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Tuesday, December 4, 2007

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Chair

Mr. Gary Goodyear

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•(1105)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Let's bring our meeting to order, please.

Pursuant to the order of reference of Thursday, November 15, 2007, the committee is examining Bill C-6, An Act to amend the Canada Elections Act (visual identification of voters).

We will also be studying Bill C-18, An Act to amend the Canada Elections Act (verification of residence) later in the meeting, pursuant to the committee's order of reference of Friday, November 16, 2007.

Colleagues, today we have Marc Mayrand, the Chief Electoral Officer, and his team with us again.

We certainly appreciate and welcome your presence before the committee.

Members will appreciate that we're actually studying three pieces of legislation and one motion all at the same time. I appreciate members' ability to do that and, certainly, the ability of the Chief Electoral Officer and his team to brief us on three pieces of legislation, for the most part at the same time.

What we will do this morning is begin with an opening statement from Monsieur Mayrand. Then we will go to our first round of questioning. The plan would be to study Bill C-6, for which you have a briefing in front of you, for the first 45 minutes, and then in the second 45 minutes go into Bill C-18. I want to maintain a half hour at the end of this meeting to discuss committee business and clarification of some issues that have arisen here today.

With that, I will open the floor to Monsieur Mayrand. Would you introduce your team for the record? Then if you have any opening statement on Bill C-6, the floor is yours. Thank you.

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

I have with me Mrs. Diane Davidson, deputy chief electoral officer and chief legal counsel, also responsible for regulatory affairs; Mr. Stéphane Perrault, who's our senior general counsel; and Mr. Rennie Molnar, who is the associate deputy chief electoral officer, responsible for electoral events.

I'm here this morning to discuss Bill C-6, which concerns the visual identification of voters. Bill C-6 requires that electors have their faces uncovered when providing identification at an ordinary or

advance polling station. This rule will also apply to electors who go to the office of a returning officer to obtain their special ballots.

I do not anticipate any difficulty in implementing the bill, as drafted, upon its royal assent. It provides the authority and flexibility necessary to ensure the good administration of the Canada Elections Act.

[Translation]

The bill raises only one technical issue: Clause 4 restricts the delegation of powers and duties by deputy returning officers and poll clerks to additional staff. This excludes the election officers already present at the polling site.

It would seem appropriate to authorize deputy returning officers and poll clerks to delegate their powers and duties to any election officer present at the polling site. This would allow a more efficient use of resources.

Moreover, it would be preferable to permit such delegation not only at polling stations, as currently provided for in the bill, but also at advance polling stations.

I have brought with me a technical paper containing the changes I am proposing to the wording of Clause 4 of the bill.

My colleagues and I would be pleased to answer your questions concerning the bill.

Thank you, Mr. Chairman.

[English]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): On a point of order, Mr. Chairman, I'm listening with great interest to Mr. Mayrand, but I'm having a little bit of difficulty because there's a lot of noise in the room. I'd be grateful if it could be a little quieter.

The Chair: My apologies. Would members try to keep things down? If there are discussions necessary, you can step back from the table or you can exit the room. As long as we maintain quorum, that would be acceptable.

We're going to open with our first round of questioning, of seven minutes, colleagues. We have 45 minutes to go here.

We are finished the statement, so could we have someone from the official opposition party who'd be interested in questions?

Monsieur Proulx, please. You have seven minutes.

[Translation]

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

Welcome, Mr. Mayrand, Ms. Davidson, Mr. Perrault and Mr. Molnar. It is most kind of you to have come here to meet with us this morning to discuss Bill C-6.

Mr. Mayrand, you have been subjected to an avalanche of criticism by the government because of the position you took with regard to the interpretation of the act. Following this pronouncement, the government wished to save face. Your position with regard to the presumably illegal expenses of the Conservative government during the last election has not helped get your name added to the list of people that the government has a good opinion of.

What is your view of the changes made to Bill C-6 and how do they compare with what existed previously? I would also like to know if you have obtained from your legal advisors opinions or interpretations relating to the Charter of Rights? Under Bill C-6, you would be required to verify people's identity visually. It is you who, through your representatives and contract staff, among others, would be required to carry out this verification.

Do you believe you will be able to fulfil this obligation comfortably or will it be yet another source of tension between Elections Canada and the Conservative government, as was the case when you spoke out about its potentially fraudulent expenses?

• (1110)

Mr. Marc Mayrand: With regard to the Charter and legal advice in this regard, I did not require an opinion. I believe it is up to the government to obtain this type of opinion and to draft bills accordingly. My responsibility consists in enforcing this act, as passed by Parliament.

The text of Bill C-6 that I have thus far seen provides us with sufficient flexibility to administer the law in a way that is consistent and respectful of the rights and obligations of each and everyone. With regard to its enforcement, I foresee no administrative difficulties at the moment.

Mr. Marcel Proulx: Mr. Mayrand, it has already been said, during meetings that did not necessarily relate to Bill C-6 but rather to elections administration, that staff recruitment was a relatively serious problem. I, for my part, have not been faced with this problem because I live in an urban environment. However, several of my colleagues tell me that, in rural areas, it can be quite difficult to recruit workers for elections, and, in the case at hand, I should rather be talking about female workers.

How can you say that this will not cause a problem, whereas it appears you have difficulty recruiting women to work in polling stations, and under Bill C-6, you will have to hire women to visually identify women whose face is hidden but who will agree to remove their veil before another woman?

Mr. Marc Mayrand: First of all, I would remind you of the amendment to Clause 4 that I suggested in order for us to make more effective use of the staff available and thus avoid having to hire additional personnel.

Furthermore, there will be preparatory work in advance of elections. We will have to, through the returning officers, examine the demographic profile of each and every riding and do our utmost to isolate those areas where the issue risks coming up or creating a problem. Furthermore, in the context of our recruitment activities, but especially in staff deployment, we will have to be mindful of assuring the presence of appropriate staff in those areas where the situation is likely to arise.

Mr. Marcel Proulx: But how will you determine those areas where the situation is likely to arise? Nowhere is it stated in this document that Muslim women are the only persons entitled to vote with their faces hidden. The women farmers group from so and so town from across the way could very well decide one of these days to go and vote not veiled but "scarved" because of the cold. Your analysis of voter profiles will certainly not be able to predict that kind of an event. If these women present themselves at a polling station and no female worker is there to take care of them, what will you do?

Mr. Marc Mayrand: All voters will have to show their face, no matter what their reason is for having it veiled.

Mr. Marcel Proulx: Except in those exceptional cases where health reasons are involved.

Mr. Marc Mayrand: Exactly. The provision therefore applies to all voters. It remains to be seen if other groups will require special measures or refuse to show their face for different motives. To my knowledge, there will be few such cases. In any event, there will be a preparatory exercise in advance of elections in cooperation with returning officers.

• (1115)

Mr. Marcel Proulx: Thank you, Mr. Mayrand.

[English]

The Chair: Thank you.

Thank you, Monsieur Proulx.

Mr. Lukiwski, you have seven minutes, please.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Chair. I'm not sure I'll need all seven minutes.

First I'll make just an observation, Chair. I find it somewhat amusing that Monsieur Proulx is trying to make this once again into a political partisan affair by suggesting that the government in some way has backtracked on its position or bowed to some pressure on this bill, when in fact, I would point out for the record again, all members of this committee not only had a consensus but had unanimity, when we first had Monsieur Mayrand here, in support of this bill. The Liberal Party has subsequently decided that they, upon closer examination, don't support the bill.

Mr. Marcel Proulx: How do you know that?

Mr. Tom Lukiwski: Well, from comments on the record.

Mr. Marcel Proulx: I'd make a point of order, Mr. Chair.

The Chair: As you've pointed out many times, Mr. Proulx, I'm the chairman of the committee. What's the point?

Mr. Marcel Proulx: As a point of order, how can he say that we are not in favour—that we are against—when we haven't decided?

The Chair: It's an opinion.

Mr. Marcel Proulx: That's not what he said.

The Chair: I'm yielding the floor to Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Once again, we will certainly see. If Monsieur Proulx is suggesting that perhaps they do support the bill, I'd welcome that support when it comes time to vote. I think the record will show, however, that my opinion is more than justified, that they have changed their position on this bill.

However, that fact notwithstanding, Monsieur Mayrand, I have two things.

Number one is that I appreciate in your brief you say that now that this bill is coming forward, if it is given royal assent you would have no difficulties in administering the bill as written. I appreciate that. I think the point I was trying to make at our last get-together was that the will of Parliament is such that we believe this bill should be implemented. I appreciate your support for administering all aspects of this bill once it receives royal assent.

What I would ask you to comment on—and it is my only question, Monsieur Mayrand—is clause 4. I appreciate the fact that you have brought forward an amendment. I would just ask you, and your officials perhaps, to expand upon that clause a little bit and on why you feel the need for this amendment to be made in this bill.

Mr. Marc Mayrand: Clause 4 allows the DRO and the poll clerk to delegate their attribution to supplementary staff who have been hired for the particular event. It seems to restrict the delegation unduly to supplementary staff. The amendment I'm bringing forward today would allow the DRO and the clerk to delegate their functions, their attribution, to any electoral employee who is present at the location.

Mr. Tom Lukiwski: The way the bill is currently written, without this amendment, what problem specifically would you see?

Mr. Marc Mayrand: The bill requires that there be, first, supplementary staff hired. We believe it may not be required in each and every case. We think that in many cases simply using the regular staff who are already on the location should be enough to deal with most situations.

Mr. Tom Lukiwski: If I'm hearing you correctly, one of the concerns you had with the original bill is that there might be a need to hire additional staff, with not only the financial challenges that would present but the human resource challenges. You're saying that if this amendment is passed, it could alleviate some of those pressures.

Mr. Marc Mayrand: Yes, absolutely.

Mr. Tom Lukiwski: Thank you very much.

I have no further questions, Mr. Chair.

The Chair: You have four minutes left on your time, if you wanted to share; otherwise, we're going to move to Madame Picard.

Mr. Tom Lukiwski: I'm not sure if any of my colleagues have a question.

Mr. Scott Reid: Perhaps a very brief comment, Mr. Chairman. It won't take all four minutes.

Further to the discussion between Mr. Lukiwski and Mr. Proulx, I just want to observe that the fact the Liberals have changed their position does not preclude their changing it once again and going back to their original position. That would be par for the course.

Some hon. members: Hear, hear!

The Chair: Order, please. Order.

Let's try to stay focused on Bill C-6.

Madame Picard, please. Seven minutes.

[*Translation*]

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

Welcome, Mr. Mayrand.

Your proposed amendment to Clause 4 consists in replacing lines 20 to 26 of the English version. Could you give us a more detailed explanation?

Mr. Marc Mayrand: There are two purposes to this amendment we are suggesting, one of which has perhaps been left aside in our discussions to now. The idea is to extend the application of this provision to advance polling stations. Indeed, the clause as it now stands applies only to those sites where ordinary voting is held. It would seem appropriate to us that advance polling stations also be offered this flexibility.

Furthermore, the proposed amendment aims at allowing the best possible use of the staff already in place. As it is presently drafted, Clause 4 deals only with additional staff. We however believe that, in various cases, there would be no need to hire additional staff to administer the act. Those cases where such a need could arise would be rather isolated.

● (1120)

Ms. Pauline Picard: Which means that in order to ensure the necessities of a polling station, a returning officer having to be absent for an hour, for a justified reason, could be replaced by persons already on duty there.

Mr. Marc Mayrand: The returning officer could be replaced by an information officer or some other person on site when things are slow, for example.

Ms. Pauline Picard: In other words, if a woman whose face was hidden had to be identified and if no female returning officer were available, another member of the on-site staff could be called upon.

Mr. Marc Mayrand: That is correct.

Ms. Pauline Picard: Thank you, I have no further questions.

[*English*]

The Chair: Thank you.

Merci beaucoup, Madame Picard.

Mr. Dewar, seven minutes, please.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you, Mr. Chair, and thank you to our guests for being here again.

The first question I have is to go back to when we were looking at this issue before. I had asked in committee how many instances of voter fraud or concerns about voter fraud there had been prior to the byelections in Quebec, how many instances of voter fraud or potential voter fraud had occurred vis-à-vis citizens voting and having their faces covered, and I believe you said there were none.

Mr. Marc Mayrand: No cases were reported to us, and we haven't received any complaints in relation to the byelections in September.

Mr. Paul Dewar: Thank you.

Further to that, on the issue of potential voter fraud, how many cases of voter fraud or alleged voter fraud were there in the last three elections, to your knowledge?

Mr. Marc Mayrand: Very few.

Mr. Paul Dewar: Because we dealt with this on Bill C-31, my recollection was that there were three or potentially four. I say that, Chair, just because the nature of this bill and the bill we'll be dealing with in the second hour hinges on Bill C-31 and I think it's important to underline that.

It is our party's contention that this bill and Bill C-18 are creatures of Bill C-31, and if we didn't have a flawed Bill C-31, we wouldn't have Bill C-6 or Bill C-18. That's the reason for my inquiry and for my statement.

So what we have here, and I've said this before, is the solution looking for a problem and we've certainly found them. This bill seems to be analogous to a hammer killing a fly. I look at the amount of money we've spent, the amount of time we've spent to deal with what I am understanding is a problem that hasn't existed, and I hope we'll hear from witnesses from the community.

Specifically, Chair, and to our panel, I haven't encountered one person who has been unwilling to unveil when she has come to exercise her franchise. Are we aware or are you aware anecdotally of...?

Mr. Marc Mayrand: Well, in the three byelections in September, we had 70 electors who attended voting stations with face coverings.

Mr. Paul Dewar: Oh, I'm sorry. I stand corrected on that anecdote.

But prior to that, and I'll be very specific, there had been no concerns from Muslim women who wore niqabs about unveiling?

Mr. Marc Mayrand: No, not that I know of.

Mr. Paul Dewar: Thank you.

I say that, Mr. Chair, because I'm concerned about the politics of this bill. The concept is fairly sound: have visual identification. The problem is the politics of this bill. And the problem with Bill C-31 was that we were given a flawed bill that we didn't necessarily need; so here we are....

My question to you, Mr. Mayrand, is whether there any other means, through regulation or giving discretion to election officials, by which we can confirm the identity of voters other than through legislation.

•(1125)

Mr. Marc Mayrand: For the particular issue at hand, I think it requires legislation, because we, as electoral officials, cannot add conditions to the exercise of the right to vote.

Mr. Paul Dewar: Let me try it another way.

My recollection from when we last met was that you do require your DROs, district returning officers, and election officials to ask people to visually identify—

Mr. Marc Mayrand: No.

Mr. Paul Dewar: I've just gone through a series of questions noting that up until recently that hadn't been a problem.

I guess my question—and maybe I should leave it with you to respond back to the committee—is whether there are other ways, perhaps, than legislation. I mentioned regulation. There are requirements to give electoral officers the power to discern whether or not someone is complying other than through legislation.

I again underline this, Chair, because we have a piece of legislation making up for a flawed piece of legislation. I certainly don't want to be back here in two months, or whenever, after an election to find out this is a problem as well. For the record, we'll state that's why our party did not support Bill C-31. It was a problem, and it remains a problem.

I will just leave it with our guests to respond if there are other ways—perhaps through regulation—that we can look at this.

The other thing—and we've already heard from our guest on this—is that I understand Mr. Mayrand can't give us a legal opinion on this legislation; that's not his job. So I'm just wondering if the clerk or the chair has had any request to departmental officials, say, from Justice, on the legal aspects of this bill. In other words, are there legal concerns—so we don't end up back here again in a couple months saying we have to have another bill to make up for this bill?

I leave that question for you, and I thank our guests for being here today.

The Chair: We have one minute left, if Monsieur Mayrand wants to respond in any way to that.

I understand there's been a request to the chair to find out a legal opinion. We will find that out, for certain. I do believe the minister, when he was here as a witness, mentioned there wasn't; but we'll check into that.

Is there any response?

Mr. Marc Mayrand: Very quickly, there's no regulatory authority under the Canada Elections Act to deal with this kind of situation.

I would refer the committee to the procedure put in place during the last byelections, requiring all electors to display their faces at the time of voting to validate their admissibility for voting. The act provides that those who decline to do so are allowed to take an oath, and that's what occurred during the byelections. So those who refused to display their faces were required to take an oath. If they refused to take an oath, they were refused voting.

The Chair: Thank you.

We'll move to our second round, colleagues.

Madam Robillard, for five minutes in this round.

[*Translation*]

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

I would like to welcome Mr. Mayrand and his team. I will perhaps be asking questions that have already been put by my colleagues, and if such is the case, then I apologize in advance. Road conditions being as they were, I arrived somewhat late this morning.

Mr. Mayrand, today, if I were to go and vote at a polling station, I could show two identification cards that do not bear a photo. Is that the case?

Mr. Marc Mayrand: That is correct.

Hon. Lucienne Robillard: Henceforth, will every person be required to show his or her face?

• (1130)

Mr. Marc Mayrand: That is correct.

Hon. Lucienne Robillard: How do you make the link between the two identification cards and the person's face? What extra proof does that provide and how do you establish a link between the two? If the person comes with photo ID and is there, I can make the link visually. If there is no photo on the ID cards, then how can this link be made? What is the advantage?

Mr. Marc Mayrand: As I indicated in September, unless the election officer, the poll clerk or the returning officer on site recognizes the person, there is no other means. Seeing a person's face does not allow for comparison with the documents presented or the information at the disposal of election employee.

Hon. Lucienne Robillard: I would like to come back to the question from my colleague from the NDP. In order to ensure identification, should the person be required, in your view, to show a photo?

When you look at the photo, you are able to establish if it is the same person, as is the case with a passport or any other ID with photo. Would that be one of your recommendations?

Mr. Marc Mayrand: One of the difficulties identified during the course of the study of Bill C-31 was the absence of a national identification card. Because of this, the only cards that truly fill the requirements of Bill C-31 are cards delivered by provincial authorities. However, even these cards are not provided universally to all voters. There was a need to include in Bill C-31 a list of identification documents that could be used as an alternative, and most of them do not bear a photo.

Hon. Lucienne Robillard: In that case, what is the point of seeing the face of the person?

Mr. Marc Mayrand: That is the process that was adopted in September. It allows for the validation of the eligibility of the voter, who must be 18 years of age and be a Canadian citizen in order to vote. Indeed, a visual check of the voter allows one to estimate his or her age. But this is not a rigorous verification.

Hon. Lucienne Robillard: Alright.

Mr. Mayrand, let us take the voter who exercises his or her right to vote by mail. How will you verify that voter's identification? How can we be sure that the ballot you receive is truly that which was filled out by the person whose name appears on the voter list?

Mr. Marc Mayrand: The voter choosing to vote by mail must submit proof of his or her identity. This proof can be provided by mail. The voter must provide his or her name and address as well as his or her signature on an official document. That is the method used to determine the voter's identity.

Hon. Lucienne Robillard: Is any verification done by Elections Canada, on a sampling basis, for example, in order to determine if there has been fraud or some other problem in the case of mail-in votes?

Mr. Marc Mayrand: Using independent sources, I would say not. There are procedures that allow for the validation of the fact that the person who has requested the voting ballot is the person sending in the documentation. I could not say that we would confirm the voter's identity by calling upon independent sources.

It is obvious that infractions... Nevertheless, there is a trail, there are documents, namely the signatures on the documents that are sent to us.

Hon. Lucienne Robillard: If I present myself in person to vote and show you two false ID cards stating that I am 60 years old, and you look at me and tell yourself that that is possible, then what are you going to do to verify that it truly is Lucienne Robillard who is there to vote?

Mr. Marc Mayrand: The act provides that if electoral staff has any doubt, it can require the taking of an oath and document the situation. I cannot hide from you the fact that in the end... There is no system that is completely impervious to well planned fraud. The information and statistics available show that our electoral system is not a victim of systematic fraudulent abuse. Let us take the case of the Trinity—Spadina riding. We examined 10,000 cases there and in the end we were able to determine that one or two could have amounted to fraud.

[*English*]

The Chair: Thank you very much.

Mr. Lukiwski, for five minutes, please.

Mr. Tom Lukiwski: Thank you, Chair.

I have a couple of points here and then a question for Monsieur Mayrand.

In response to Madame Robillard's question as to what good it would do if you have to uncover your face and you have two pieces of identification that don't have a photo, how does that help, it may not help completely, but of course every party has scrutineers. Someone perhaps could catch the fact that it's not the person they know it to be, because they've seen the face and they don't care if they have identification saying the person is John Doe because they know John Doe and that's not John Doe. That's one of the stopgaps. It's not perfect, but at least it's something. You suggested, perhaps, that it would be of no use. I think it would be of some use to be able to see the individual who is requesting to cast a ballot.

With respect to Mr. Dewar's comment that there were only three cases of fraud in the previous election, I would suggest that although it may not have occurred more than three times, the ability to cast fraudulent votes has been there up to this point in time, and we have discussed that extensively at this committee.

As an example, my colleague Mr. Reid has pointed out that in the previous election he received, actually, multiple voting cards—one saying “Scott Reid”, another one saying “R. Scott Reid”, and a third one saying “Scott Douglas Reid”—which could have allowed him, should he have chosen to do so, to go to various polling stations and cast ballots.

What we're suggesting with this bill, what we're attempting to do, is to cut down on the potential use of fraudulent voters.

I see Mr. Dewar shaking his head, suggesting that would never happen.

• (1135)

Mr. Paul Dewar: We have other solutions.

Mr. Tom Lukiwski: Thank you, Mr. Dewar. It's my turn. You'll have yours.

The Chair: Order, please.

Mr. Tom Lukiwski: That interjection notwithstanding, the question I have for you, Mr. Mayrand, is this. If this bill is going to be before Parliament but not passed, if it does not receive royal assent and a byelection or a general election occurs, would you be prepared to use your power of adaptation to enact the bill in those circumstances even though it has not passed?

Mr. Marc Mayrand: As I indicated before, the power to adapt is an extraordinary authority given to the Chief Electoral Officer. In my mind, it should be used with extreme caution and for very exceptional circumstances. This power of adaptation is designed, in my mind, to facilitate the right to vote and not to restrict people from voting. I think it's up to Parliament to establish the conditions for the exercise of the right to vote.

If Bill C-6 is not adopted prior to a possible general election, or even byelection—I believe one has to be called by the end of this month—I will take the same position as I took in September, institute the same procedures requiring all electors showing up at the polling stations to display their face before being issued a ballot. Those who refuse will be asked to take an oath. If they refuse to take an oath, they will not be allowed to vote.

In addition, I will do as I did in September, monitor the situation very closely—in fact, by the minute, almost—and if there are issues

of disturbance of the vote or behaviours that would bring disrepute to the voting process, I will take the necessary measures to ensure that the vote takes place in an orderly manner.

At this point, I cannot commit to adapting the act.

Mr. Tom Lukiwski: I think you've been fairly clear there, but for the record, you are saying that even though this bill may have passed, say, third reading in the House and is before the Senate but has not been given royal assent, and perhaps hypothetically, even if the Senate committee examining this bill after it has passed the House has suggested that they would be prepared to give it royal assent but have not physically done so, you would still not be prepared to enact the powers of adaptation.

Mr. Marc Mayrand: I have to assess the circumstances as they arise. There are a lot of hypothetical situations that can emerge, and depending on which one occurs, I will have to exercise my discretion in light of the specific circumstances that exist at the time. I cannot speculate on my authority or my decision to adapt.

• (1140)

The Chair: Thank you, Mr. Lukiwski.

We'll go now to Mr. Dewar. Would you like five minutes for questions?

Mr. Paul Dewar: Certainly.

To clarify for my friend across the way, the position we had put forward, just for the record, was that if there are issues of potential voter fraud, there are other ways of dealing with it. And Bill C-31, we believed, was not the right way to go—and here we are.

Again just for the record, we had suggested that a couple of smart commonsensical things could have been done. I mentioned the concerns about duplicate voter cards. We believe that we should use this incredible technology called an envelope and address the voter card to the voter. To ensure that these cards aren't picked up by other people to use to vote, the actual voter card would be addressed to the voter. If the voter wasn't there, it would be returned to Elections Canada.

Further to that, we believe there should be what we called universal enumeration for universal suffrage. Right now we have a mess with our voters list, in my opinion. I don't point the finger at Elections Canada; I actually point the finger at when we started with the computerized voters list. We ran into problems. Any of us who have dealt with databases, trying to keep on top of them, know it's an ongoing issue. You have to be vigilant and you need resources.

We believe we should have door-to-door enumeration for every single election. My goodness, if we're not willing to invest in that for something so obvious and important as elections, then I think our priorities are off. We believe those two things should have happened.

Finally, we did try to amend at committee to have a statutory declaration put in place, and it was refused.

So I just want to clean that up. That's a little housekeeping in terms of what we believe should have been done instead of Bill C-31.

I want to ask you this, Mr. Mayrand. I was looking at other options here, but you just mentioned the process that recently happened. You asked that all election officials and DROs require that people, if they are not visually displaying when they receive their ballots, do so, and if they don't, then they're to swear an oath. After you've asked someone to swear an oath, you will have the name, address, and requisite information for follow-up. Is that correct?

Mr. Marc Mayrand: The name of the elector, yes. Basically, yes.

Mr. Paul Dewar: So if there was a concern around identification or if follow-up was required, you would have the requisite information to do a follow-up. In other words, you would know that, according to your records, for the person who took the oath you would be able to establish a name and address.

Mr. Marc Mayrand: Yes, and that's what we do when we get complaints about possible impersonations.

Mr. Paul Dewar: Mr. Chair, I want to also bring forward—and I think everyone has it in their backup from the Library of Parliament—the situation in Morocco. I'm the one who brought it up.

As you will have in your backup, the procedure in Morocco is not much different. I've witnessed first-hand exactly the same procedure as we have in place, as Mr. Mayrand has provided, where people are asked to visually identify and do so. But according to the section you see in the backup, it doesn't have it in statute that you have to, but it is in practice. I just want to share that with committee members. I think you have the document on that from the Library of Parliament.

I guess I'll stop there, Chair. Thank you.

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

Colleagues, I notice that we're getting into more commentary than questions, so I'm going to ask whether we need a third round.

I do have a member who wishes to ask a question. So we'll go to a third round, three minutes, please.

Monsieur Proulx.

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chairman.

Mr. Mayrand, I have three questions. I would like first of all to understand something. Mr. Lukiwski made some statements and in my view there is something that does not click.

First of all, Mr. Lukiwski stated that each party had returning officers at the voting tables. He used the term scrutineers. Unless some changes were made last night while I was sleeping, that is not quite the way it works. The party with the best result has one, the party with the second best result can put forward a suggestion as to the second one, but there is not one scrutineer per party. Of course, parties or candidates can have representatives, but there is not, automatically, one scrutineer for each party. Mr. Lukiwski therefore mislead Canadians with what he said.

Secondly, Mr. Lukiwski talked about voting cards. Once again, he mislead Canadians because the postcard or card one receives at home does not entitle one to vote. It informs the person that there will be elections and tells the addressee where to go and vote, is that not the case? That is not what is called a voting card.

• (1145)

[*English*]

Mr. Marc Mayrand: It's a voter information card.

[*Translation*]

It is not an identification card.

Mr. Marcel Proulx: Thank you. It provides no entitlement, but simply information.

Mr. Marc Mayrand: Correct.

Mr. Marcel Proulx: Thirdly, I come now to my most important question. Could you explain to me what logic — and I am not being negative here — would guide you in the following case? If someone whose face was hidden came to vote, would you ask that person to swear an oath? I come back to the example I gave earlier, that of the women farmers of whatever town down the way, who are wearing a scarf that covers their face. Instead of identifying themselves with photo ID, they tell you that they each have two identification cards without a photo and that the law provides that they be able to vote if they have two pieces of identification. You say that you would ask them to swear an oath.

Mr. Marc Mayrand: Yes, we are talking about current law and not Bill C-6. I simply wish to underscore that fact.

Mr. Marcel Proulx: Under current law...

Mr. Marc Mayrand: According to the law as it stands, each voter wishing to vote must establish that he or she is entitled to vote. That involves two elements: you must 18 years of age and be a Canadian citizen. If the returning officer has some doubt with regard to either one of these two conditions, he or she may ask the person wishing to vote to swear an oath. In September, we set up a procedure to be followed to establish if a person whose face is covered, for whatever reason, should be allowed to vote. Basically, as I stated, when you see a person whose face is covered or hidden, that should cause you to wonder. The person must be invited to show their face or to swear an oath. This is the procedure that was followed for the by-elections in September. Obviously, Bill C-6 would change this process and establish clearly that everyone would have to show his or her face.

[*English*]

The Chair: Thank you very much.

I'm sorry, Monsieur Proulx. We could have time for another round if you wanted to, but we're well over that round. I'm going to go to the next questioner, please.

Mr. Reid.

Mr. Scott Reid: My question for Mr. Mayrand relates to the electoral code in Morocco, which was distributed to us by our researcher. I guess, in all fairness, I ought to ask this question first: have you had a chance to look at all of this? I know it's been brought up in the past.

Mr. Marc Mayrand: In a very summary manner.

Mr. Scott Reid: The way it's written here, a chunk has been taken out of section 62 of the electoral code of Morocco, which describes at some length the visual ID you can use. They have a lot of visual ID in Morocco: passports, driver licences, hunting licences, what they call family record books, booklets of marital status, and professional cards. They then go on and vote, they present their card. It says here: "With the ballot in hand, the elector enters the polling booth and indicates his/her choice of candidate in the appropriate space, folds the ballot and presents his/her electoral card and identification card to the president who checks the name of the elector against the electoral list and verifies the elector's identity." It doesn't actually say "verifies it by visually..."

So I'm wondering, is that in fact what happens, do you know?

Mr. Marc Mayrand: My understanding is that there is visual identification in Morocco. And one of the things in Morocco is that you have to present at least one card with a photo, which, in my mind, would legitimize the requirement to reveal your face.

Mr. Scott Reid: It's not actually here in the code, but it's in practice. That's how the Moroccans interpret the law.

Mr. Marc Mayrand: That's my understanding, yes. They have mandatory photo ID that's required in order to vote, and when they administer the identification process, they do require electors to unveil.

• (1150)

Mr. Scott Reid: The other thing I notice here—and I suspect that we wouldn't have any cause to change, but I'm curious—is that they have you going through the voting process and then identifying yourself, but in Canada it's all up at the front, I assume. In all cases you have to do the identification prior to being handed a ballot or anything else?

Mr. Marc Mayrand: Yes, before being handed the ballot.

Mr. Scott Reid: Would I be right in assuming that you think that's a better way of handling things?

Mr. Marc Mayrand: I would think so.

Mr. Scott Reid: Yes, okay.

Thank you.

The Chair: I'm going to offer another round to the members, because I've had a couple of hands go up requiring questions. Is it okay to go to one more round? Three minutes maximum, colleagues.

Monsieur Proulx, three minutes, please, and then Mr. Lukiwski.

[*Translation*]

Mr. Marcel Proulx: Thank you.

Mr. Mayrand, it takes me a lot of time to understand, but once I have understood, it is for good. The difference between the way things are done now and what would happen if the bill is passed is the following. A person who goes to a polling station without photo ID could vote upon presentation of two other pieces of ID. This person would have to show his or her face. The women wearing a head scarf that I talked about earlier would have to remove their scarf, under the new law, even if they had two pieces of identification.

Mr. Marc Mayrand: Any person wishing to be provided with a ballot in person would have to show his or her face.

Mr. Marcel Proulx: How does that compare, Mr. Mayrand, to the mail-in voting process? These people identify themselves with pieces of identification, it is true, but there is no physical identification.

Mr. Marc Mayrand: Indeed, our electoral system recognizes an exception for this special voting process, the main purpose of which is to allow people who find themselves outside their riding to vote. It is thus that we established a mail-in voting process. Obviously, in such situations, there is no contact with election workers. It is therefore not that relevant to require the visual identification of the voter in such cases.

Mr. Marcel Proulx: Do you not find that this system is not quite fair? Those who vote by mail will not have to identify themselves visually but those who go to a polling station to vote will be required to identify themselves physically or to be visually identified even with pieces of ID identical to those used by the people who vote by mail.

Mr. Marc Mayrand: Furthermore, the special ballot system is an exceptional, extraordinary system aimed at serving a particular segment of voters who are unable to present themselves in person at the polling station. As well, the election system will offer a choice to those voters who truly do not wish to show their face and who could use this other method so as to nevertheless be able to exercise their right to vote without showing their face.

[*English*]

The Chair: Thank you. There are about 30 seconds left in your round, if you'd like to use it.

Mr. Marcel Proulx: Could we talk about the motion that we are supposed to be debating in the meeting?

The Chair: You can discuss what you want.

Mr. Marcel Proulx: Maybe we could talk about the steering committee report that was never accepted. No?

Thank you, Mr. Chair.

The Chair: We'll go to Mr. Lukiwski, please.

Mr. Tom Lukiwski: Thanks, Chair.

I'd just like to get your opinion on something Mr. Dewar raised, actually, because I think it had some relevancy, obviously, to the discussion here about trying to enfranchise rather than disenfranchise voters, and that's enumeration.

One of our previous witnesses was Mr. Jean Ouellet, who is the chief electoral officer for Saskatchewan. I'm fairly familiar with the enumeration process in Saskatchewan, and it's not the best. I asked him the question, because we had in previous provincial elections seen examples of when literally dozens of households in city areas in certain ridings were excluded. They were not enumerated. I'd seen that time after time after time in provincial elections.

In discussions with the electoral office, I asked why this was. Did they not have the manpower to go out and enumerate, or was it sloppy work or whatever? They pointed out that in certain areas of a city, where perhaps the crime rate is fairly high, people just do not answer their doors. They gave me examples. The previous chief electoral officer, a woman by the name of Jan Baker, recounted the story to me of going out personally with the enumerators to ensure that they were doing their jobs correctly. She would see people through their windows in their houses. And they would ring the doorbell and knock on the door, and the people wouldn't answer. Perhaps because they were afraid, or for whatever reason, they just didn't answer the door. She said that this is why enumeration is so flawed.

I'm not suggesting that the permanent voters list is a perfect fix, but I also don't think that enumeration is a perfect fix. It may have to be some sort of hybrid. I don't know. But I'd like to get your opinion on the permanent voters list versus enumeration.

• (1155)

Mr. Marc Mayrand: It's been a challenge for all electoral bodies in Canada, and I suspect for other countries too.

Canadians live very busy lives right now. They're trying to achieve some balance between work and personal life, and they don't often appreciate being disturbed during their personal moments. Our experience is that even though we do targeted enumeration before each election—in fact, we are looking at making it even more regular and not waiting for the election to happen—despite all our best efforts, the response to door-to-door enumeration is quite low.

Again, we're looking at alternative ways to reach out to electors to make sure they are on the register and that they keep their information current. We're always exploring other or new alternatives to facilitate this process. But again, enumeration tends to be costly and does not provide the coverage that we would all like to see in that regard.

The Chair: Thank you, colleagues, for your questions.

Perhaps I may ask for two clarifications. When a mail-in vote is cast, would you not agree that there's more time to check the accuracy of the voter in a mail-in vote versus on election day, when the voter is right in front of you?

Mr. Marc Mayrand: There is a time period, but often it's very limited because this is done through the mailing system. When you think of electors sending their vote from some foreign country, some countries don't have the mailing service we are used to here. There is a bit more time to validate the information but, again, no verification with external sources.

The Chair: Can I ask for clarification? I think someone mentioned that visual ID would only be the face, and if ID was not presented with a photo on it, then nothing further could be gained. I would like to use this example. If somebody hands in two pieces of valid identification without a photo, and it says on there "Mrs. Smith", if the person in front of you—I don't want to use the word "veiled" because that's not my concern—shows up in a Darth Vader outfit, you would not be able to tell if it was male, female, or the age of the person under that costume. Am I correct in assuming that? So there is more.

Mr. Marc Mayrand: It could be, in many cases, and again that's why in September we required all electors to—

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

Colleagues, I appreciate the opportunity to ask a couple of my own questions to clarify.

Colleagues, if you could put your Bill C-6 folders aside, we'll move right to Bill C-18, which is verification of residence. We already have an introduction of our experts at the end of the table.

Perhaps I could offer Monsieur Mayrand a moment of introduction to this bill. We will then move to our rounds of questioning, colleagues, beginning with seven minutes.

Monsieur Mayrand, please.

[*Translation*]

Mr. Marc Mayrand: Thank you, Mr. Chairman. Once again, I will be brief.

I am pleased to appear before the Committee to discuss Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

This bill would allow electors in rural and northern regions of the country to establish their residence before voting. Bill C-18 responds to concerns that I raised with the minister and with you, Mr. Chairman, in October 2007.

Elections Canada worked closely with the government to develop the proposal before you today, and we appreciate the promptness with which the issue was dealt with.

The bill addresses two problems.

The first one is the fact that a large number of electors have no civic address. The majority of these electors reside in the Prairie Provinces, Newfoundland and Labrador, and the three territories.

The second problem is that those electors, as well as many electors living in the same areas who do have civic addresses, use their mailing address on most of their identification documents. In both cases, the electors would not likely be able to provide proof of their residence at the polling station, as is now required by the Canada Elections Act. Nor could they rely on someone from the same polling division to vouch for them as their neighbours will be in the same situation.

• (1200)

[*English*]

Bill C-18 provides that electors with no civic address or with pieces of identification that have a mailing address instead of a civic address can establish their residence if the information on their piece of identification is consistent with the information that appears on the list of electors. In this regard, Bill C-18 builds on and uses information contained in the list of electors for each polling division. As you probably know, the list contains the names of the electors residing in that division, their physical address, and their mailing address if it is different from the physical address.

In cases where the deputy returning officer, poll clerk, or a candidate's representative has a reasonable doubt regarding an elector's residence, the elector will be asked to take an oath as to his or her residence.

Electors who have not registered before polling day could be vouched for in the same polling division by registered electors who can establish their residence using the process described earlier. When vouching occurs, both electors will be required to take an oath as to their residence.

As I indicated in my letter of November 28 to the minister, I am satisfied that the changes being proposed in Bill C-18 would provide the necessary flexibility to resolve the particular challenge facing electors in rural and northern areas. As a result, they would be placed on the same footing as electors in other regions of the country.

In closing, Mr. Chairman, I wish to express my full support for Bill C-18, and I hope it becomes law in the very near future.

Thank you.

The Chair: *Merci beaucoup, Monsieur Mayrand.*

Are there questions, colleagues, from the table? Is there anyone, for seven minutes? You can share your time or whatever you'd like to do.

We'll have Madame Robillard first, please, and then Mr. Lukiwski.

[*Translation*]

Hon. Lucienne Robillard: Mr. Mayrand, I would simply like to reconfirm something.

I listened to your opening statement. It is you yourself, as Chief Electoral Officer, who alerted us to this problem. You state that you worked closely with the government to develop the bill that is before us. You believe that this would solve the problem of all of our fellow Canadians, especially those living in rural areas, who do not have a civic address. You believe that this will solve the problem.

Is that your position?

Mr. Marc Mayrand: Yes. In my view, this would place all electors in the same situation, whether they live in rural areas or elsewhere.

Hon. Lucienne Robillard: Good. Thank you.

[*English*]

The Chair: *Merci, Madame Robillard.*

Does anyone else wish to share time? No.

Mr. Lukiwski, go ahead, please, for seven minutes.

Mr. Tom Lukiwski: Thank you, Chair.

I'm going to go back to what seems to be my favourite subject, and that's the power of adaptation. I'm going to ask you a question similar to what I did with Bill C-6, because I think this is far more serious, or potentially could be far more serious, in terms of disenfranchising up to a million voters. Hopefully we have widespread support for this bill around this committee and within our respective parties.

My question would be, if this bill is before Parliament but not passed, not given royal assent, and a byelection or general election occurs—and we're potentially talking millions of people if it is a general election—what would you be prepared to do then, Monsieur Mayrand? Would you be prepared to use your power of adaptation to enact the provisions contained in the bill, even though it was not passed into law, to ensure that rural voters, particularly, wouldn't be disenfranchised?

Mr. Marc Mayrand: Without reiterating my earlier response, I think there are important distinctions here that would apply. First of all, any adaptation here would be to facilitate the right to vote, not to restrict it. So that's one of the main considerations here. My preference is still to see Parliament adapt the legislation, hopefully as tabled, but again I understand we have a minority government, and we have byelections that can be called at any time. Some of them will have to be called in the next few months.

Again, even though my preference is to see Parliament adapt the bill, I will have to consider adaptation if the bill has not been enacted prior to an upcoming byelection or general election. I must say that any adaptation would be billed along Bill C-18, so the solution would be around what is being proposed in Bill C-18.

Mr. Tom Lukiwski: I don't want to put words in your mouth, and I understand your reluctance, perhaps, to make an unequivocal commitment to use your power of adaptation, but do we have your commitment—again, so it's on the record—that you would do whatever was available within your purview to ensure that there would be no disenfranchised voters as a result of the gaps contained in the original Bill C-31?

Mr. Marc Mayrand: I would say yes, because I think this is an unintended consequence of Bill C-31, and I don't think Parliament ever intended to disenfranchise such a large number of electors.

• (1205)

Mr. Tom Lukiwski: Thank you. That's all I have.

The Chair: Thank you, Mr. Lukiwski.

Would any member from the Bloc wish to have some time for questioning? Madame Picard, do you wish to ask any questions? No? *Merci.*

I think that ends our round of questioning, so now we'll go to our second round of questioners, and this will be for five minutes.

Mr. Reid, you're up first.

Mr. Scott Reid: Thank you.

The question of establishing people's residence relates to the ID they have with them and the way in which the ID is written, but I'm wondering to what extent it also relates to the question of enumeration. We've had extensive discussions in this committee—a bit today, and also on days when you weren't here as witnesses—regarding the merits of more widespread enumeration. Sometimes they are in terms of enumeration in areas of high turnover, or in areas where people are unlikely to have the kind of normal residential identification that others would have.

In one case, in fact, when we were debating Bill C-31, an amendment was put forward to take this into account with regard to aboriginals on reserve by allowing a wider use of ID. The subject also came up in the context of students and the homeless in particular. It strikes me that perhaps persons who are rural voters might—or perhaps might not—fall under this category in which it would be beneficial to assist them with this type of problem.

Given that we are facing a situation in which we could be going into an election or byelections without having this bill fully passed, would more extended enumerations—either full enumerations in the case of byelections, or just more extended partial enumerations—assist in dealing with the problem you've identified?

Mr. Marc Mayrand: It would be only part of the problem. Our problem is that we have those electors assigned to a polling division, meaning that we know where they live and reside. The problem is that the places where they reside don't have a civic address; hence the civic address, which is required under the act, will not find its way onto documents that are required to establish residence at the time of voting.

I want to insist on that aspect. When we talk about a million electors who could be disenfranchised with the legislation, it's not that those electors are not assigned to a polling division, either through revision or various processes we have in place to associate electors with the place of residence; their problem is that they don't have any documents to show the place of residence as a municipal or civic address.

Mr. Scott Reid: Isn't the problem, Mr. Mayrand, that I live at 123 Main Street somewhere, but I get my mail delivered somewhere else?

Mr. Marc Mayrand: That's another part of the problem, if you'll allow me.

There are a million electors who don't have what we generally understand as a civic address. We also have other electors who have a civic address but use a mailing address. They have all sorts of reasons. Bill C-18 will deal with both groups, allowing them to use their mailing addresses to establish their residences because of the correlation we can make to the list of electors.

With respect to enumeration, again I'm not sure it would necessarily be a fix to this problem, because it's the non-existence of civic addressing that is the problem. That having been said, we do enumeration in high-mobility areas and in those remote areas where, again, there's difficulty from time to time. In that regard, I invite candidates to help us define the areas where we should be doing more enumeration. We do that very early in the campaign, so we're getting input from parties and candidates as to where they think we should focus our enumeration efforts.

• (1210)

The Chair: Thank you very much.

Are there any other members around the table?

Mr. Lukiwski, you have one minute on this round. We can go to another round if we have time.

Mr. Tom Lukiwski: That's fine.

Again it goes back to enumeration here. I'm not sure if this is not dealing necessarily with Bill C-18 and disenfranchisement, but we talked about enumeration perhaps not being the best solution because people don't answer their doors, they respect their privacy, and the like.

Currently the situation is that when you file your income tax return, there's a voluntary checkoff box to allow you to indicate whether you want your name placed on a permanent voters list. Am I correct? I'm not sure whether we could do this or make this into law, but if that were a mandatory requirement, how much benefit do you think it would be? I know there are people, frankly, who on advice of accountants or whatever just don't check off that box. If everyone who filed an income tax return were required to check it off so their names could then be placed on a list, would it solve anything?

Mr. Marc Mayrand: About 83% of taxpayers consent to sending us the information year after year. Again, making it mandatory would align us, maybe, with other countries that make registration obligatory for electors.

Of course, while the tax return is one of the main sources to keep the registry current, it does not deal with those who are not taxpayers. We would still be missing them. But it's the most useful tool we have right now to keep the registry current.

The Chair: Thank you.

I do believe we'll go to another round here, because I'm seeing members from all sides.

We'll start with Mr. Proulx.

Mr. Marcel Proulx: As just a clarification on Mr. Lukiwski's statement, regarding this box to be checked on the income tax return, is this not strictly under income tax privacy laws, that people or an individual are authorizing Revenue Canada to share the information with you, in the sense that it's not a question of saying yes, I want to be on the list; this is just one way of being on the list? But with a driver's licence, a permit, and so on, health insurance, even if somebody checks the “no” box on the income tax return, he could very well end up on the voters list through other means, right?

Mr. Marc Mayrand: Yes. Normally we would check consent, however, because our register is built around the consent of electors, but you're right, we have other sources.

Mr. Marcel Proulx: But a voter or a resident could say no to income tax, as Mr. Lukiwski was saying, because their chartered accountants or their specialists will say, “Don't allow this because there might be additional information from your return that will be given to them,” but they could be on your voters list from another source.

Mr. Marc Mayrand: Yes, from other sources.

Mr. Marcel Proulx: Thank you.

The Chair: Thank you, Mr. Proulx.

We are on our next round, which is five minutes.

Mr. Epp, please.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Thank you, Mr. Chairman, and my apologies for not being here. I was at another committee for the first hour, from 11 to 12. I'm called "the committee guru" around here.

Sir, I have a question for you, and this may not be the right time to bring this up, but maybe it should have been brought up before the bill was even drafted. I'm thinking of all the remote areas in the Prairies, where I live, and also in the Northwest Territories, where people primarily use box numbers or whatever to get their mail.

Everybody, or I should say, most people—the homeless would be an exception—live at a specific place, and that specific place can easily be identified using what are commonly called GPS coordinates, latitude and longitude. I have a little Canadian Tire GPS worth about \$220 that locates my location, where I live, to within about 10 feet. It's just for sports people.

Have you considered, or would it be reasonable to say, that for people to identify where they live in Canada and which riding they would be in, you would use GPS coordinates? You'd have to enumerate that location but once, and then after that, basically, those points don't move. Have you considered that?

• (1215)

Mr. Marc Mayrand: I'll let Mr. Molnar address that, but I want to reiterate that currently we have a location for all these electors. No elector gets assigned to a polling division without having a physical address. The problem is that the physical address is generally not displayed on most documents maintained by electors, thereby creating a problem when they come to the polling station trying to evidence their residence. The documents they have will not display their physical address; it will display their postal box or other type of address.

Again, the issue here is not that we cannot assign an elector to a polling division. I'm not sure if we're using GPS for that, but we have systems that assign each and every elector to a physical location that's linked to a polling division.

Mr. Ken Epp: That's good.

The other question I have is with respect to voters' cards. I know we don't have them in Canada; you have to have some other ID. It would be a very costly thing to have a voter's card—I recognize that—but again, it could be a card that is related to an individual but not a specific address, and with modern technology, you pass that thing under a bar code reader, and zippo, it immediately accesses the computer database that says this is who this is, where he is, and so on.

Would that be a way of identifying a person, if he or she is in possession of a physical voter's card, and that could be used then just for people who are in these remote locations?

Mr. Marc Mayrand: That is one option that I believe this committee, or a predecessor of this committee, considered at some point in time, the possibility of having a voter card. I think there were issues regarding technology, privacy, and costs. We didn't see this initiative move forward, but if there was any indication from this committee, we would certainly explore the feasibility of such a method.

Mr. Ken Epp: Thank you.

Then this is my final question, Mr. Chair, with respect to Bill C-18.

Am I correct in reading your notes—because I didn't hear your actual presentation, but I am scanning the notes—that you feel that the issues you identified are properly and fully addressed in Bill C-18?

Mr. Marc Mayrand: Correct. Yes.

Mr. Ken Epp: Thank you.

Thank you, Mr. Chair.

The Chair: Thank you, colleagues.

Is there any further questioning from members? I see none. I did have a suggestion from a member from the floor. Did you want to proceed with that?

Madam Redman, please.

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you, and I'd like to thank the witnesses for coming.

My suggestion was going to be that after we've dispensed with the witnesses, Mr. Chair, we have the first report on the steering committee, which apparently we haven't dealt with. So after we've dealt with that, perhaps we could go to dealing expeditiously with Bill C-18. My understanding is that Monsieur Mayrand has really answered the only question anybody had, and we certainly want to see this unintended consequence of our previous bill corrected. So I suggest that after dealing with the steering committee report we move to concurrence and report back to the House supporting Bill C-18.

The Chair: Are you suggesting we move to the steering committee report first and then dispense with this?

Hon. Karen Redman: Yes.

The Chair: So there's a motion on the floor that we stop this business, move back to the steering committee report, and then come back to Bill C-18. Is that it?

Hon. Karen Redman: At which point I would suggest that the committee concur in the report and report it back to the House.

The Chair: Okay. It might be more expeditious to move that the opposite way and deal with Bill C-18 first. However, the motion is there. It's a debatable motion.

What I could do is maybe ask colleagues if they need the witnesses any further, and if we do not, then I can certainly...

Thank you very much, colleagues. Seeing that there are no questions, on behalf of the committee, let me thank our witnesses, Monsieur Mayrand and his team, once again for being so well prepared and helping us make the decisions that we have to make. We appreciate your being here, and we can dismiss you at this point.

We have a motion on the floor.

Madam Redman, just so that it's your wording and not mine, could you read into the record what you would suspect to be the wording of your motion and then we'll proceed.

• (1220)

Hon. Karen Redman: Chair, I move that this committee immediately proceed to the consideration of the report from the steering committee, and after that has been dispensed with, move to concurrence in Bill C-18, and that that report be reported back to the House forthwith.

The Chair: Again, I'm not wanting to change your motion, but you're suggesting that we move to clause-by-clause consideration.

Hon. Karen Redman: Yes.

The Chair: Okay, thank you.

Is there any debate? Mr. Lukiwski.

Mr. Tom Lukiwski: Well, hopefully it would be a friendly amendment, and that is to follow up basically with your suggestion to reverse the order, to ask for concurrence of this Bill C-18, and then immediately go to the report on the steering committee.

The Chair: So are we on an amendment to the motion now? It sounds like an amendment to the motion.

Mr. Tom Lukiwski: Yes, it's a friendly amendment.

The Chair: Okay. We have an amendment to the motion. Is there debate on the amendment to the motion?

I did see Mr. Epp's hand up, but it was on the original motion. Are you wishing to speak to the amendment?

Mr. Ken Epp: Yes. I think, Mr. Chairman, that it would be advisable to do the Bill C-18 business first, for the very simple reason that we don't know when there's going to be an election, and it would really be good if this had passed through all stages, including going on to the Senate, before there was an election called. I think this is a non-partisan issue in the sense that we all want people to be able to vote and to vote legally and within the rules that are set out by this committee.

It's my understanding, Mr. Chair, that the actual dealing with the issue on Bill C-18 is not necessarily going to be very time-consuming, because we've heard the witnesses, and most people here, I think, have an opinion on where that should stand. I think it would be eminently wise of this committee to not hold that legislation up and prevent it from being debated in the House and carried through with that stage.

I would strongly recommend to my colleagues on this committee, of which I've become a sort of semi-permanent part here, that we proceed in that way. So I speak very strongly in favour of the amendment to do Bill C-18 first.

The Chair: Thank you, Mr. Epp.

Madam Redman, please.

Hon. Karen Redman: Thank you.

I would think that the steering committee report itself should not take very long to pass—all we're agreeing to is to have more meetings—at which point we can discuss the substance of the motion. This is not suggesting that we're dispensing with the motion; we're merely organizing additional committees, which the steering

committee brought to this committee. That's a subcommittee of all parties being represented. Past experience has shown that procedural things can sometimes take a long time in this committee. Dispensing with the steering committee report to have additional meetings so we could have a fulsome discussion on other topics that may be a bit more contentious than Bill C-18 is in order.

I concur that Bill C-18 is an important bill and should be expeditiously dealt with. However, I don't see the amendment as in any way friendly. I see it as reversing the actual intent of my motion.

The Chair: Thank you, Madam Redman.

Mr. Lukiwski.

Mr. Tom Lukiwski: If Madam Redman doesn't see it as friendly, then that's fine.

But in underscoring much of what Mr. Epp has said, hopefully Bill C-18 is one we all agree with. We've heard from Monsieur Mayrand. He suggests that Bill C-18, as presented, will fix whatever problems and unintended consequences came out of the old Bill C-31. It appears we have unanimity around this committee, so I think we could dispense with that fairly quickly.

I will add that we've all agreed that legislation should take priority. This is legislation, so let's deal with this and get this out of the way.

There will obviously be some debate on Madam Redman's motion. We also have two subamendments to that motion, so that could take a bit of time. Let's dispense with the legislation first and get it to the House as quickly as possible. That shouldn't take more than a few moments. Then we can go back to Madam Redman's motion. We have plenty of time. We have 35 minutes. We can do that very quickly.

The Chair: Madame Picard, please.

[*Translation*]

Ms. Pauline Picard: I am in favour of adopting this bill as quickly as possible. If elections were called soon and if royal assent had not yet been given, there are people in my riding who could not vote.

Clearly, this is an error. We had not seen, in Bill C-31, the problem created by the changes. I know that everyone is in agreement with this change. The Chief Electoral Officer has brought a solution and will ensure that all of the voters of Quebec and Canada are able to vote.

I do not see why we should waste more time with something else. If we are all in agreement, then let us refer this as quickly as possible to the Senate.

• (1225)

[*English*]

The Chair: Have you finished, Madame Picard?

[*Translation*]

Ms. Pauline Picard: Yes. I am in agreement that Bill C-18 be voted upon as quickly as possible, but we did have our priority. We should begin by tabling the first report of the sub-committee on agenda and procedure.

The Chair: Thank you.

Mr. Lemieux, it is your turn.

[English]

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

I want to pick up on something my colleague Mr. Lukiwski spoke about, and that was priorities for the committee. We did agree that legislation would take priority.

We've heard from witnesses, including the Chief Electoral Officer. We're basically ready to move. We're not done with legislation until it moves out of committee and back to the House.

I understand what Ms. Redman is trying to do in terms of putting pressure on accepting the report so we can move on with Bill C-18, but I don't think that does justice to the voters of Canada.

There's a problem regarding Bill C-18, which is well recognized amongst all the parties, that we're trying to fix. We're at the point where we can move it out of the committee in probably three minutes. Instead, a secondary issue is taking a primary spot and bumping key legislation that will have an impact in any upcoming byelections. To me, that's just not acceptable.

Actually, I'm quite surprised that she has tabled the motion in this manner and that we're continuing to debate it. The priority has to be legislation. We owe that to Parliament; we actually owe that to Canadians. I think it's poor judgment to switch the order around like that.

The Chair: We will have Mr. Reid and then Mr. Proulx.

Mr. Scott Reid: Thank you, Mr. Chair. I had been wondering how the Liberals were going to try to bring this matter to a head, and I guess we have our answer now.

The Liberals have been trying for several months to cause a particular type of hearing, in which the practices of the Conservative Party of Canada in the 2006 election would be looked into, having been pre-categorized, in the wording of the motion, as illegitimate. As soon as there has been any effort to expand this to include investigation into the practices of other parties, including the Liberal Party—particularly the Liberal Party—or to look into other times that these things have been brought up, they have proceeded to make it impossible to move forward that way.

I should be careful—it's inappropriate to suggest illegitimate intentions. However, it seems to me that the intention here is to take a snapshot, frozen in time, of electoral advertising practices and to ensure that the focus is very tight and that it doesn't include anybody else, for the purpose of arguing that essentially that which we all do is wrong when they do it, and to ensure that no evidence that either others do the same thing or that it's legal and permissible will actually be allowed. Their strategy started with refusing to accept amendments, and then they've gone on. If I remember correctly, when alternate points of view have been presented, they've gotten up, marched out of the room, and caused us to lose quorum.

They have had a subcommittee on agenda and procedure—which has no government members on it—come up with a report that is designed to further this particular goal. I raised concerns about that, and I suggested that the members for the committee be changed, and I was shot down by them. When I tried to present some of the

concerns that the subcommittee could take with it to its meetings, I was cut off on a facetious point of order, Mr. Chairman, in order, essentially, to take away my ability to speak. Then the committee went off, obviously without having received the commentary I was going to make and the suggestions as to how this should be dealt with, and it came back with exactly what I'd expect: something that was a very one-sided document. Of course, it met in camera, which meant that no government member was there; nor can it report back to the rest of the government members as to what took place at that meeting. To say that's disappointing is a bit of an understatement, Mr. Chairman.

The next step is to find something on which there is widespread agreement, like this bill, and to attempt to hijack it by effectively saying we all agree with it but we're not going to permit it to go forward until this other matter has been dealt with, and then refuse to accept any amendments to their proposal. In other words, either we get our way or a good piece of legislation on which universal agreement can be reached...

The manner in which the motion was introduced gives away a bit of the game. I can see why they wanted to do this in a room that wasn't televised, Mr. Chairman, because certain things they've done don't bear the scrutiny of daylight or television cameras very well.

● (1230)

Hon. Karen Redman: On a point of order, Mr. Chair, I don't recall any single party asking for this not to be televised, so I think the innuendo that Mr. Reid is making is most unfortunate and quite inaccurate.

The Chair: It sounds like debate to me.

Mr. Scott Reid: No, Madam Redman is right. I stand corrected on that point and I apologize for the suggestion. I take that back. I've said on a number of occasions, and I stand by this comment, that I have always found her to be a ladylike individual and very professional, so I hope my apology will be accepted, Mr. Chairman.

The fact is that were there cameras here, this action would not stand up very well. It would not look good. It doesn't look good to those of us who are here now seeing that an attempt is being made to ensure that a piece of legislation that is really essential to the conduct of elections and ensuring that rural voters are enfranchised is being hijacked by emotion.

The problem we're faced with now is that we look at the way the motion is being presented...I guess the point I was getting at was to point out that this was done while the Chief Electoral Officer was here as a witness. It was a point of order interrupting testimony to ensure we get it on the order paper before anything else. I don't know, I would have said that was bad form, but that's just my own opinion.

At any rate, we're already at a point now where our discussion of the motion that was presented as being collegial and so on has taken more time than probably the clause-by-clause would have taken, so let me explain what my concern is with regard to going forward with the motion as originally stated. Essentially, if we don't accept it in its unamended form, we have to cause all legislation, any legislation on anything on which there is widespread consensus, to be held up by the Liberal attempt to cause our advertising practices to be examined while theirs are clearly and absolutely kept out of the discussion, and the attempt to manufacture a scandal will take priority over everything else. That's really regrettable.

Hon. Karen Redman: Mr. Chair, can I just—

• (1235)

The Chair: Is this a point of order?

Hon. Karen Redman: This is a point of clarification.

I read my motion, and my intention is to have an extra meeting, that the steering committee have the substantive discussion Mr. Reid is now into. It isn't to say that we're just going to accept my motion. I read this as saying there is an additional meeting, at which point we would have that discussion and allow legislation to go forward at the regular committee meeting. I just want to clarify it for Mr. Reid. I'm not trying to hijack this meeting. I recognize we have legislation before us. The steering committee members are the ones who suggested the extra meeting, and that was the spirit in which I put that motion.

The Chair: Thank you for the clarification.

Mr. Scott Reid: Mr. Chairman, I'm sorry, that wasn't how I read the motion, but in all fairness, I haven't a copy in front of me. Would it be possible for the clerk to read it back to us?

The Chair: It was distributed.

Mr. Scott Reid: Perhaps it was. I haven't seen it.

The Chair: Order, please.

Which motion did you want, Mr. Reid? Was that the original motion?

Mr. Scott Reid: It was not the original motion. It was Madam Redman's motion—

The Chair: It was Madam Redman's motion from a few minutes ago. Do we have it written out, or is Madam Redman going to read it?

The Clerk of the Committee (Mr. James M. Latimer): Mr. Chair, perhaps I could read what I've written down and Madam Redman could confirm whether or not that is in fact the motion.

The Chair: That sounds like the way to go.

The Clerk: Perhaps I could read out what I've written down for the motion, and perhaps the committee could clarify if that is the motion.

It is moved by Ms. Redman:

That the Committee resume consideration of the First Report of the Subcommittee on Agenda and Procedure of the Standing Committee on Procedure and House Affairs, and when the Committee completes its consideration of the Report, that the Committee proceed immediately to Clause by Clause consideration of Bill C-18.

Is that correct, Mr. Chair?

The Chair: That's the way I interpret it. Madam Redman is nodding that is her—

The Clerk: The amendment that has been moved by Mr. Lukiwski was:

That the motion be amended to read that the Committee proceed immediately to Clause by Clause consideration of Bill C-18, and when that is completed, that the Committee resume consideration of the First Report of the Subcommittee on Agenda and Procedure.

The Chair: Perhaps I'm the one who needs clarification. That does not sound as if we were asking for an additional meeting, Madam Redman. Would you like to clarify—

An hon. member: That's in the report.

The Chair: It's in the report, of course. Then I think I might be the one who is being confused. I think Mr. Reid's interpretation is correct that the motion is suggesting we adopt the motion to have extra meetings right now before we deal with clause-by-clause. Is that your interpretation, Mr. Reid?

Mr. Scott Reid: That's my interpretation.

My interpretation as well is that if we got into the report and began debating it, at that point it would be clear that any amendment that might be proposed to that report would in fact wind up effectively being blocked by the Liberals, so unless we accede to the report in exactly the manner it's written, they would simply make it impossible for us to go forward with clause-by-clause. Effectively, this holds clause-by-clause and the bill hostage to the acceptance of the report in an unamended format. That's unfortunate, because it may be the case that—

Mr. Marcel Proulx: On a point of order, Mr. Chair, I'm dealing with this, through you.

Could you ask Mr. Reid why he's so afraid to adopt this three-minute report so we can move on?

The Chair: Mr. Proulx, I can't accept that as a point of order or a point of clarification. And you can't interrupt a commentator. I wouldn't allow it if you were commenting.

Mr. Reid, please continue.

Mr. Scott Reid: Mr. Proulx does raise a valid question, and this is actually what I've been working around to addressing in my remarks, Mr. Chair.

I mentioned to the subcommittee that I very much wanted to have a government member on there. Had a government member been present on the—

Mr. Marcel Proulx: I have a point of clarification, Mr. Chair. Would you please remind Mr. Reid that you sit on the steering committee. If you are not a government member, what are you, sir? Have you become an independent?

The Chair: Absolutely not, Mr. Proulx. I will remind Mr. Reid that I am a non-voting member on the steering committee, as chairman.

Mr. Scott Reid: I could be wrong, and I wasn't present obviously, but my impression is that if this subcommittee is structured the way other subcommittees are structured, the chair does not cast a vote and doesn't participate in the discussions of the committee except to try to find consensus, as opposed to advocating the point of view, if you like, of the team he is on or the party of which he is a member.

The Chair: In fact, as further clarification, the chair of a committee is a neutral participant and does not have a vote unless there is a tie.

Mr. Reid, please continue.

● (1240)

Mr. Scott Reid: My point had been, of course, that had there been a government member who was going on as someone who would advocate the government position and who would articulate a point of view that I could present, I would have presented to that person certain arguments to take to the subcommittee that might have resulted in it producing a different report.

Obviously my own concerns with regard to the legitimacy of dealing with this subject matter at all are already known. They're already on the record. They date back to a ruling I sought from the chairman some months ago, when I asked the chairman to rule on a version of this motion. I don't think it was exactly the same motion, but I asked him to rule it out of order.

That motion had asked us to engage in a fact-finding process, which is in parallel with a process that is being conducted in the court system. As I pointed out, parliamentary committees are ill suited to the task of doing this sort of thing. Parliamentary committees are meant for other purposes, but not for findings of fact.

The purpose of these hearings is therefore outside of the—

An hon. member: Get to your point.

An hon. member: You're going to use your three minutes for this.

The Chair: Order, please. Gentlemen, am I losing order of the meeting?

An hon. member: Of course not.

The Chair: Then let's speak to the chair or not at all. Thank you.

Mr. Reid, please.

Mr. Scott Reid: Thank you, Mr. Chair.

My advice would have been that, given that this initial recommendation was overruled by members of the committee, and of course you may recall the chair ruled that my concerns were legitimate, the chair then ruled, and he did so on the advice of legal counsel. At that point his ruling was challenged and he... What happens at that point is that debate ceases, there's a vote, and that's that. There's no further debate or discussion, though that's a process that, I must say, bears some resemblance to what seems to be going on here.

We could deal with this in three minutes, as long as you accept what we've put on the table, with no amendments, no consideration of doing things differently from how we want. If you want anything other than our *force majeure*, you're out of luck.

That's basically what was done then. This, as I've complained on a number of occasions, seems to be a method of operating that has been adopted in recent months, I guess in the past year, by the Liberals in particular—sometimes with the assistance of the other parties—to simply constantly challenge the chair and use this as, effectively, a way of suspending all the rules we have here for the protection of the right of dissent of minority opinion, of amendment, of fair play, essentially. Obviously that is most regrettable, as I say, and most uncharacteristic for this committee, which was until recently, I thought, a model of decorum and reasonable behaviour. It was an island of sanity, if you like, in the midst of other committees that were behaving, I thought, less well.

I was a member of another committee. In fact, I was a member of the ethics committee before the summer. Compared with their behaviour and some of the antics that were got up to in that committee, we seemed to be eminently reasonable, moderate, practical, and well mannered. That has unfortunately slipped away, though not entirely. I think on the whole, the people I deal with are good, reasonable people in and of themselves, but the practices, certainly, that they've engaged in are not, I think, practices that become them as members, or are not up to the standards we have reason to expect from members of this committee, based on past performance. That's what is really unfortunate.

I would have recommended dealing with this subject matter, seeing that we are in a position in which we have to deal with it, given that the opposition is unwilling to withdraw the original motion, given the fact that—

● (1245)

The Chair: Madame Faillie, on a point of order.

[Translation]

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): Would it be possible to speak more clearly? The interpreters are finding it difficult to translate properly. You should speak into the mike, because right now we are just getting dribs and drabs from the interpretation booth.

[English]

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

Mr. Reid, perhaps you could lean forward a little bit into your microphone. Thank you.

Mr. Scott Reid: I'm only moving it, Mr. Chairman. Normally I sit in the chair to my left, but the previous occupant left behind some cookie crumbs, so I moved into this chair.

The Chair: All that's left are the crumbs.

Mr. Scott Reid: That's right. I felt like one of the three bears.

The Chair: Another point of order.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Even if he's filibustering, he should put his voice out. I want to hear it.

The Chair: Thank you very much for that comment. It's exciting.

Mr. Reid, please.

Mr. Scott Reid: I'm very flattered, Mr. Godin. I'll do my best to provide louder commentary. I'm sorry; I guess I get reflective sometimes. As one waxes a little philosophical in expanding on all the relevant and necessary details, one sometimes drops the tone of one's voice, so I'll do my best to keep it up. I'm now positioned closer to the microphone.

What I was saying is that with regard to the subcommittee my concern had been to ensure that the subcommittee could accurately reflect the point of view of all the parties. Obviously it's simplistic to say that there are two points of view—the opposition view and the government's—because I would be the last one to suggest that the New Democrats and the Bloc and the Liberals agree on everything. But certainly there are occasions where the government point of view is genuinely distinct—and this would be one of those cases—from the point of view that's being presented by the opposition parties.

This is particularly the case when one looks at the nature of the amendments that have been put forward. They now make reference to all of the opposition parties and the practices of all of the opposition parties.

I note, Mr. Chairman, that all of the opposition parties have engaged, as we now know from court filings that have been presented in the court case between Elections Canada and the Conservative Party of Canada that's going on parallel to our proceedings.... We know that the other parties engaged in similar practices. Of course, this is something we had contended all along, but there's now confirmation that what we were asserting is correct. We don't have an exhaustive list of all the cases in which this was done, but certainly a very extensive list of cases in which regional ad buys were engaged in by the other parties.

This is the sort of thing that a subcommittee in which only opposition members are present and participating in the debate might overlook—not that people aren't aware of the fact that this is the case, but it not being in their interest to raise it, they would tend not to raise it.

I can understand why that would be. It's the job of each of us to represent our party and our party's point of view and the interests of our party, including the interest in having the practices of some parties looked into but not necessarily the practices of other parties, and more particularly not the practices of our own party, especially after we've begun the process of making the assertion that the practices of the other parties are illegitimate.

And of course the word “illegitimate” is used here. So if it comes out—

The Chair: I'm sorry, Mr. Reid; may I interrupt?

I just want to remind members that I'm going to allow you five more minutes, because I have some business to attend to. Afterwards, we can continue this. I just want to warn committee members that I need to adjourn at one o'clock and have business to attend to.

Mr. Reid, please, you can continue for five minutes.

Mr. Marcel Proulx: Did you say you had to attend to business or that the committee had business?

The Chair: I have to attend to some business of the committee.

•(1250)

Mr. Marcel Proulx: Committee business?

The Chair: Yes.

Mr. Reid, please.

Mr. Scott Reid: I'm sorry, Mr. Chairman, I lost my place a little bit. But I'm sure members can—

An hon. member: You're out of order.

Some hon. members: Start over.

Some hon. members: Oh, oh!

Mr. Scott Reid: I was building up a good head of steam there.

It's the job of each of us—and in some ways we're torn by this—to serve as parliamentarians but also to serve as the representatives of the interests of our party. We do campaign as party members and not merely as independent candidates, Monsieur Mayrand being the notable exception to this rule. There is a reasonable expectation—our parties expect it, our whips expect it, and actually so do our voters—that we'll represent the point of view that our party presents, and that includes both public meetings and in camera meetings. Without having been there and without wanting to engage in suggestions that the other parties, or any member of the other parties, had done anything improper, I think it comes around to an explanation of why this came out this way.

What I'm getting at now is that we've had these court filings. The court filings are now public. They are highly relevant to the proceedings that are suggested. I'm at a loss, frankly, to figure out how we can proceed in a manner that is informed and intelligent. While I don't think our committee is well suited to dealing with these kinds of questions, I do think that it would do a better job of dealing with such questions if it had these documents before it.

What I would have proposed to the subcommittee, and what I would have proposed as well as an amendment to the report of the subcommittee, would have been a requirement that the hearings be carried out only when the relevant written documents that relate to the very question Madam Redman raised in her original motion had been placed before the committee. Failing that, it would be very difficult to ask informed questions or to assume that members of the committee were capable of having a full range of knowledge as to the issues at hand. I think you can see how we want to make sure all our hearings into this matter, when they proceed, will be well-informed, thoughtful hearings, and that they will be conducted by members who have all relevant documentation at their disposal.

I'll give you an example of the kinds of things that are shown in the affidavits I've seen, Mr. Chairman. In fact, they are publicly available at a website. What they show, among other things, is that there were regional media buys conducted, for example, in the Lower Mainland of British Columbia by the New Democratic Party. They were very similar to the ad buys that are being complained about, and have been complained about, by the Liberal members of this committee, in that they promoted the party. There were ad buys conducted in a number of places by the Liberal Party; one that comes to mind is in New Brunswick, where again something similar went on.

How one could proceed to have these discussions in the absence of this documentation and could hope to conduct impartial and non-arbitrary hearings is something I confess to having some difficulty in grasping, Mr. Chairman, so I would have made a very strong recommendation that we gather up those affidavits and the support documents.

•(1255)

There's a substantial amount of Elections Canada documentation, including some documentation that shows Elections Canada's interpretation of the relevant sections of the Canada Elections Act—the parts that deal with the content of advertising, and the parts that are therefore in dispute and are the subject of the motion that Madam Redman put forward. The interpretation has been changed and it's been changed in a manner that is deleterious to the interests of one party and is inconsistent with the manner in which it's been interpreted, both in previous elections and for the other parties.

I would have suggested to the subcommittee or to a Conservative member going to sit on the subcommittee that essentially we ensure that such documentation be provided. And once any member has looked at it, I think they would find it hard to disagree with me as to the merit of including the said documentation.

There are three affidavits being presented. One of them deals pretty extensively with the background material from Elections Canada and describes, in considerable detail, the rulings that had been used by Elections Canada in its interpretation of the relevant section up to the 2006 election. This goes back and looks at Elections Canada's practices, not merely in the 2006 and 2004 elections but in all prior elections, since the time of the passing of the relevant section of the act.

Another document demonstrates that this course of action, or this interpretation, was altered, but not altered until after the fact of the 2006 election.

The Chair: Mr. Reid, I apologize for interrupting, but I have to respect members' agendas.

Colleagues, the subcommittee on code of ethics will be meeting on Thursday, 9:30 a.m. to 11 a.m., regarding the disclosure forms. That's just a reminder. That is just before the main committee's meeting at 11 o'clock.

As the committee agreed last week, I will need a list of potential witnesses for Bill C-6 and Bill C-18. If it's at all possible to have any lists in by Thursday at 9 a.m., that would be very helpful for our clerks.

The committee agreed last Thursday to proceed to clause-by-clause consideration of Bill C-16 on Thursday, December 6, which is our next meeting. I'm just being informed that we have all party amendments, so that's fantastic. We will therefore proceed to clause-by-clause of Bill C-16 on Thursday, failing any other motions to go in a different direction.

Ms. Redman, please.

Hon. Karen Redman: We have handed in our amendments. We are having trouble finding the proper wording, and I'm wondering if the committee would either at this point in time...or wait and see the amendment. I think it's a value-added amendment. We are working hard at getting it in. We haven't defined the wording, so it may be by end of day. If the committee would consider allowing that to go in, I know it will be after the fact.

The Chair: End of day meaning five o'clock?

Hon. Karen Redman: Yes.

The Chair: I believe that's reasonable.

By five o'clock today, then. All members will have that same privilege.

Thank you.

The meeting is adjourned.

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