral Officer I think will be able to do that.

I do think the analogy to border crossings is actually point on because it deals with passports, with people showing their passports when entering the country, and having to demonstrate their identification at that point. They are required to do that. And, yes, there are some large border customs or customs and immigration-type entry points in airports, but there are also pretty small lonely ones in some border crossings that are not staffed by dozens of people. So from that perspective, I do think the analogy is valid and it hasn't been controversial there.

I think, though, when we again take everything here, we've balanced all of the interests, everybody should be satisfied, and the ability to vote is protected and the ability to respect the cultural norm is protected as well.

The Chair: Thank you.

Mr. Godin, you have five minutes, please.

[*Translation*]

Mr. Yvon Godin: I'd like to come back to ID issue. It's my belief, unless I'm mistaken, that option one is to vote with a photo ID. In such cases, individuals are identified by photo.

The second option, for those who don't have photo ID, is to show two pieces of identification without a photo. However, these forms of ID must be recognized by Elections Canada.

Is that correct?

[*English*]

Hon. Peter Van Loan: Yes.

[*Translation*]

Mr. Yvon Godin: In those instances, I would not need anyone to come with me and confirm that both identity cards belonged to me.

Do you agree with that?

Hon. Peter Van Loan: Absolutely.

Mr. Yvon Godin: The only instance where a person would have to confirm whether I am indeed who I claim to be is if I carry no identity card.

[*English*]

Hon. Peter Van Loan: That's correct.

[*Translation*]

Mr. Yvon Godin: Let's come back to the photo and passport issue. Someone who arrives at the airport has to show his or her passport. The customs officer identifies the passenger by means of the photograph in the passport.

Do you agree?

[English]

Hon. Peter Van Loan: That's correct.

[Translation]

Mr. Yvon Godin: If the person carried no passport, there would be no photo. There would be nothing showing that person's face.

[English]

Hon. Peter Van Loan: Yes.

[Translation]

Mr. Yvon Godin: Thank you.

[English]

Hon. Peter Van Loan: They wouldn't allow you into the country, period. That would be a total denial of your—

[Translation]

Mr. Yvon Godin: Identifying oneself means showing a photo that looks like one's face. In other words, if I asked Charlie, who is here, to identify me and showed him two documents with no photo, we would not get very far. Without a photo, how could he identify me?

There are no photos on the voters' list. In some countries, like South Africa, they take measures to ensure a given person cannot vote twice on the same day by putting a special ink on their finger that will not wash off for a week. I don't want to show you the wrong finger, but indelible ink is applied to that finger. That's a way of preventing people from voting twice.

We often talk about Morocco. Do Moroccan voters have to show an identity document bearing a photo?

• (1210)

[English]

Hon. Peter Van Loan: I have to confess that I'm not an expert on the Moroccan electoral system or processes.

Mr. Yvon Godin: Then I would appreciate our getting this answer, maybe, through the committee. I think it's very important, because we refer to Morocco many times and to the idea of Morocco. Is it because they are showing an identification card with a photo that they have to unveil then? You want to make the liaison between the two; that's the identification.

I come back to this situation. Yes, our party is supporting this. I think it's because of society; we say it looks as though the majority of people don't accept this. We want people to show it, and it will be clear, with no bad interpretation. It's going to be clear: people who show up to vote show their face. Why don't we say it as it is? It will go a lot better.

Thank you.

The Chair: Thank you, colleagues.

What I'd like to do right now, if there are no further questions for the minister on Bill C-6, is suspend the meeting for one minute so that colleagues and the witnesses can remove all their research papers and notes on this bill and prepare themselves for the next item of business, which is Bill C-18. I will suspend the meeting for one minute.

• _____ (Pause) _____

•

• (1215)

The Chair: Colleagues, thank you. We're going to reconvene our meeting today.

I'm not sure we have to go into introducing our witnesses, as they've already introduced themselves and are in fact the same.

Colleagues, in this second hour, pursuant to the order of reference of Friday, November 16, 2007, we will be dealing with Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

I understand that all members have the act in front of them, as well as some research on the act.

I will simply remind members that I need some time—we will go over a little bit at the end of this meeting—to deal with committee business. But at this point in time I will ask the honourable minister to open up.

Mr. Tom Lukiwski: May I raise a point of clarification?

The Chair: Yes, please.

Mr. Tom Lukiwski: I know we went a little over time with the first bill we discussed. Are we planning to adjourn to go into special business again? You referred to one o'clock. Are you planning to give a full hour to this discussion?

The Chair: I'm planning to go for 45 minutes, which means ending at one. I will obviously not want to cut the minister off and not want to stop some interesting questions, so I will be listening to verify that the questions aren't repetitive and that they are on the bill, rather than on something else. If I sense the committee is done with the minister—no offence—then we will move into committee business, but I am planning to go to committee business at one o'clock.

Without further ado, Minister, thank you again for being so prepared for this meeting on two bills. We invite your opening statement on Bill C-18.

Hon. Peter Van Loan: Thank you very much, Mr. Chair.

Bill C-18, the verification of residence bill, is one designed to ensure that legitimate voters will be able to exercise their fundamental democratic right to vote.

I think everybody recalls how we got to where we are. Bill C-31 was passed by this Parliament to improve the integrity of the voting process and prevent voter fraud. The bill was made based on recommendations that came out of this committee in a report that was dated June 20, 2006, and it was a report that was supported by all political parties.

For the first time ever, and many voters comment to me positively about this, the bill required voters to demonstrate their identity and residence before being allowed to vote.

[*Translation*]

To establish identity and residence, voters must either show one government-issued piece of identification containing a photograph, as well as the name and residential address of the voter; or show two pieces of identification approved by the Chief Electoral Officer, both of which contain the name of the elector, and one of which contains his or her residential address.

Or, the voter must have another registered voter in the same polling division vouch for the elector, after having shown the pieces of identification required to prove his or her own identity and residence.

[*English*]

These new requirements were designed to ensure that those who vote during elections are actually legitimate voters.

[*Translation*]

With the new requirements, people will no longer be able to pick up voter information cards abandoned at apartment building entrances, and vote under the name of a different voter.

There will also be no way to vote in a riding where the voter works, rather than in the riding where the voter lives, in order to support a particular candidate in a particularly tight race.

[*English*]

Since the bill received royal assent in June, Elections Canada has identified a problem with the requirement for voters to demonstrate their residence before voting.

In defence of this committee, which dealt with the bill originally, it should be said that the problem had not been identified by the Chief Electoral Officer when he originally came to testify before you.

To that extent, while everyone here shares an ownership in the problem, that ownership in the problem is in part because the ownership was spread out and the Chief Electoral Officer did not communicate the problem to you at the time you were originally dealing with the bill.

This problem is that many voters do not have a piece of identification with a civic address that can prove their residence on polling day.

● (1220)

[*Translation*]

For some voters, the problem lies in that the full municipal address is not provided. Others have one, but it does not appear on their pieces of identity.

[*English*]

It's a problem that arises most often in rural areas across the country. It's most often in these areas that individuals may only have a postal address, such as a post office box, a rural route number attached to a post office, or simply a mailing address that provides for general delivery to a particular post office.

These individuals will be unable to produce identification with a civic address that can establish their residence.

[*Translation*]

Moreover, because the problem affects particular regions, the voters in question would have trouble finding someone to vouch for them, because their neighbours will probably not have a home address on their piece of identity either.

[*English*]

Now, once the government was informed of this problem by Elections Canada, we moved very quickly to solve it, with the assistance of Elections Canada and in consultation with all the other political parties.

The solution proposed in the bill provides for an address on a piece of identification to prove residence, even a non-civic address if the address is consistent with information about the voter on the list of voters.

When registering to vote—that would be registering for the first time—the voter would have to prove they lived in the polling division where they intend to vote. Since this is the case, we can now use the mailing address that appears on the voters list to corroborate that it is the same voter who has already proven that they reside in this polling division.

[*Translation*]

The same would apply to someone who vouches for another voter. If the mailing address on his or her pieces of identity corresponds to the information on the voters' list, that will be considered sufficient proof of residence.

[*English*]

An election official or a candidate's representative who has reasonable doubt about a voter's residence will still be able to challenge this voter. In such a case, in order to vote a person would have to take an oath as well.

It's important to note that for individuals not on the voters list, who are seeking to register at an advance poll or on a polling date, to be on the voters list they will still have to show a piece of identification that contains a residential address, or otherwise be vouched for. This is to ensure the integrity of the information in the register and to ensure that those who are registered to vote in the polling division really do reside in that polling division.

Mr. Chair, our verification of residence bill solves the problem of verifying the residence of voters who do not have a civic address on their identification. Now that the government has acted quickly, with the assistance of Elections Canada and in consultation with the other political parties, it's incumbent, I believe, on Parliament to act quickly so that Elections Canada can apply these rules at the earliest possible opportunity.

I'd like to thank you for your attention and answer any questions you may have.

The Chair: Thank you, Minister.

Is there anyone wishing to ask a question on the official opposition side?

Monsieur Proulx, we will stay with seven-minute rounds. You're welcome to share your time. If you don't need it, that's even better.

Monsieur Proulx.

Mr. Marcel Proulx: It'll be very brief. Thank you, Mr. Chair.

Minister, thank you again.

Minister, the main problem was pointed out to us by Elections Canada. May I assume that the repairs have been discussed with Elections Canada and that everybody is happy with the solutions?

Hon. Peter Van Loan: I certainly hope so. Dealing with Elections Canada, one never knows for sure. But I can tell you that the suggestion we have adopted here was developed largely on the suggestion of Elections Canada as to how they would like to see it resolved, a solution that they believed would work. Our officials worked with them and, as you know, with the political parties, and we circulated that suggestion as it had come into the political parties for comment.

We're very optimistic and hopeful that it will have resolved the problem.

Mr. Marcel Proulx: Thank you.

Mr. Chair, we could possibly think of requesting from Elections Canada a quick confirmation. We don't necessarily need to have them as witnesses, but we could certainly ask them for a letter to tell us that they agree with these changes and that it actually meets repairs they wanted.

• (1225)

The Chair: Minister.

Hon. Peter Van Loan: Mr. Chair, if I may, that request actually did arise in a House leaders' meeting. As a result, we did obtain a commitment from Elections Canada to obtain such a letter for this committee. I'm looking back...it has not yet arrived, but that request has been made. As soon as we do obtain that letter, we will provide it to you.

The Chair: Is that sufficient, Mr. Proulx?

Then we will wait for the minister to pass that letter along, rather than make a separate request. Is that fair?

Thank you.

Next on the list is Mr. Lukiwski, for seven minutes, please.

Mr. Tom Lukiwski: Thank you, Chair.

Minister, I just want to again get something on the record here. Let's face it, we all have our partisan interests that we represent aggressively at times. I note, with some interest and much amusement, that over the course of the last few weeks, since Bill C-31 was first discussed and subsequent to that, when we found out there was this gap in the legislation that inadvertently potentially disenfranchised up to a million people, there have been members of opposition parties who have been claiming that this was a fault of the government, pure and simple, nothing more than that, when in fact—and you were quite correct in your assessment, Minister—this was a shared responsibility.

All members of this committee, quite frankly, just missed that one portion of the bill that talked about residential or civic addresses, because rural residents—and I'm one of them—don't technically or legally have a civic address; we have a post office box or a rural

route. So it was an honest mistake and a responsibility shared not only by members of this committee but by the elections office officials themselves, because they appeared before this committee on two occasions and at neither time during those discussions were there any indications that this could be a potential problem.

I want to get that on the record, because I know, whether it be the member from Timmins—James Bay or the member from Regina—Wascana or Thunder Bay—Rainy River, they have from time to time made statements publicly that the problem was solely the fault of the government, and again it was not. It was a shared responsibility.

But beyond that partisan politics, I think we need to have assurances—and you've given them, I believe—that this bill, in the consideration of both you and the Chief Electoral Officer, will fix the problem we had. And perhaps more importantly than that, in the event of an early election, whether it be a by-election or a federal election, prior to this bill coming into effect, what assurances do you have, if any, from the Chief Electoral Officer that he would use his power of adaptation to ensure that no rural voter is disenfranchised?

Hon. Peter Van Loan: Thank you very much.

You're right, it is a shared responsibility by all, including Elections Canada, though as the government we have to take ultimate responsibility, and that's what we're seeking to do with moving quickly to correct the issue.

In doing so, I have spoken with the Chief Electoral Officer. It was he who actually drew the problem to my attention personally. He called me to raise the issue. We did discuss how it would be approached at that time. Obviously, since I was just learning of it, we didn't have a bill, and my concern was how, in the event that we had an electoral event that precipitated...that risked people losing their right to vote, we would respond to it. I had assurances that led me to believe that if one of those events came on very quickly he was prepared to use his adaptation powers.

In particular, one of my concerns was that sometimes, if you're dealing with a bill and an item of legislation, it might cause an official like him to say, "Well, that's before Parliament so I don't want to wade into it". I asked, "If we brought forward a bill to correct it, would that make it more or less likely that you would use your adaptation powers?" He said, "Well, if it was clearly the government's intent to bring forward a bill like that, and if it was going through the parliamentary process, it would make me more likely to exercise my adaptation power to ensure that people's right to vote was protected".

So those were practical and positive responses from the Chief Electoral Officer, who I think recognizes that he has some ownership in the problem and certainly has a very strong interest in ensuring that people's legal right to vote—and that's what we're talking about here, the legal right to vote—is protected. So I'm pleased with that.

That being said, I would still encourage the committee to move with the greatest alacrity to deal with the bill and get it into law as quickly as possible so that he doesn't have to resort to that kind of measure, and he can simply apply the new law.

• (1230)

Mr. Tom Lukiwski: I have a final question, and a short one.

Monsieur Proulx had asked whether or not there would be a letter forthcoming from the electoral officer stating that he believed this bill would rectify the problem. Would he also be able to put into that letter his willingness to use his power of adaptation if required due to an early election?

Hon. Peter Van Loan: I don't know if he would be willing to do that or not. You'll have to ask him.

Mr. Tom Lukiwski: Thank you.

The Chair: Mr. Lukiwski, you have two minutes left. Did you want to...?

Thank you very much.

Madam Picard, please, you have seven minutes.

[Translation]

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

Minister, I would like to have your comments on the statement made in a newspaper by Mr. Angus, a member of Parliament. He called the bill a slapdash solution and decried the fact that the new provisions do nothing to make it possible for a homeless person, or transients and some students to vote, because those people have difficulty obtaining the pieces of identification required and keeping them up-to-date.

What means will be available to those people to enable them to vote?

[English]

Hon. Peter Van Loan: Well, if a student or a homeless person is in a similar situation where they were...they'd be in a position to deal with it.

I know this committee canvassed those issues extensively at the time they dealt with Bill C-31. That's not the content of the bill before us, so I don't want to spend too much time plowing old turf. I think what we're trying to do here is to deal with the specific problem of voters in the rural context for whom identification normally has an address but not a civic address. It's a consequence of the identification problems.

I know there were provisions put in place. The Chief Electoral Officer has included attestation letters from people who run homeless shelters, for example, to deal with the homeless information, and student information from the residence that they live there. These things are all available to protect their interests, so I believe they are more than adequately protected under the bill, which you originally dealt with, C-31, and the Chief Electoral Officer's application to it.

Something that might be of interest to all of you, and this is probably not a bad thing to know about, is that there was a study done by Elections Canada dealing with the application of Bill C-31 in the by-elections in Outremont, Roberval-Lac-St-Jean, and St-Hyacinthe-Bagot. The results are very, very positive. The new requirements worked. The vast majority of voters found the identification requirements easy to meet, and they were quite satisfied with the ID verification and voting process. Most people have a favourable view of the new identification provisions.

The one I thought was most surprising and positive is that 83% of voters said it didn't take any longer to vote using the identification provisions. So from the voters' perception, it was very positive. Overwhelmingly, people had no difficulty providing the identification. For a first-time run in a by-election, that's pretty remarkable. As we indicated, this is the first time that requirement has existed.

I know they did the same in the provincial elections in Ontario. I don't have any statistics for how they worked there, though in the polling station where I was a scrutineer on election day there appeared to be no difficulties with their identification requirements.

It looks like the reforms that this committee brought forward on Bill C-31 are working very well.

[Translation]

Ms. Pauline Picard: I asked Elections Canada to canvass my riding, and I was told that some 10,900 people use post-office boxes or live on rural routes. Only 18 people were an exception to this, and they would not have been able to vote if amendments had not been made.

I fully support these amendments, which enable as many people as possible to exercise their right to vote and correct the error made in Bill C-31.

I just wanted to make that comment.

• (1235)

[English]

The Chair: Thank you very much.

Okay, we're going to stay with seven minutes.

Mr. Angus, you have the floor.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Chair. I'm very glad we are discussing this. I think it's a very serious issue, and we have to fix it and fix it right.

I have to state for the record that what's being stated this morning is inaccurate. Certainly the Conservative Party made a big mistake with this bill and they were supported by the two other opposition parties. However, we did raise these issues at the time. In fact, I spoke in the House and said:

Mr. Speaker, I would like to invite the government House leader to come with me to the northern part of my riding....

I'm amazed at the number of people in these communities who do not have access to the kind of identification we are talking about.

When we are talking about ensuring that people are able to exercise their democratic franchise, the member opposite is accusing us of supporting electoral fraud. I certainly take exception to that because I have people in my region who are trying to vote, who do not have addresses....

That was stated in the House, but it was not considered an issue at the time. It just didn't seem to be something that this government took seriously. So this morning you were asked the question about homelessness and students, and you said you don't want to delve into that. Have you looked at how many people are still going to be disenfranchised by this? Do you have numbers? Certainly having a bill that has already had two band-aids brought forth raises questions. We'd better do it right this time.

Hon. Peter Van Loan: The question of the rural voters is very different from the question of homeless voters or students. I'm just saying the solutions and the questions are very different. I wasn't a member of the committee, so I can't say for certain, but I understand that it was debated extensively. Perhaps it was the focus on that that caused the concerns you raise to be subsumed and missed, if those concerns were raised at the time.

The provision has been created where they can provide identification. Even if you don't have photo identification, a driver's licence or something of that sort, if you are a homeless person, a shelter can provide an attestation as to your residence.

In the by-elections, 0.8% of those people voting used attestation letters as a form of identification. What that tells me is that for that small portion of the population that is affected, that is a valid, workable option. It is being utilized, and they are able to vote.

Mr. Charlie Angus: I guess the issue here is certainly that I think each of the challenges that are put forward in the bill are to ensure as highly as possible that people are who they are. We saw this in the Ontario election. I saw this in my region. I talked with senior citizens who were not on the electoral list. They were on for their entire life, and they were not on the electoral list this time, for whatever reason—a computer glitch.

They didn't have the proper ID. One was told that a passport wasn't an adequate piece of identification. People at the polling stations interpret the law very literally. So we have to ensure that at the end of the day there is a provision that a person can still vote, because that is an inalienable right.

So I would say that the issue of homeless voting, or first nation or student voting, is the same as rural voting. It comes down to the issue of declaration. We heard at the committee last week that 15% of the people of Australia are voting now by declaration because it's a highly mobile society, with areas where we have students moving in and out, where people haven't put together the proper identification yet.

Have you done any numbers on comparable levels in Canada? If we fix this glitch and we're still leaving 5%, 6%, 10%, or even 4%, that's too much. Have you looked at the issue of declaration voting in Australia and compared it to the situation in Canada?

Hon. Peter Van Loan: The Australian system is very different, of course, as you know. In Australia, there are legal consequences if you do not vote. There is a mandatory requirement for voting, so people are voting for a very different reason. They are voting to avoid a penalty. They are voting to avoid a fine, in many cases. So I would not be surprised that you would find a different pattern of behaviour there.

That being said, I haven't particularly analyzed it. I'm not sure how much wisdom that would provide us, because it is such a different context.

I look at this first trial run—the results that I spoke of that were provided by Elections Canada—that showed a very favourable response in terms of people being able to vote. Most used photo ID, the first preferred option. It was 80% who used a photo identification to vote. Most often that was a driver's licence; 73% of that 80% were using a driver's licence, 73% overall of the 100% who voted. Of

those who used option two, 19% used things like hospital cards, utility bills, the attestation letters I referred to, leases, and some of the other ones. I'm sure you've seen the lengthy list of identification that the Chief Electoral Officer has considered to be acceptable, and 1% were vouched for.

In terms of the need for vouching, it appears that we have a roughly comparable number using the attestation letters as being vouched. So in terms of the analysis, there we have it from the first set of elections or by-elections under Bill C-31. And from what I see here, and I'll use this summary from Environics who did the work for Elections Canada—so it's an independent group, independent from Elections Canada. They're not a group interested in showing that it worked; they're a group that was simply looking to analyze it—and I quote here. It says:

The vast majority of voters found the identification requirements easy to meet and were quite satisfied with the ID verification and voting process. Most have a favourable view of the new ID provisions.

So my response would be to compliment the members of this committee for the original initiative and the parliamentary committee report that led to Bill C-31, and as well for their work on C-31. Yes, we found subsequently that it's not perfect, and that's why we're here today to correct these glitches. But I think that—

• (1240)

Mr. Charlie Angus: I'm running out of time here, so I want to ask one last question.

Hon. Peter Van Loan: I'm only trying to provide information on what was done and whether it worked.

Mr. Charlie Angus: Thank you.

I guess the final issue for me is that this bill was problematic to the New Democrats. It was subsequently found to disenfranchise a million people. We still have issues of the homeless. We have another bill with the veil coming forward. If we're going to do it, we have to do it right.

Now, voting is a fundamental, inalienable right. Any attempts that have been made by government in the past to circumscribe people's rights to vote have lost in the court. The Supreme Court, in 2002, overturned the rule banning prisoners voting. So we know there is a court challenge coming forward against this present piece of legislation.

Has your department examined the court challenge? Do you believe that this legislation, if we fix this, will be able to withstand a court challenge? It would certainly be pretty embarrassing, on top of all the other band-aids we've thrown on it, to have this thrown out in court.

Hon. Peter Van Loan: People always have the right to bring any challenges they wish before the courts. We always seek Department of Justice opinions on the legislation we bring forward. In this case, we believe it will withstand...but obviously, since there have been laws struck down in the past, no legal opinion is infallible.

Those of us who have practised law believe you can get at least two opinions on any issue, if not more, that are contradictory. But we're confident that what we're doing is constitutional and effective. In fact, we think it strengthens people's rights and protects that fundamental right to vote by ensuring that voter fraud doesn't take place. That's protecting the rights of all Canadians from those who wish to undermine our electoral process.

The Chair: Thank you very much.

We'll move to a second round, a five-minute round. If you need the full five minutes, by all means take them. If you don't, we can move to the next questioner.

Madam Redman, five minutes, please.

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

I would like to underscore an issue that has actually been raised by a couple of colleagues, and that's the fact that this is remediating an unintended consequence of a previous piece of legislation.

While I certainly concur with Minister Van Loan that the request was made through House leaders, I'm wondering if there is an occasion to have the Chief Electoral Officer back to talk about some of the other legislation before us, such as Bill C-6. Maybe the chair could let him know that this is an issue that we would like to address.

I would certainly like to have the assurance of the Chief Electoral Officer that this is indeed remediating what we are trying to do and there are no other unintended foreseeable consequences before we deal with this piece of legislation.

The Chair: I don't think there's a response there from the minister. That's more a discussion that we can have in a few moments.

We'll now move to Mr. Lukiwski.

• (1245)

Mr. Tom Lukiwski: Thank you.

I won't need the entire five minutes, so I'll cede the remaining time to my colleague Mr. Preston.

Again, just to set the record straight with Mr. Angus here, I have no doubt that Mr. Angus spoke in the House about the homeless issue, but my point is that there was absolutely no discussion on the potential disenfranchisement of rural voters because of the civic address/residential address situation at this committee. His colleague, Monsieur Godin, never raised it.

I will not just go on my word. I would encourage anyone, Mr. Angus included, to check the transcripts of this committee. If he can find any mention from the NDP that this was going to be a problem, and the objections they raised, then I will apologize unequivocally, because there were none. There were none.

Mr. Chairman, again I put that offer on the table, and I look forward to Mr. Angus producing the transcript that says the NDP identified the fact that Bill C-31 could have caused the disenfranchisement of one million rural voters because of the civic address thing. There was no discussion of that.

I'll cede the rest of my time to Mr. Preston.

The Chair: Thank you.

Hon. Peter Van Loan: I would suggest, in good parliamentary spirit, that this is a good opportunity for us—rather than running around seeking to shift the blame—to begin to pull together and solve the problem for Canadians; that would be a good approach.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Speaking of good approaches, Minister, you have your study from the by-elections in Quebec—and I wish I could name them but I cannot—showing how well voter ID worked, or at least Environics' version of how it worked.

I hate to ask you to speak on behalf of Elections Canada, but maybe you can give your opinion. Did we do a very good job of advertising during the by-election about what voter ID would now be needed at the polls? I can assume that Elections Canada will do that in the next general election also, in pre-informing...obviously the knowledge to know to come to the poll with ID and what ID you may need will certainly solve there being a lot of issues at the polling stations.

Do you know what measures they took, and what they're planning to do in the next general election?

Hon. Peter Van Loan: The only information I have on how well the advertising campaign worked is the following statement in the summary: "Communications campaign was relatively effective in raising awareness and understanding of the new identification requirements." Then a little more, which is that it looks like about a quarter had kept the material that was sent to their houses, a little more than that on the requirement for information, and the voter information card, which was still sent to everybody, appeared to be the principal source of information.

In terms of newspaper and radio advertising, the reach was fairly small. But overall, the communications campaign was somewhat successful, is what I would call it. You're talking about in the opinion of the...

There's an interesting gap in the information, and that's that election officials have a less optimistic view of the world than actual voters. Voters are happier than the election officials, I guess because a voter has a single experience, and the election official looks at their 200 experiences and remembers the one problem.

The voters themselves considered that they were reasonably—about a third of them felt somewhat well-informed.

Mr. Joe Preston: Great. Elections Canada tends to do fairly vast election advertising regardless of whether there's something new. This year there will be some new news to put out, and—

Hon. Peter Van Loan: If I were to make a suggestion to Elections Canada, based on what I see here, the main information people seem to turn to is the voter information card that is sent to their home. The newspaper ads and radio ads are less effective.

Mr. Joe Preston: So in fact now the card, instead of just saying "your polling station is", will say "your polling station is, and please bring photo ID and be prepared to present it".

Hon. Peter Van Loan: Something to that effect.

Mr. Joe Preston: Great. It sounds like the right way to go.

The Chair: We do have about 15 seconds in that round, but I think we'll just move to the next speaker. If we need a third round, we'll do that.

Madam Picard, please, for five minutes.

[*Translation*]

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

I'd like to point out that the proposed amendments to the Canada Elections Act were prepared after members of all parties were consulted, including the government side and opposition parties. I think that the study was conducted very transparently, with a genuine desire to represent electors well. We also wanted to let voters vote with their conscience, by eliminating all irritants. As we always say, people will do what they do.

In the past, deficiencies were observed in the legislation. People could present themselves at different polling stations, and vote again. In the past, we have seen all kinds of dreadful things. For 10 years, the then Chief Electoral Officer, Mr. Kingsley, wanted to improve the way in which people were identified when going to vote. We talked about a visual identification process. For those who could not present a photo ID card, many ways were implemented to ensure they could identify themselves.

I think that, as citizens, it is our responsibility to vote. When a citizen is aware, well informed and able to exercise his or her right to vote, he or she should make the effort to determine whether he or she is on some register. The era when everyone was put onto a bus is over. I come from a family in whose house the polling station would be set up, so I know how things worked then. Procedures have improved over the years. So we would now like to have a much more transparent system, which may never be perfect, but which is, in my view, now transparent enough.

I think that with the amendments we have just made we should emphasize awareness-raising and greater responsibility among citizens. I'm very satisfied with the work we have done here. I have taken this very seriously, as I believe most other committee members have.

• (1250)

[*English*]

The Chair: Thank you very much.

Mr. Angus, you have five minutes.

Mr. Charlie Angus: Thank you.

I think we're trying to move this bill forward so that we can deal with necessary problems that have arisen, and yet we come back to the usefulness of the electoral list at the end of the day. I know that's not part of this bill, but we have to ensure that our bill is able to deal with the reality on the ground of people who go to vote.

We don't have a major initiative for enumeration, so it's somewhat of a hit and miss game, which is why I want to return to Australia.

I know that the obligation to vote in Australia is different from the obligation to vote in Canada, but these are both very westernized democracies, pretty much from the same stock of tradition in some

ways. Yet we're finding that the movement of population in Australia is now at the point where 15% have to rely on declaration voting.

I want to return to this, because the problem we're going to find at the end of the day—and I certainly don't think this government should be positing a situation where rural voters are somehow more important than first nation voters or any other voters.... We have to make sure that anyone with a right to vote should be able to vote, at the end of the day. Many people, whether they're urban, rural, or first nation, might be in a situation where they've moved. That's why in Australia they have a declaration system.

Would it not be possible to have a declaration system here wherein the ballots are put aside and can be checked? Whether the percentage of the declaration voting were 15% or 10%, those would be the problem votes. Those are the ones we'd be looking for, if there were going to be any issues of fraud. We need to ensure that at the end of the day we are allowing people the right, if they're lacking or have moved, to vote with the declaration system.

What is the problem with that?

Hon. Peter Van Loan: I wasn't a member of this committee when it did the report that went into Bill C-31. I don't know whether that approach was examined at the time or not. It might be a worthy subject of study for this committee, if you want to bring it forward.

The broader question of electoral lists is one that certainly has interested me. The move from regular enumeration to a permanent voters list, it was hoped, would solve a lot of the problems. In the early years, people began to wonder if it didn't create a worse problem, and anybody who, in practical terms, whether in running campaigns or as a candidate, has had to work with electors lists saw a lot of those problems. On both sides of the ledger, as a guy running campaigns and as a guy being a candidate, I certainly saw some of those.

I should say, though, that I have been favourably impressed with how the system is getting better. I think the permanent electoral registry is improving. There are still all kinds of problems with it, and mobility is huge. It's fine, if people are interested and motivated to get themselves on the list and have the changes registered, but a lot of people aren't. If you don't have a driver's licence and are not interested in being on the list and don't check off the box on your tax return, it's pretty tough for the list to be up to date.

If you want to examine the notion of whether returning to enumeration is a better idea, that's fine. If you want to study the idea of declaration, that's fine, too. I think at the end of the day, people who are motivated seem, within our system, to be able to vote.

We should note, though, that returning officers are able to provide for enumeration in areas where they believe there has been particularly high mobility, or where they believe—in a new subdivision, for example, where there are new residents who wouldn't be on the permanent voters list because they're all just moving in, in areas of new and rapid growth.... One would hope those are used judiciously.

It's certainly open to all parties and all candidates, in discussing this with their local returning officer, to encourage that this kind of spotty enumeration be undertaken.

So there are mechanisms in place. I don't think we will ever come up with a perfect system. I was initially skeptical of the permanent voters list and thought enumeration was a better way to go, but I'm beginning to be sold on the permanent list as it gets better over time.

•(1255)

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

Colleagues, I don't think we have time for another round, out of respect for our time schedule.

A couple of members have asked if they could ask a question. I am probably inclined to allow three minutes, if the committee is agreeable to allow two more members to speak for a few minutes. Otherwise, I would simply encourage members to talk with the minister after the meeting.

Mr. Lemieux would like to ask a question. Is there consensus by the committee to allow for this? We don't have time for a full round. Is there consensus to allow Mr. Lemieux...?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

Mr. Lemieux, be very brief. Thank you.

Mr. Pierre Lemieux: It was a question about how this works practically—I don't think it happens in a lot of instances—when somebody is new to their electoral district, to their area. They're going to have a mailing address but not a civic address.

I just noticed that the notes we have here say, “Bill C-18 does not extend the deemed residence provision to voters who register on polling day”, and they must have someone who vouches for them.

How exactly will this accommodate people who are new to their area? They won't have their driver's licence, even, with their mailing address on it. Does this present any particular challenges?

Hon. Peter Van Loan: There's also the vouching option, so there is an additional way for them to do it.

I think overall that's probably the most problematic area of the bill. The easier way for them to do it is, of course, to contact the returning office well in advance of election day to ensure that they get registered, rather than try to do it on voting day. A lot of people do that.

In balancing all these different requirements, I think the solution that's been struck is the best one. There will never be an ideal world, but this is as close to ideal I think as you can get.

Mr. Pierre Lemieux: Thanks.

The Chair: Thank you, Mr. Lemieux. Thank you, colleagues.

Minister, I want to thank you for coming today and being as prepared as you were to discuss two pieces of legislation. That takes a lot of work. I thank your staff and your support team as well.

We can dismiss our witnesses at this point.

Colleagues, we want to talk about a couple of issues with respect to committee business. One of them is a report from the subcommittee.

Is it the wish of the committee to go in camera at this point?

Some hon. members: Agreed.

The Chair: We will suspend for one minute while we go in camera.

[Proceedings continue in camera]

• _____ (Pause) _____
•

[Public proceedings resume]

•(1300)

The Chair: Colleagues, let's reconvene the meeting.

There are a couple of issues I want to mention to the committee members before we go forward, just as a reminder to the analysts and members. We have been requested by Monsieur Godin to find out how voting takes place in Morocco: are they required to unveil? We'll find that out.

We also had a request from Monsieur Proulx that a letter from the electoral....

I'm sorry, Mr. Reid.

•(1305)

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): This is on a point of order, Mr. Chair.

I think that's actually a bit of a misstatement of what you were asked. My understanding is that what he was looking for was to find out whether you have to have voter ID. The point, I think, was to ask, is the purpose of unveiling to confirm your identity vis-à-vis a piece of voter ID?

An hon. member: That's how I took it.

The Chair: Thank you very much for the clarification. That's why I'm reading this out, so that we know what we do have to do.

Monsieur Proulx asked for a copy of any response from the Chief Electoral Officer to the minister's requests. Not much later, Madam Redman brought up the suggestion about bringing the Chief Electoral Officer in to discuss Bill C-6.

Would it be a smart idea to bring the Chief Electoral Officer in to deal specifically with Mr. Proulx's request as well as Madam Redman's request, as well as Bill C-18, if he has comments on it? We could have him here one time and deal with all three.

If no one objects to that, we will send the Chief Electoral Officer, then, a letter and give him notice of that.

We are still waiting for a letter from Monsieur Blanchet regarding Bill C-16. We haven't received it yet, so we will follow up on that.

This week, colleagues—I just want to remind members—tomorrow, on Wednesday, November 28, we have the subcommittee on the code of ethics meeting in room 112-N from 3:30 to 5 p.m. for the election of a chair and continuation of the committee's review of the code of ethics commissioner's report.

At five minutes to seven is an informal meet and greet with the Chief Electoral Officer, Monsieur Mayrand, at Elections Canada. All are invited to attend who can.

On Thursday from 11 to 11:45, we have two academics, Jon Pammatt and David Docherty.

Scheduled from 11:45 a.m. to 12:30 p.m. is Chief Electoral Officer Jean Ouellet, from Saskatchewan.

Following that, there is also an informal meet and greet with Mary Dawson, who is the Conflict of Interest and Ethics Commissioner.

That brings us to a problem I'm going to ask my clerk to explain to members before we go into consideration of the report; it has to do with the ability to televise future meetings. There was some conversation yesterday at the steering committee about televising and when it would happen and what rooms are available.

We have priority, as this committee takes priority over other committees, and it would be up to the whips to determine whether we take precedence or priority over a televised room.

I'm going to ask Mr. Latimer to explain to committee members the difficulty with televised rooms. Then we'll move right into the report so that members can consider it.

Please, Mr. Latimer.

The Clerk of the Committee (Mr. James M. Latimer): There are three committee rooms that are equipped to televise. One is room 237-C in the Centre Block; there's room 253-D, the one we're in right now; and there's room 269 in the West Block. There are two television crews, so only two of those rooms can be televising at the same time.

How far do you want me to continue?

The Chair: That's fair. The only thing I wanted to mention, if you could remind members, is that some of the committees...

We wanted to move on this additional meeting on Thursday, from 3:30 to 5:30 p.m. The suggestion was, let's check the rooms, and then we'll add that time to the report. I'm going to ask Mr. Latimer to explain what times are available and not available and why, so that members can choose, since we have the whips here.

The Clerk: Members will also remember that it's the whips who get together to decide on a certain rotational block system, whereby certain committees are supposed to meet at certain times. For example, in the slot from 11 a.m. to 1 p.m. on Tuesdays and Thursdays, the Standing Committee on Procedure and House Affairs is one of the ones that has priority. Subcommittees are expected to be meeting, according to the whips' agreements, from 15:30 to 17:30.

I was asked to look into the availability of televising on Thursday, November 29, from 3:30 to 5:30 p.m. I can advise members once again that two of the three rooms can be televising at the same time.

Currently, the Standing Committee on Environment is televising a minister's appearance. In 253-D, there are pre-budgetary consultations going on for the finance committee until six o'clock. Room 237-C has an official visit of the Prime Minister of Russia. So with regard to 3:30 to 5:30, there isn't a room available.

I was asked to look into 5:30 to 7:30.

The official visit of the Prime Minister of Russia is still going on until six o'clock in room 237-C. Finance, as I mentioned, is going until 6:30 with pre-budgetary consultations.

We could have the option of going to the West Block, to room 269, and we could televise there. It's up to the committee to determine whether they would accept going to the West Block.

• (1310)

The Chair: And then the next was to find out, on the next available meeting...was it Monday or Tuesday?

You just spoke about Monday, I'm sorry.

The Clerk: I should stay to Thursday for a moment.

Thursday, November 29. I was asked to look into the possibility of Procedure and House Affairs televising its meeting with the witnesses that the chair just mentioned, Mr. Chair. Once again, the Prime Minister of Russia takes up one room. Ethics is meeting in 253-D, in this room, and they are televising, and Canadian Heritage in 269 West Block is televising Minister Verner. So there is not an option for Procedure and House Affairs to televise at that point.

The Chair: Just to make sure members are aware of what's happening here about our regularly scheduled meeting on Thursday, it's going to be very difficult to televise that meeting unless the whips get together and bump somebody.

And then of course this report from the committee, which everybody has and has read, has requested a meeting on Thursday, we thought 3:30 to 5:30 and then perhaps 5:30 to 7:30. It appears that neither of those time slots—unless the whips get together and bump somebody—is available for television.

If I'm not mistaken, to summarize it, the first available televised spot for the additional meetings with respect to the subcommittee's report will be December 4.

The Clerk: It would be Tuesday, December 4, from 3:30 to 5:30. One of the rooms, this actual room, 253-D, I have managed to take. There's a minister, in Citizenship and Immigration, in the West Block, being televised at the same time, but we could have this room from 3:30 to 5:30.

The Chair: Okay. That's all I wanted members to be aware of—some of the problems in the way of proceeding.

Now that you have that information in front of you, I am going to ask that the committee look at the subcommittee's report.

Is the report now officially tabled and we can begin discussions on it?

The Clerk: We have presented it.

The Chair: Yes, the report is tabled now, so we can begin discussions on it. It's particularly vague on two fronts.

Sorry, Mr. Preston, let's just begin discussion.

Mr. Joe Preston: Great. I really didn't want to speak on the report; I wanted to ask a question about the televising. A couple of points were made there.

This committee has the ability to bump other committees out of televised rooms?

The Chair: Well, yes and no. Obviously the whips are all on this committee, so the whips can get together and make decisions on their own.

Mr. Joe Preston: That's my question. There are only really two meeting rooms available for television—is “television” a word?—at any time, so in order for it to happen we have to say we want it to happen, and we actually could tell other committees that they...is there a priority to Procedure and House Affairs that I don't know about?

Oh, it's not that it's Procedure and House Affairs; it's that we can do it that way. Okay.

The Chair: Correct.

Mr. Joe Preston: So we would in fact be bumping other committees if we wanted to be televised, if we don't follow our standard schedule?

The Chair: That's correct.

Obviously this committee, because it does have whips on it, is usually held in Centre Block because the whips are required to be here so often. So there are some conveniences that this committee is provided. It is one of the senior committees, and we obviously have the ability to bump other committees, but that's how it's done.

A voice: Through the whips.

Mr. Joe Preston: Mr. Chair, I might say, then, that rather than truly bumping other committees, we look at that later evening, that 5:30 to 7:30 timeframe, where we're not bumping other committees from televising.

The Chair: On Thursday, Mr. Preston?

Mr. Joe Preston: Well, on any day, rather than taking over somebody else's time slot.

The Chair: Is Thursday available?

The Clerk: Thursday, December... Once again, I can get you a room. The question is, will it be a room that can be televised?

The Chair: Let's not make this more complicated than it has been. We have had a request by the subcommittee that we move to extra meetings, that the extra meetings be televised. In order to meet both requirements of the subcommittee's report that's in front of you, the first meeting would have to be December 4.

An hon. member: That's Tuesday.

The Chair: Well, then this makes it very easy. If we're going to move to change the wording of the report...the wording now says, “That the Committee hold additional meetings beginning Thursday, December 4”, at 3:30 to 5:30, is that the—

The Clerk: Tuesday, December 4, 3:30 to 5:30.

The Chair: It would be Tuesday? Sorry, colleagues.

All right. And then if we change the wording on that report, I would ask that members concur in it. That's basically where we are, Tuesday—

•(1315)

Mr. Pierre Lemieux: Mr. Chair?

The Chair: I'm sorry. I'm not trying to move too fast.

An hon. member: You are, Chair.

The Chair: No, I'm not, honestly, there's no conspiracy here.

Mr. Pierre Lemieux: Actually, there's one aspect of this, which is the televised meetings, which is what we're working our way through. But the steering committee is made up of only a few members here on the committee. So, for example, I'm not sure what the scope of that first paragraph means in terms of the recommendation “additional meetings”. I'm wondering if you or another member could—

The Chair: One second.

Does everybody have this report? It was distributed earlier.

Okay. Mr. Lemieux, please.

Mr. Pierre Lemieux: Not having participated in the steering committee meeting, one of my concerns is what the scope of the second paragraph is, where it says “That the committee hold additional meetings beginning on Thursday, November 29”, which may change to Tuesday, December 4, “in relation to the motion”, etc.

Perhaps you could respond to my question about the scope of this, the number of meetings we're looking at, roughly. How long would we expect the committee meetings to be, and when and on what days? I know we were just running through when televised room locations are available.

I think it's important, because we want to be involved—obviously, committee members need to be involved. We want to be involved, but we're going to have to rearrange our schedules accordingly, and in order to do that it would be helpful to know in advance, not just the day before, what the magnitude is.

The Chair: Thank you.

Mr. Lemieux, this is not to cut you off, but I think you've asked the questions, and I'm going to try to respond to three of them.

Members who were at the steering committee meeting, if I stray from what actually happened, please interrupt me. Here's what I remember.

The steering committee decided to hold additional meetings to continue the debate on the motion by Madam Redman, to the tune of one additional meeting per week of two hours in length. I guess that was probably not discussed in much detail, but normally the meetings are two hours in length.

That's one meeting per week to continue the debate on the motion by Madam Redman. How many meetings? I don't think I can answer, nor was it discussed.

Your final question was what day. That's what we're here to decide, and I felt that we had a bit of a consensus that those days would be determined by when a televised room would be available.

Mr. Reid, please, and then Mr. Proulx.

Mr. Scott Reid: With reference to the Tuesday 3:30 to 5:30 proposal, that's a time at which—today, for example, this afternoon—we'll be having a meeting that a number of the people present on this committee will be attending: Mr. Lukiwski and I, from our side, Madam Redman, Monsieur Guimond, and Mr. Godin, who sometimes sits on this committee. So that might be problematic for that reason.

The Chair: Mr. Reid is pointing out that on Tuesday, December 4, even though we have a room that can televise, meeting all the requirements, some members of this committee may not be available. But substitutions would be allowed.

Mr. Proulx.

Mr. Marcel Proulx: Mr. Chair, thank you.

To start with, the second paragraph of the report, which mentioned November 29.... If you recall, this was all conditional on verifications that were to be made by the clerk. So I'm surprised that it's already on paper, but that's okay, we've amended it; we've changed it.

Point number two, the question of one meeting per week was up in the air in the sense, if you recall, that at the steering committee, when we discussed this, we decided to look at the possibilities, whether it be for this week or for the coming weeks until the Christmas break.

So maybe we should ask the clerk, Mr. Chair, what other possibilities would exist during the coming weeks. It might be that we want to have meetings on Tuesdays and Thursdays.

And in answer to Mr. Lemieux's question, a quick answer would be that it will take as long as we need, and that all depends on how much filibustering is done by the government members. If they continue to filibuster the way they've done since September, it might take a year.

The Chair: Thank you, Mr. Proulx

Monsieur Guimond.

[*Translation*]

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

In the same vein, I would like to apologize for not having been present at the steering committee meeting, particularly since you had postponed it at my request.

Unfortunately, you are not listening to me—I do have something interesting to say.

•(1320)

[*English*]

The Chair: One ear is for you, Monsieur, and one is for my clerk. You have an ear. Go ahead.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, I believe that this committee has always operated by consensus. There are 26 parliamentary committees, and this committee is one of the pillars that needs to operate with as little partisanship as possible.

I would like to ask my colleagues in the Conservative Party what we are to expect with respect to this motion asking for an investigation on the actions of the Conservative Party.

The motion was passed by a majority of members. Our Conservative colleagues very legitimately submitted amendments to try to study election reports since 1993, 1997 or 2000, as well as the reports of all the parties. That proposal was rejected by the majority of members.

I appeal to my colleagues. We can presume that people are acting in good faith. I take it for granted that all colleagues here today are working in good faith. I also presume that all colleagues are democratic.

Are we engaging in a filibuster? Are we going to listen to interminable speeches, or can we finally begin studying the motion submitted by my colleague, Ms. Redman?

[*English*]

The Chair: Thank you.

Since all questions are to the chair, I can't answer that question.

Keep it very short, please. I think we've reached a consensus.

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Maybe I can help out. I usually sit on the finance committee, and we use this room quite a bit because we're in pre-budget consultations.

We're travelling next week. I would suggest you book the room; it will be available next week.

[*Translation*]

The Chair: Thank you.

[*English*]

Mr. Reid, did you have one final comment? Then I'll wrap this up.

Mr. Scott Reid: Mr. Chairman, I actually have a number of things to say.

It's possible I misunderstood, but I just had the impression that Monsieur Guimond has asserted—and if he was doing so, he was doing so counter-factually—that the amendment and subamendment, which would expand Madam Redman's motion to include all parties and the 2004 election, had been voted down. I'm not sure that's what he was asserting, but in fact what happened was that he and a number of colleagues got up and walked out of the room. If that doesn't constitute voting it down.... I just want to be clear that that has been the case.

The Chair: In fact, the subamendments were not voted down.

Colleagues, may I suggest, as a chair, we're over our time now, and I have to respect everybody's time. How about having the clerk book the room, as was suggested, as well as check out the other opportunities for more than one meeting? We will come back with this properly worded so that it reflects that, and we will put it on the agenda for Thursday. Fair?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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