



House of Commons  
CANADA

# Standing Committee on Procedure and House Affairs

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PROC • NUMBER 024 • 3rd SESSION • 40th PARLIAMENT

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EVIDENCE

**Thursday, October 7, 2010**

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**Chair**

**Mr. Joe Preston**



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•(1100)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** I'd like to call this meeting to order, please. This is the 24th meeting of the Standing Committee on Procedure and House Affairs.

With us today, we have the Chief Electoral Officer. We'll be looking at his report to the House.

We'll give you a chance to do an opening statement, and I recognize there's a test that you'd like to do. We want to handle that first, and then we'll move on to the general report piece. Then we do have a bit of committee business at the end, so we will excuse you a little bit early today, because we have just a little bit to handle at the end of the meeting, and we would like to move with that.

Thank you to all the members for being here on time, and we're ready to start.

Monsieur Mayrand, we'd like you to give us your opening statement, and we'll go that way, introduce the guests that you have. Again, I apologize, this meeting does take place at lunch time, and some of the members will be eating lunch in front of you, because this may be their only chance to stop and eat today.

Thank you for coming, and I give the floor to you.

**Mr. Marc Mayrand (Chief Electoral Officer, Elections Canada):** Thank you, Mr. Chair. I'm really pleased to be here today to discuss two topics: first, regarding a voting device that would allow disabled electors to cast ballots autonomously and secretly; and secondly, my report of recommendations following the last election.

With me today are Mr. Rennie Molnar, deputy chief electoral officer responsible for electoral events; Mr. François Bernier, deputy chief electoral officer responsible for political financing matters; and Mr. Stéphane Perrault, senior legal counsel at Elections Canada.

If you allow me, I'll talk briefly about what's called an AVD, assistive voting device. Some of you who visited our premises in June will recall that we had the opportunity to do a demonstration of equipment that would allow disabled electors to cast ballots without assistance, so autonomously, and cast their ballots secretly.

We are proposing this initiative in response to various responsibilities under the human rights legislation, as well as the United Nations international convention dealing with disabled people. This legislation encourages or requires that officials, when providing services, adapt their services to the particular circumstances, in our case, of electors. We have also received a number of requests from

various disabled electors, or groups representing disabled electors, seeking alternative ways of casting ballots that would allow them to cast their ballots independently, without assistance from other individuals, and ensuring also thereby the secrecy of their vote.

The proposal that's before the committee builds on the experience that's been taking place both in Canada and very much also in the U. S., so the equipment has been well tested before. It's been used in the most recent general election in New Brunswick. It's going to be used in municipal elections that are taking place in many provinces across the country this fall, and it was used also in a pilot in Ontario last year.

We would like to test the device in a byelection, and there's one that has to be called by October 27 in Winnipeg North. The latest time it can be called would be October 27. Therefore we would like to get the authority of the committee, as required pursuant to section 18.1 of the act, to use that equipment in that riding. Particularly, we will deploy the equipment at the returning officer's office, at advance polls, in long-term-care facilities, and possibly at other sites that we will be able to identify through consultation with the local community.

I don't know if I need to add any more at this point. The committee is generally aware of the initiative. I'll be pleased to deal with any questions on this aspect.

•(1105)

**The Chair:** Thank you so much for that part. We have some general knowledge of what you're doing, and there was some information passed out to members.

I will take any questions from members on the assistive voting devices, but let's do this one fairly quickly so we can get to the general report.

Monsieur Proulx.

[Translation]

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

Mr. Mayrand, when we visited your facilities, your staff gave us a demonstration. I had to leave early, but I assume that when you set up this equipment at polling stations, an operator is on site to show people how to use it. Is that correct?

**Mr. Marc Mayrand:** Yes. There will be an operator on site who works for the company providing the device. He will be able to quickly resolve any issues that arise. There will also be election staff on site to direct voters.

**Mr. Marcel Proulx:** I see. So, people will be given instructions and receive assistance.

Thank you.

[*English*]

**The Chair:** Thank you.

Mr. Weston.

**Mr. Rodney Weston (Saint John, CPC):** Thank you, Mr. Chair.

I'm from New Brunswick, and certainly we went through the process just recently with the provincial election. New Brunswick had some experience with electronic voting devices with the previous municipal election as well. There was a pilot project. I think it was in 2008 with the previous municipal election.

I'm just kind of wondering what sort of feedback you got from the Province of New Brunswick. The general election was the first full run of it. The pilot that the province did was in the municipal election. I'm assuming that you had contact with the chief electoral officer in the province of New Brunswick and I'm assuming that you received some feedback from the chief electoral officer, whether positive or negative.

**Mr. Marc Mayrand:** Generally, quite positive. We had observers at both the provincial election and municipal election to see how this equipment worked, and how the process around it also functioned.

Again, the experience has been positive enough in the pilot in New Brunswick that the act was amended to allow it to be used during the provincial election. It's been well received by the community of disabled electors.

**Mr. Rodney Weston:** With the general election just last week in New Brunswick, one of the items from your remarks that you provided to us that stood out for me was the hope to be able to allow people to vote in another riding, but vote for the candidate in their riding. That was something that was done in New Brunswick.

When it came to the recount that was required, which was just completed, apparently it was quite onerous, trying to collect the data from all the various ridings throughout the electoral districts throughout the province and trying to pull that data together. There was a riding on election night where the result was a nine-vote difference and it went through a judicial recount. It took quite some time for the judicial recount. From what I read in the media, the time that was required wasn't for the data from that specific riding, it was to bring the data from the other ridings.

If someone lived in a riding, say in northern New Brunswick, or was attending school in northern New Brunswick, and wanted to vote for a candidate in the riding that was receiving the recount, all that data had to be brought together. There were some issues in bringing that data together.

Is that something you've looked at? Did you have any feedback from the observers that you had present during the provincial election?

•(1110)

**Mr. Marc Mayrand:** We got some feedback, but I just want to point out that the pilot that's proposed here is not allowing electors to cast a ballot from another riding. They would still have to attend a site, either the RO site or their advanced poll site. The ballots would be where the poll of the elector is located, so we wouldn't face this problem with this pilot.

**Mr. Rodney Weston:** To your comment there, that was never the issue when the pilot was run in New Brunswick as well, but in the general election there was a decision made to go this route based on the information that was collected. During the pilot project, it was felt that the information and the gathering of this data was very quick and easy to collate.

For me, and from the general public's perspective, I thought that with the electronic voting devices there were no issues when going to the polling station. I voted. There was security. There were no questions I had with security at all. I thought the process was terrific.

It was the second time that I had voted with the electronic voting devices, but I thought that the results would be gathered more quickly and I thought on election night that the results seemed to be a long time coming, to be very frank. Maybe it was because I was sitting on edge waiting for the riding results, but it didn't come any quicker than the normal process. Why is that? Do you have any comments on that?

**Mr. Marc Mayrand:** It would be premature, but we'll have a meeting of all chief electoral officers later in November, and I think my colleague from New Brunswick will certainly debrief us on the experience of the recent general election.

One thing I would also note also is that in New Brunswick they use tabulators. The system we're proposing here does not use a tabulator. It produces a paper ballot that's deposited in a ballot box like any other ballot. We won't face the issues you mentioned with this style.

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Thank you, Mr. Chairman.

Because I'm a visual kind of person, I would like you to explain how things are going to work in the riding of Winnipeg—North. The voters will present themselves, and what will happen next?

**Mr. Marc Mayrand:** Equipment will be set up somewhere inside the polling station and voters will be offered an opportunity to use it, which will allow them to keep their vote secret. I just want to mention to the Committee, once again, that all the other forms of voter assistance will be available to people who prefer to deal with a human being, a friend or election staff. They will be taken to the area where the device is set up, inside the polling station. As I mentioned earlier, an employee with the firm that is providing the device will handle any technical issues relating to the equipment.

An election staff member will explain the options offered by the device and invite voters to choose whichever method they prefer. There is a screen, which is not tactile, but there is also an audio device which reads out the names of the candidates who are on the ballot. That way, someone who is blind, for example, will be able to select his or her candidate with audio instructions given by the device. After the ballot has been marked, the machine will confirm the voter's choice in his or her earpiece and will then print the ballot which will be placed in a folder to ensure that the vote remains secret. An election employee will fold the ballot, in accordance with the other procedures prescribed by the legislation, and will place it in the ballot box.

• (1115)

**Mr. Mario Laframboise:** And as far as the results are concerned, what will the process be?

**Mr. Marc Mayrand:** The same. It will be the same ballot. There will be no way of distinguishing it from the others. It will be placed in the appropriate box and counted in exactly the same way, and it will not be possible to know whether the device has been used or not.

**Mr. Mario Laframboise:** I see. In New Brunswick, were staff monitoring the process?

**Mr. Marc Mayrand:** We had observers on site. They were there to see how the process worked and learn how to operate the device before we began any pilot projects. We followed the exact same process in Ontario. We will also have observers on site during municipal elections, particularly in Ottawa, where a similar system will be used in late October.

**Mr. Mario Laframboise:** And do you feel comfortable with the idea of piloting this in the riding of Winnipeg—North?

**Mr. Marc Mayrand:** Yes. It's a riding that is well suited to this type of pilot. We obviously want to ensure that the devices work properly, but we have no indication that they do not. They have been tested. One of the challenges will be to contact voters with disabilities to inform them of this new process and give them an opportunity to use it. We will be tackling that issue as soon as we are given the necessary approval. We will be holding consultations with community groups to ascertain the best way of informing voters in Winnipeg—North of this new alternative.

**Mr. Mario Laframboise:** Have you made provision for additional expenses—for example, an advertising budget?

**Mr. Marc Mayrand:** For the pilot project per say, we have a budget of \$25,000. That is for equipment and technical support. We are expecting to spend as much as \$50,000 for communications and community engagement activities.

**Mr. Mario Laframboise:** Is this part of your current budget or do you have a supplementary budget?

**Mr. Marc Mayrand:** These costs will be part of our budget for the by-election.

**Mr. Mario Laframboise:** Thank you.

[English]

**The Chair:** Mr. Christopherson, remember we're doing this quickly, but carry on.

**Mr. David Christopherson (Hamilton Centre, NDP):** I'll speak fast.

On page two of your letter of September 21, you make reference in the fourth paragraph, first sentence: "The project will be the subject of an evaluation, and the results will be conveyed to you." I wonder when the turnaround time will be for that analysis.

**Mr. Marc Mayrand:** I would say it depends on the date of the election. The election has to be called on October 27, and I don't know when the polling day will be. Normally we have to report on a by-election by the end of the fiscal year. We would try to make it an appendix to the by-election report itself.

**Mr. David Christopherson:** Is there any sense of moving a little more quickly, rather than waiting for that report? I say that simply because if it works well, and if it's becoming motherhood technology and it helps Canadians, having it for the next general election would be good.

**Mr. Marc Mayrand:** After that I will be reporting to this committee. If it works well, I will be proposing a recommendation for changes to the legislation. And then we have to go through the whole legislative process, which may take a while. That's one aspect.

The other aspect is that depending how successful it is, one of the things we will have to develop is a business case. How are we going to deploy this equipment in a national election? What would be the costs associated with it? And if we go just with the pilot, looking at advanced polls and returning officers, we're talking about 3,500 sites across the country, so there will be some procurement issues.

**Mr. David Christopherson:** So the odds are it's not going to be in effect for the next general election, given the way things go.

**Mr. Marc Mayrand:** I don't know when the next election will take place—

**Mr. David Christopherson:** Yes, I know. Fair enough.

**Mr. Marc Mayrand:** —but I'm saying we'll probably need nine to twelve months for the procurement process.

**Mr. David Christopherson:** Thanks very much.

Thanks, Chair.

**The Chair:** Thank you.

We'll hear from Monsieur Proulx quickly and then Mr. Lukiwski, and we'll see if we can't....

You're done?

All right, Mr. Lukiwski.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** I had a couple of questions, Chair, but not related to the pilot project. So I'm certainly willing to defer if there are other...

**The Chair:** Let me try to summarize, then, on the pilot project. This is exactly what it is. You're asking for a test to do it in one riding in a byelection. You would report back to this committee after the fact as to how well it worked before we would go any further than that.

I need a mover to accept the Chief Electoral Officer's test.

**An hon. member:** I so move.

**An hon. member:** Seconded.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Chair:** Great.

• (1120)

**Mr. Marc Mayrand:** Sorry, I'm not voting.

**The Chair:** How did I get an extra vote on that?

**Mr. Marc Mayrand:** Just for precision, Mr. Chair, we're also asking permission to carry it out in Winnipeg North if the general election takes over a byelection.

**The Chair:** Right, that's whether it's a byelection or a general election. And the crackerjack staff of the committee has prepared a motion to that effect, having anticipated that the committee might go this way this morning. So we will present this report to the House as quickly as we can, and then you'll have your approval to go ahead and do your test.

**Mr. Marc Mayrand:** Thank you very much.

**The Chair:** Very good.

Now I'd like to recognize Monsieur Mayrand, the Chief Electoral Officer, on the rest of his statutory report to this committee. He will have a few comments to that effect, and then we'll have questions and answers on it.

Monsieur Mayrand.

**Mr. Marc Mayrand:** Thank you again, Mr. Chair, and good morning to all members.

I'm very happy to have this opportunity to appear before the committee today to discuss my report entitled "Responding to Changing Needs". This refers to the evolving needs of both electors and political entities.

Maintaining a healthy democracy requires an electoral process that responds to societal changes while continuing to foster accessibility, trust, and efficiency. Over the past few years my office has undertaken a series of administrative improvements to the electoral process. Nevertheless, greater flexibility is required under the Canada Elections Act to better respond to changing needs.

My recommendations cover three key areas: the electoral process, political financing, and the governance of Elections Canada. The report also contains a number of technical recommendations. In my letter to the committee dated September 22, 2010, I presented one additional technical recommendation dealing with the definition of

leadership and nomination campaign expenses, and I would appreciate the committee's review of this recommendation as well.

I will now highlight a few recommendations related to the three key areas I just mentioned, starting with the electoral process. I refer you to the document entitled "Mapping of the Chief Electoral Officer's Recommendations". It was distributed to the committee, I believe.

On the electoral process, our objective is to enhance services to electors by making it more accessible, while fostering trust and improving efficiency. I'm proposing that the Chief Electoral Officer be authorized to set up and conduct pilot projects during by-elections and general elections. This authority already exists in the Canada Elections Act for the testing of electronic voting. The opportunity to conduct pilot projects on various aspects of the electoral process would allow us to test other initiatives and better assess potential consequences before making recommendations for legislative amendments.

One example would be testing new approaches to the voting process at polling sites, with the aim of improving services to electors and simplifying the tasks of poll workers. Another example might be testing modified voting procedures to allow students to vote on campus.

I further propose legislative changes to address challenges experienced in recruiting poll workers. I am recommending that electoral district associations, rather than candidates, provide the names of suitable persons to the returning officer of their electoral district. I also suggest that this be done no later than 28 days before election days. These changes would provide an additional 10 days to returning officers for recruitment, appointment, and training of the approximately 650 poll workers needed in each riding to carry the vote.

To further improve accessibility, it is important that the Canada Elections Act be changed to reflect the evolving needs of Canadians. Today an increasing number of electors and political entities want to do business electronically with Elections Canada. They are accustomed to interacting with other organizations electronically every day. However, the act sets out requirements on signatures and production of paper documents, and these restrain us from providing a full suite of electronic services.

I'm therefore recommending that the Chief Electoral Officer be authorized to allow appropriate means of identification other than a signature. Among other things, this would enable new electors, including youth, to register online, and political entities to make electronic transactions, such as electronic transmission of financial returns.

The second area of recommendations relates to political financing. Over the years, successive reforms have affected the coherence of the political financing regime and increased the regulatory burden imposed on various political entities. Amendments are needed to reduce this burden and promote greater accountability. My recommendations seek to balance two key objectives here: trust and efficiency.

•(1125)

[*Translation*]

To increase trust in the management of public funds, I am recommending greater transparency in the review process for the electoral campaign returns of political parties. If requested by the Chief Electoral Officer, parties would be required to provide explanations or documents to support their election expenses returns. This change would bring the requirements applying to parties more in line with the requirements that are applied to candidates and leadership contestants.

I also note that in all provincial jurisdictions in Canada, parties may be required to produce supporting documentation for their election expenses. As you know, the current regime relies almost exclusively on criminal sanctions, which are not always the most effective approach to compliance. I am therefore proposing new measures that I believe would increase compliance. I am recommending that a candidate who files an electoral campaign return late forfeits a portion of the nomination deposit, and that the amount of the election expenses reimbursement of a candidate or party that has exceeded the election expenses limit be reduced dollar for dollar.

The most important change that I am recommending to reduce the administrative burden relates to the unpaid claims regime affecting candidates. Here my recommendation is to extend to 18 months the period during which candidates may pay their campaign debts without the need to obtain an authorization from the Chief Electoral Officer or a judge—an unnecessary burden. However, at the end of the 18-month period, there should be more stringent disclosure requirements regarding the status of unpaid claims, and a requirement to provide supporting documentation. I am also proposing to reduce the administrative burden related to the end-of-campaign weekly reporting of leadership contestants' contributions, particularly in the case of contestants who raised little funding and incurred few expenses. These recommendations seek to streamline the administrative requirements while ensuring greater transparency.

The report also includes a number of recommendations related to the governance of Elections Canada, to ensure greater clarity and efficiency. Elections Canada has long cooperated with electoral agencies in other Canadian jurisdictions. However, under the current legal framework, we have a limited capacity to implement joint initiatives—for example, as regards the joint development of public education and outreach tools. This situation could be remedied by explicitly authorizing the Chief Electoral Officer to enter into service agreements and common supply arrangements with other Canadian jurisdictions. This would help us serve Canadians more effectively.

Finally, I am asking for further clarity regarding our role in providing technical assistance to other countries with the development of their electoral processes. These activities are currently funded by the Government of Canada through ad hoc transfer payments. However, a clear legal framework is required. I am therefore recommending that the Chief Electoral Officer be granted the authority to commit transferred funds, at the request of the Government of Canada, for such activities. I also seek the explicit

authority to cooperate on electoral matters and share information with international organizations and electoral agencies.

These are just some of the highlights of my report. It includes 50 recommendations which I believe are important to improve our electoral framework. These recommendations were developed by my Office in consultation with the Advisory Committee of Political Parties and, in some cases, government departments. They build on the experience of the last two general elections and aim to respond to Canadians' changing needs, while preserving the integrity of the electoral process.

I would like to express my appreciation to the Committee for taking the time to consider my report. We would be pleased to answer any of your questions. Thank you.

[*English*]

**The Chair:** Thank you, Monsieur Mayrand.

First of all, I'm very thankful for what you've done in organizing your recommendations. There were many in the report, and I found myself flipping back and forth to see if I had already seen them. This will help us with our study and with looking at your recommendations.

I'll leave it now to questions from members. We'll do a seven-minute round to begin.

Ms. Foote, would you like to start today?

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** I would, thank you.

Thank you to your team for being here today. It's a pleasure to have you here and to hear about all the work you've been doing.

It's not every day you get access to the Chief Electoral Officer, so I have a question. I don't know if you're aware of or read an article in the *Globe and Mail* on August 20. It quoted a Mr. Brian Patterson. As I read the story, I thought that there was something not right about this, but then I'm not the Chief Electoral Officer, so I wanted to get your take on it.

Just to put it in perspective, Mr. Patterson was actually the chair of Tony Clement's provincial and federal leadership campaigns. He was also the chief of staff to Mr. Clement at four ministries in the Ontario government, and he was the election-day manager for Mr. Clement in Parry Sound—Muskoka in 2006 and 2008. That's just to set up for you where the comments came from.

According to the *Globe and Mail* story, he was asked by a municipal candidate how to obtain federal voters lists. I understand that the Conservatives manage a program called CIMS. This is what Mr. Patterson said, and I just want to read this, then I want to read what the act says and get your take on whether this can be avoided.

Mr. Patterson said to a municipal candidate:

But if someone gives you a copy of CIMS in your local campaign, we can't stop you from calling up your local guys that you work [with] on the executives of [riding associations] if you can get it off them. You know, "Hear no evil, see no evil, speak no evil,".... [Y]ou never heard me say this—and I'll deny it in a room full of lawyers—that if you can somehow get it, you know, we don't care.

Now, section 110 of the Canada Elections Act prohibits sharing the voters lists with anyone other than MPs. In fact, it states that parties and members or candidates of other levels of government may not use federal lists of electors for their own political purposes. The lists of electors can be used only by the federal political entity for communicating with its electors and/or for a federal election or referendum.

I guess it doesn't matter whether you saw the story, but I'm interested in whether comments like that concern you. Is it a violation of the Elections Act? How do you guard against something like this happening?

• (1130)

**Mr. Marc Mayrand:** Well, as you all know, every year you get an annual list of electors for your riding and with it directions and guidance as to how it can be used, how it needs to be protected, and what procedures should be used in your offices to ensure the security, integrity, and proper use of the list, as such. The same guidance is provided to political parties when they receive the national list. So there are several reminders regarding the proper use of the lists and the care that has to be given to those lists.

Again, I point out the legislation that requires that it be used only by those who receive it and only for the purpose described in the Canada Elections Act.

**Ms. Judy Foote:** Would you consider such actions to be a violation of the Canada Elections Act and the Privacy Act?

**Mr. Marc Mayrand:** Well, I'm not aware of them. I can't comment on whether there's been an offence.

**Ms. Judy Foote:** I'm sorry, I know you can't, if you don't know about the particular case. Given the scenario....

**Mr. Marc Mayrand:** Sharing a list with those who are not entitled to receive it is not consistent with the acts, to say the least, and using the list for a purpose other than the one described in the legislation is also inappropriate and could lead to or constitute an offence. Again, it all depends on the circumstances.

**Ms. Judy Foote:** If you're aware of circumstances like this, what action do you take? Do you pursue it? Do you follow up on it to ensure that it doesn't happen again or....?

**Mr. Marc Mayrand:** It may happen. It depends on what is being raised, the sources, and whether there is enough information to warrant action. That action would be taken by the Commissioner of Canada Elections.

**Ms. Judy Foote:** Would it be taken by getting in contact with the parties or individuals concerned?

**Mr. Marc Mayrand:** It would be if the circumstances warranted it. Again, it's at the discretion of the commissioner.

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** How many minutes do I have?

**The Chair:** You had five minutes, so there are two minutes left.

**Ms. Yasmin Ratansi:** Welcome. I'm new to the committee, so I looked at the recommendations, and I have some questions. I am with you in terms of getting an effective, efficient, and citizen-friendly election system.

In your recommendation 1.2, on the electoral process, you have said that the candidates should not be appointing deputy returning officers; it should be the party. What happens if I belong to one party through being elected and then I switch parties? Have you given thought to that?

• (1135)

**Mr. Marc Mayrand:** I believe it's whoever is incumbent.

**Ms. Yasmin Ratansi:** So the incumbent is the one—

**Mr. Marc Mayrand:** The party to which the incumbent—

**Ms. Yasmin Ratansi:** Belongs.

**Mr. Marc Mayrand:** Yes.

**Ms. Yasmin Ratansi:** Okay. Fair enough.

Secondly, you have in recommendation 1.8, "Protection of Electors' Personal Information". You say that you would remove the date of birth. But what happens if there are people with the same last name, first name? If you remove the date of birth, how does it protect the prevention of fraud?

**Mr. Marc Mayrand:** With the new legislation now, electors have to provide proof of identity when they vote. They have to provide documents that establish their identity and their address. And it's very strict.

**Ms. Yasmin Ratansi:** But it doesn't do citizenship. Right?

**Mr. Marc Mayrand:** It doesn't do citizenship. What we're saying here is that given there's already a requirement to provide documentary evidence of who you are and where you live, we don't really need the date of birth on the list.

**Ms. Yasmin Ratansi:** Thank you.

I'll come back in the next round.

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

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thank you, Monsieur Mayrand, for being here.

I will follow up on Madam Foote's inquiry about sharing of information on voters lists. As I understand, there could be a non-compliance issue if someone shared a voters list with someone who is not authorized to receive it—a point well taken, no problem there.



However, let's get down to the basics here. The only reason most candidates really need the voters list is to try to go out and identify who their supporters are and who their non-supporters are. Are there any compliance issues if I as a candidate shared my identified vote with, say, a provincial or municipal candidate? If we're of similar political philosophies and I said that we've identified John Doe at this address as a supporter, I'm not sharing a voters list but I'm sharing with them my identified supporters list. Are there any problems with that?

**Mr. Marc Mayrand:** Again, it all depends on specific circumstances. There may be an issue with it if it's based essentially on the information from the list of electors.

**Mr. Tom Lukiwski:** Everything could be considered information garnered from the voters list. Right? We're going out door-knocking and I knock on John Doe's door. His name appears on the voters list. I find out he's a supporter and I transfer that information to someone. Someone could make the argument that this is a result of the voters list. I would argue that no, it's not. I'm trying to identify support all over the riding.

**Mr. Marc Mayrand:** Again, the information from the list is to be used for federal electoral purposes. That's another requirement in the legislation we need to keep in mind.

**Mr. Tom Lukiwski:** Sure. We have a grey area here.

Clearly, if John Doe lives in the riding of a federal candidate and also lives in the riding of a provincial candidate, and I just say that the John Doe who lives at 123 Elm Street is supporting me federally, and I give that information to the provincial candidate, who happens to be running in a like-minded fora, a like-minded political party, he could find that information out perhaps by himself. He doesn't need a voters list to find out that John Doe lives at 123.... Or he would have his own list from the provincial authorities. Right?

**Mr. Marc Mayrand:** I'm sure you can appreciate that it's very difficult to give ruling on that hypothetical scenario without fully understanding all the circumstances.

**Mr. Tom Lukiwski:** Let's just agree to agree that there's a grey area there. It's not as cut and dried perhaps as someone may suggest.

**Mr. Marc Mayrand:** What's clear is that the federal list of electors is for limited access and limited use in accordance with the purpose of the federal electoral process.

**Mr. Tom Lukiwski:** Yes, no argument there.

Let me go to a couple of other areas not necessarily contained in your report of today. I'm just curious, because these are issues that have come up before, Monsieur Mayrand, when you've appeared before the committee. I just want to get an update on the previous Liberal leadership candidates and their loans. The last time I believe we spoke there were still a number of outstanding loans that had not been repaid. Could you give us a quick update on the status of those now? Have all loans been repaid?

**Mr. Marc Mayrand:** A number of candidates did obtain court extensions. Most of them have another 12 or maybe 18 months. I'll ask my colleague Mr. Bernier to supply additional information. Basically, candidates who still have loans outstanding have received court extensions.

● (1140)

**Mr. Tom Lukiwski:** Yes, I know about the extension, and that's fine. That's perfectly allowable. I just wondered whether there were still outstanding amounts there or not.

**Mr. Marc Mayrand:** We'll see how much is outstanding when the next report comes in.

**Mr. Tom Lukiwski:** Okay.

Another issue not covered in your report is you mentioned the last time we spoke that your office was engaging in appeals of some recent court cases between the Conservative Party and Elections Canada. Are those appeals ongoing?

**Mr. Marc Mayrand:** The appeal on the GST matter has been heard by the Ontario Court of Appeal, I think it was last June, and the decision could come out any time.

On the other matter before the Federal Court, dates have now been set for hearing the appeal at the end of November.

**Mr. Tom Lukiwski:** Could you give a ballpark figure on how much money your office may have spent on the appeal process to date?

**Mr. Marc Mayrand:** On the appeal process itself, I could verify that further, but I believe we spent in terms of a combination of the GST and.... I'll ask my colleagues. I don't want to mislead you.

**Mr. Tom Lukiwski:** Ballpark.

**Mr. Marc Mayrand:** I think last time we reported \$1.3 million to the committee, and I think there have been some increases of around \$300,000.

**Mr. Tom Lukiwski:** I would imagine there would be. Are these budgeted figures?

**Mr. Marc Mayrand:** Pardon?

**Mr. Tom Lukiwski:** Are these budgeted amounts? Did you have an amount in your budget set aside?

**Mr. Marc Mayrand:** No. That's something we have no choice about dealing with, so it depends on whatever it costs.

**Mr. Tom Lukiwski:** Well, your choice was whether you decided to appeal. Are you saying you had no choice but to appeal?

**Mr. Marc Mayrand:** No.

**Mr. Tom Lukiwski:** It was your decision.

**Mr. Marc Mayrand:** It was my decision to appeal, given that the issues that were being raised touched the overall scheme of the legislation.

**Mr. Tom Lukiwski:** Right. Specifically, was that the in and out? Which appeal are we talking about?

**Mr. Marc Mayrand:** We're talking about both appeals. They raised significant issues that touch upon the overall scheme of the legislation.

**Mr. Tom Lukiwski:** Okay. I would appreciate it if you could get back, perhaps by the end of the meeting, or if that's not giving you enough time, at some time you could inform the clerk as to the amount of money you've spent on the appeal process so far.

**Mr. Marc Mayrand:** On both cases.

**Mr. Tom Lukiwski:** Okay.

One specific question that you deal with in your report is on page 5, where you're making a recommendation under financing that a candidate who files an electoral campaign return late forfeit a portion of the nomination deposit—that's recommendation II.9. I don't have any issue with that. I am wondering, however, whether there are any exceptions to that. Does a candidate have an appeal process to go through? In other words, there may be a legitimate reason why a campaign has been late in filing. Do you have any kind of appeal process so that if there were a legitimate reason that prevented the campaign or the candidate from filing in the prescribed time, they wouldn't be subject to the sanction?

**Mr. Marc Mayrand:** That's the change that's being proposed. Currently, the candidate would have to apply to court to get an extension of time. We're making two things here—

**Mr. Tom Lukiwski:** So they don't get an extension. The sanction you're recommending would take place.

**Mr. Marc Mayrand:** Yes.

**Mr. Tom Lukiwski:** That's fine, thank you.

**The Chair:** Thank you.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** Thank you, Mr. Chairman. I obviously have several questions. I am going to ask them in the order in which they were presented.

My first question relates to custody of ballot boxes, which is dealt with in recommendation 1.7. You are recommending that the returning officer be authorized to recover ballot boxes left in the custody of a deputy returning officer, because the act currently states that custody is the responsibility of the deputy returning officer.

I think it's appropriate that you are making this recommendation because, as you know, some ridings extend over several kilometres. Sometimes, you may even have to travel hundreds of kilometres between polling stations. Are you able to handle that and recover the ballot boxes?

**Mr. Marc Mayrand:** In exceptional cases, we will have to take appropriate measures. The recommendation is intended to give the returning officer a certain amount of discretion so that, depending on the nature of the riding, he can ask that the ballot boxes be returned to a central location. He needs that discretion because of geography in the different locations.

Under this recommendation, the returning officer would also be authorized, in special circumstances and if he deems it appropriate, to order staff that have custody of the ballot boxes to return them and make that material available to the RO.

• (1145)

**Mr. Mario Laframboise:** That may cause some confusion. We all know that when there are incidents, the media report them. In certain cases, that will mean that the returning officer has custody of the ballot boxes, and in other cases, it will be the deputy returning officer. It clearly will not be easy to take a position on this.

In my opinion, there must be a determination as to whether the returning officer or deputy returning officer has this responsibility. I have no problem with the idea of assigning it to the returning officer, and I agree with your recommendation. However, one aspect of this is problematic. You say that in some cases, it might be the returning officer, whereas in others, it would be the deputy returning officer. That is not something that could be easily defended on the ground.

**Mr. Marc Mayrand:** That's correct. However, what is proposed in the recommendation is not that different from the current regime in provinces all across Canada. It grants a certain amount of discretion with respect to custody of the ballot boxes, particularly those used for advance polling. The general rule proposed here is that custody of the ballot boxes continue to be the responsibility of election staff, but on occasion, the returning officer may ask to recover the boxes prior to the vote count. In any case, it will depend on the circumstances, on the risks involved and the specific situation.

The general rule is that, more often than not, ballot boxes will continue to be in the custody of election staff, as they always have been. This recommendation is really intended to avoid an amendment to the act, something we had to do in the last election. I had no choice but to adjust the legislation to be able to recover the ballot boxes, which ultimately caused problems.

**Mr. Mario Laframboise:** I see.

Recommendation 1.8, which deals with protection of personal information, proposes that the date of birth be removed from the lists of electors. We know that the Commissioner has made comments in that regard, but where elections are concerned, only the deputy returning officer is aware of the date. As far as we are concerned, it's a question of security.

Have you considered the possibility of showing only the year of birth? We can imagine a scenario where someone was born in 1940, but a different person appears instead. We can all imagine this happening. I understand that people are sensitive about their date of birth, but for the deputy returning officer, it's a way of ascertaining whether or not the person standing in front of him is the right person.

**Mr. Marc Mayrand:** That is an option the Committee may want to consider. However, we have reviewed the situation as a whole. The deputy returning officer has two pieces of ID in front of him—such as a driver's licence—which reflect the data that appears on the voters' list. In our opinion, the birth date doesn't really add anything in terms of allowing staff to identify voters.

**Mr. Mario Laframboise:** On the other hand, if the year of birth appeared, that would at least—

**Mr. Marc Mayrand:** If you have a driver's permit with your picture on it, as well as your name and address, I'm not sure the date of birth... I think it could put election staff in a very difficult position. Just imagine the scene: a DRO sees a voter, his picture and address—the same information as on the list—but she is not convinced that the person standing in front of her is the right one because of the voter's age! Because of that problem and privacy-related risks, I think it would be wiser to—

**Mr. Mario Laframboise:** Have you already encountered problems? The DRO has access to this information but doesn't keep any of it. Has this been a problem in the past?

**Mr. Marc Mayrand:** You referred to the report released by the Privacy Commissioner, who relates certain problems in that regard and talks about the need to consider an amendment.

**Mr. Mario Laframboise:** Yes, but that's because she did a comprehensive analysis of privacy issues. But have you yourself received complaints from voters who told you that election staff had used the birth date? You've never received any complaints about that, have you?

**Mr. Marc Mayrand:** No, fortunately we have not, but this provision is intended to remove that risk.

**Mr. Mario Laframboise:** I understand, but the date of birth has been used for quite a long time now. If there has never been any abuse or fraudulent use, it seems to me that—

**Mr. Marc Mayrand:** No, it hasn't been that long. It was introduced into the legislation in 2007. There has only been one election where the date of birth was used.

**Mr. Mario Laframboise:** And there were no issues, were there?

You also addressed the matter of partisan signs. You are recommending that the posting of partisan material on or within 100 meters of the premises of a polling site or office be prohibited. In shopping centres, however, it happens that campaign offices are located near polling stations.

Were you also intending to recommend that no campaign offices be located within a certain distance of a polling site?

• (1150)

**Mr. Marc Mayrand:** We have only looked at signage. I'm not sure that I want to go that far. Sometimes that's inevitable.

**Mr. Mario Laframboise:** Right.

**Mr. Marc Mayrand:** I think everyone is trying to secure the same facilities at about the same time when an election is called.

**Mr. Mario Laframboise:** Yes, exactly. If you have a campaign office, it's inevitable and there has to be signage.

**Mr. Marc Mayrand:** Mind you, if we know that a candidate will be setting up his campaign office in a particular place, we try to avoid putting a polling station in the same building, insofar as possible.

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** I would like to clarify something. I imagine that when a chief electoral officer leases space in a shopping centre, when signing the lease, you ask for exclusivity, so that no other party can rent space in the same shopping centre, do you not?

**Mr. Marc Mayrand:** Yes, if we are the first ones to lease space.

As I say, it would be quite exceptional. It would only happen in markets where there really is no commercial space to lease.

[*English*]

**The Chair:** Thank you.

Mr. Christopherson, it's good to have you back here today. It's your turn.

**Mr. David Christopherson:** Thank you very much, Chair.

For better or worse, I'll likely be around for a bit. There are four or five of your files that are mine, so I'll be visiting regularly.

**The Chair:** We're happy to have you here.

**Mr. David Christopherson:** I'm sure you are, sir. Thank you very much.

Thank you very much for your presentation. It's an enormous amount of work. I'm very impressed.

I would just start with one issue that caught my eye, in no particular order of importance: the issue of nicknames. It sounds like a small matter, but we're dealing with the actual, visual ballot that people see, and it has a lot to do with what goes on at the moment they're about to cast that ballot.

I'm having a little difficulty understanding this. The basic thing you're looking for is that the English reflect the French. I get that. The English, as I understand it, currently says “provide evidence of the acceptance of a nickname”, and some of the notes comment that this is difficult to enforce, etc. I'm curious as to how that plays out right now in English-speaking circumstances.

**Mr. Marc Mayrand:** I'll ask my colleague Mr. Perrault to comment.

**Mr. Stéphane Perrault (Senior General Counsel and Senior Director, Legal Services, Office of the Chief Electoral Officer):** Well, it's largely difficult to define public recognition; people will have to provide examples of newspaper clippings where their nickname is used or other information that could show this, whether it's correspondence in which they're known by that nickname.... It's a bit difficult, and in our view, unnecessarily so.

**Mr. David Christopherson:** Right, but what currently happens, though, if somebody comes in, wants to make a change, and wants their nickname to show? The example here is “Buddy”. How does that happen right now?

**Mr. Stéphane Perrault:** The returning officer will ask for the information to show public knowledge and acceptance.

**Mr. David Christopherson:** Then in one of those circumstances you've described, there has to be something.... But if it's being raised in French, where someone is asking for their rights under the law in their preferred language, French, they wouldn't have that obligation under the current writing. Is that correct?

**Mr. Stéphane Perrault:** Well, both provisions, the French and English, have to be read together. Also, this is administered locally, so we're not necessarily always involved on how the decisions are made for accepting a nickname or not. Variances may result.

**Mr. David Christopherson:** So let's bring it to where we are now. What are you proposing going forward, then? What would be the process for bringing in a nickname? Are you concerned about any potential abuse?

**Mr. Stéphane Perrault:** We haven't seen any significant abuse. The concern is to avoid people ridiculing the electoral process by inventing names out of the blue, so there has to be some measure of control over this.

**Mr. David Christopherson:** Could they not also take the nickname of someone who is the incumbent and has a known nickname? If you change it to "I want to be known as Superman," you could have anything you want there.

That's my concern: if you leave it that open-ended, there are.... We all take the election very seriously, but there are others who have a different reason for participating, and winning may not be their major objective. I'm just wondering, how do we...? In the extreme, you'd have a ballot with Donald Duck and all kinds of crazy things, so what's the check there?

• (1155)

**Mr. Stéphane Perrault:** There would still be a requirement of public knowledge, so they'd have to show—

**Mr. David Christopherson:** Yes.

**Mr. Stéphane Perrault:** What's difficult to show is public acceptance. The fact that his name is known is something that can be shown; whether it's accepted publicly is something that's more difficult.

**Mr. David Christopherson:** So to drill down a little on that language, that means if I'm a new candidate and I'd like my name to appear as whatever, how do I go about that?

**Mr. Stéphane Perrault:** You will have to prove, with some document, that you are known publicly under that nickname.

**Mr. David Christopherson:** What if I bring in a letter from my brother?

Well, I'm just pointing out the kind of.... Hey, listen, I'm not nearly as clever as some of them who are going to go at this.

**Mr. Stéphane Perrault:** The difficulty is that some people in good faith are of course known under a name that is different from their actual name. It would be difficult to require them to abandon the name that they are well known under as they run for candidacy.

**Mr. David Christopherson:** Okay. The discussions on that will be interesting.

On vouching, very quickly, could I have what happens currently, what you want to move to, and the rationale? I have some concerns.

**Mr. Marc Mayrand:** The current system only allows for an elector in the same polling division to vouch for another elector in the same polling division, and both have to swear an oath. We're proposing to allow an elector to vouch for all members of their family who live at the same address. So if a father shows up with two

children of voting age, the father could vouch for both his children. That's the extent of the amendment.

**Mr. David Christopherson:** Right now, if you're a neighbour, you're on the electoral list, and you're okay, you can vouch for Bob Smith who just moved in and isn't on the list. Are you now suggesting that I could also vouch for anybody who lives in that household?

**Mr. Marc Mayrand:** No, I mean in your household. You could vouch for your wife and your children—whoever lives in your household and is a member of your family.

**Mr. David Christopherson:** Is there any concern about potential abuse again? If you had a case of someone committing a fraud, it's not just one vote it's affecting now; you could have up to 10 or 12 people in a family in a home, theoretically.

**Mr. Marc Mayrand:** As far as family members, the voucher needs to provide documents to vouch. So if there is something suspicious we could certainly follow through afterwards.

I would point out to the committee that this is being used in B.C. provincial elections and it hasn't raised any major concerns. What we're trying to address now is that the vouching provisions are quite restrictive. I remember receiving a complaint from a lady. She accompanied her parents to vote and could only vouch for either her mother or her father. She was quite upset about it. So we're trying to address these kinds of situations.

The proposal here is still restricted. There are two requirements: they have to be a member of your family, of the voucher; and they have to reside at the same address.

**Mr. David Christopherson:** How do you know they're members of the same family if they have different names?

**Mr. Marc Mayrand:** They have to take an oath.

**Mr. David Christopherson:** Is there a maximum number I could vouch for?

**Mr. Marc Mayrand:** I guess at some point the electoral official may try to validate a little bit more.

**The Chair:** Thank you.

We'll move to our five-minute round. If you can, please share time with one of your friends. I'd like all of the members at the table to have a chance to ask questions if they would like to.

Monsieur Proulx, you're up.

[Translation]

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

Mr. Mayrand, I'd like to thank you and your entire team for being here today.

Section 110 deals with the voters' list and the information which cannot be shared. I found your answer rather weak on that question. Yet the situation couldn't be clearer: the voters' list belongs to the member of Parliament, and his or her organization, and cannot be shared with anyone else, whether we're talking about provincial, municipal, local, school or any other officials.

**Mr. Marc Mayrand:** Yes, I agree. It can only be used for those purposes set out in the Canada Elections Act.

**Mr. Marcel Proulx:** Thank you.

Before I ask more detailed questions, could you update us on the Conservative *in and out* scandal? What is the status of that? There was a decision, an appeal and an appeal of the appeal. What is the current status of that case, Mr. Mayrand?

• (1200)

[*English*]

**Mr. Marc Mayrand:** As I indicated earlier in response to another question, there's a civil case where there's been an appeal by both parties. Those appeals will be heard in the Federal Court of Appeal at the end of November.

As to the investigative matter, it is publicly known that the file is now with the DPP. The DPP is reviewing the file and we'll see what takes place.

[*Translation*]

**Mr. Marcel Proulx:** Thank you.

Some of your suggestions for amending the regulations are excellent, in my opinion. Some of the others I find less impressive, however.

One of your suggestions is that the names of political staff now be provided to you by the riding associations or registered parties, rather than by candidates. Why?

**Mr. Marc Mayrand:** As I have stated in previous reports and in my testimony, we are having more and more trouble recruiting staff. There are fewer and fewer people being referred by the candidates. In the last election, barely one third of election staff had been referred by candidates across Canada. In Western Canada, for example, it was 2% in Alberta and 3% in British Columbia. That puts returning officers in a very difficult position because, under the current provisions, they are required to wait until the 17th day before voting day to start appointing and training the 650 employees available to them.

**Mr. Marcel Proulx:** For you, it is actually a way of saving time, in the sense that they—

**Mr. Marc Mayrand:** Yes, exactly.

**Mr. Marcel Proulx:** The idea is not to tell candidates they don't have enough staff, but rather, to give the parties and riding associations an additional opportunity to refer people to you.

**Mr. Marc Mayrand:** Yes, and that's the reason we refer these people. We consulted the parties about this and they seemed to be pretty much in agreement.

**Mr. Marcel Proulx:** I see.

**Mr. Marc Mayrand:** Riding associations and political parties are permanent entities. They are able to get to work earlier than the

candidates, who are often confirmed once the process is already well underway.

**Mr. Marcel Proulx:** I see. Thank you.

Recommendation 1.10, dealing with registration on the Internet, interests me a lot, but it also gives me a great deal of concern. You talk about allowing “the Chief Electoral Officer to accept an appropriate mode of authentication”. What does that mean in your jargon?

**Mr. Marc Mayrand:** Well, it will depend on the service that is provided. First of all, if voters simply want to confirm that they are on the list, a name and address will suffice. We might also ask for the postal code. If someone wants to change his personal information—for example, if there has been a recent change of address, which reflects the majority of situations that arise now—we could apply a more stringent mode of authentication.

When we met with Committee members last June, we talked about an approach using the driver's licence number. That is not shared universally and we have it in our files. We could ask a voter, before an address change is made, that he confirm his identity using his driver's licence number.

When we discussed this issue in June, a number of you said that this was asking too much and suggested that we simply use the date of birth—information which we also have in our files. So, a voter could confirm his identity, which would be authenticated through the date of birth.

[*English*]

**The Chair:** We're in the five-minute round here, and I was giving you extra time. It wouldn't happen again.

Monsieur Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

[*Translation*]

**Mr. Marc Mayrand:** That's why we are requesting some flexibility in that regard.

**Mr. Marcel Proulx:** So, it's not a specific technique or computer process that you're seeking to introduce, but a way of validating identity.

**Mr. Marc Mayrand:** Yes, it is secret information that we share with the voter.

**The Chair:** Mr. Albrecht.

[*English*]

**Mr. Harold Albrecht:** Thank you, Mr. Chair.

To follow up briefly on vouching, I.11, what other confirmation does that person need? I couldn't just walk into a polling station and say this is my brother who lives in my house; he has to have some identification.

• (1205)

**Mr. Marc Mayrand:** The voucher needs to have identity documents.

**Mr. Harold Albrecht:** Okay, I wanted to clarify that.

Secondly, going back to I.9, about the prohibition of the posting of partisan material within 100 metres, does that include a private residence?

**Mr. Marc Mayrand:** That's from the polling sites.

**Mr. Harold Albrecht:** So if there's a polling site in a residential area and there's a person across the street who is nowhere near 100 metres away, that person would be restricted from putting up a sign.

**Mr. Marc Mayrand:** On voting day.

**Mr. Harold Albrecht:** Correct.

**Mr. Marc Mayrand:** Yes, on that voting day.

**Mr. Harold Albrecht:** I think we're going to get some push-back on that.

**Mr. Marc Mayrand:** That's an issue that comes up regularly on polling days. We get all sorts of calls from candidates across the country asking us to intervene in this and that.

Right now the rule says it shouldn't be posted on the facility. Some are arguing that as long as they're not posting on the wall at the building where the vote is taking place, just in the front door would be okay.

We're saying—

**Mr. Harold Albrecht:** Well, with all due respect, I can see it being on the property where the polling station is located, but in a rural community you have all kinds of private residences within 100 metres of a polling station, and I think it would restrict their right to express their opinions. And that goes for all parties.

I'm just expressing my opinion.

On item II.7 you're talking about confusion in the way political financing rules apply to all-candidates debates. How would you apportion the expenses to candidates for all-candidates debates? This is confusing. Would you base it on the number of candidates registered in that riding, or on the number of candidates who are participating in that particular debate? I've always felt that these all-candidates debates are organized by other groups and that we just participate as we're able to, and I can't see that being apportioned to my expenses.

**Mr. Marc Mayrand:** Well, that's the argument we're facing more and more, mainly of course from candidates who have been excluded, saying that those who participated in the debate received an advantage that promotes their candidacy. Therefore, there's a non-monetary contribution received by those who participated and it should be part of their electoral expenses. How would we apportion that among candidates? Most likely it would be equally among all those who participated.

**Mr. Harold Albrecht:** I guess that's my point. It's among those who participate, and that again creates an unfairness, in my opinion, because when you are not able to participate, you are penalized.

**Mr. Marc Mayrand:** If you haven't participated, there's no non-monetary contribution. You haven't received any benefit from it so it's not an expenditure for you. I'm sorry. It would be strictly for those. We're saying this should be clarified. Don't get me wrong—I'm not saying—

**Mr. Harold Albrecht:** No, I understand we're not adopting these recommendations. They're for discussion today.

**Mr. Marc Mayrand:** I'm saying this is an area that would benefit from clarification, because there is more and more representation to that effect, and at some point it's going to end up in court.

**Mr. Harold Albrecht:** Okay. Thanks, Mr. Chair.

**The Chair:** Mr. Albrecht, you're finishing early.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** Thank you, Mr. Chairman.

I would like to discuss the part of your report entitled “Parties' Returns: Documentary Evidence”. You would like to “Require the parties to provide, upon request, explanations or documents to support their election expenses returns.” You say that the act does not authorize that, but that you can request it. We submit a report, and after that, you have the right to request documentary evidence.

What exactly are we talking about?

**Mr. Marc Mayrand:** I can request that evidence of the candidates, yes, but not of the political parties. That is the current inconsistency in the act. I don't have the authority to ask a political party to produce documentary evidence in support of expenses identified in the election expenses return.

**Mr. Mario Laframboise:** And if you find something you don't like, what will you do?

**Mr. Marc Mayrand:** It depends on what we find. Sometimes the item we want to verify is quite trivial. For example, if there is a calculation error, we will ask the party to review its figure. If, based on certain information or complaints we've received, we think there is something else, we will ask the party to provide clarification. If it refuses to give us the information we are seeking, we will have to determine whether we believe there are possible offences involved that would warrant an investigation. The purpose of the recommendation is to see whether, before taking extreme measures, there would be a responsibility on their part to produce the appropriate documentation in support of the claimed expenses.

● (1210)

**Mr. Mario Laframboise:** On the other hand, it is important to know whether your recommendation will mean that when the return is submitted, you will expect all the appropriate documentary evidence to be provided at the same time. That's the problem we have.

**Mr. Marc Mayrand:** No, it is important to note that the recommendation states that this will be done upon request. It won't be automatic, unlike for candidates. If we have questions on an aspect of the return, we are simply asking to be able to go back to the party to provide documentation in support of the expense that seems questionable.

**Mr. Mario Laframboise:** So, I guess we have to trust you and assume that you won't systematically be making this kind of request. You could simply tell the parties that, from now on, it would be simpler if they just provided the supporting documentation. The issue is the turnaround time; we are given a certain amount of time to submit our return. If you intend to ask us to provide everything in one shot... As you know, the expenses are more important.

**Mr. Marc Mayrand:** Any request for supporting documentation will be made following submission of the return.

**Mr. Mario Laframboise:** All right. So you will never ask that this be done at exactly the same time. However, there is nothing here that gives us that guarantee.

**Mr. Marc Mayrand:** No. This presupposes a preliminary review of the return and, if that review gives rise to certain questions, we may ask to see documentation to support those particular expenses.

**Mr. Mario Laframboise:** All right; that's fine.

After that, you have a section entitled "Disposal of a Candidate Surplus Electoral Funds". Here you say: "There is no explicit requirement in the act for a candidate to dispose of campaign property after the election; it deals solely with surplus funds." You are adding a requirement for the candidate to do that beforehand.

Could you not just provide for a mandatory transfer of such property to the association? Did you think of that?

**Mr. Marc Mayrand:** It's mentioned in the recommendation. You will see that if you look at the detailed report. Here we refer mainly to equipment. In most cases, our position is that the equipment should be returned or transferred to either the association or the party. In exceptional cases where there is no association or party, we ask that the property be sold at fair market value and that this revenue be included in the surplus to be declared, if there is one.

**Mr. Mario Laframboise:** With respect to campaign returns, you say there is a need to "Harmonize the offences related to the filing of campaign returns so that they apply to candidates and nomination contestants, as they do to their agents".

For instance, my riding includes some 65 municipalities, towns and villages. There are 35 days in a campaign. Are you telling me that every single evening I will have to verify expenses?

I have an official agent. He does his job. At the end, I sign my return. But now you're saying that the candidate should be just as liable as the official agent, even though the candidate has not handled all the expenses.

As you know, we assess our expenses and prepare budgets at the beginning of a campaign. But now you're turning me into an accountant. My problem is that I am not going to have the time to do that accounting. Is that what you want?

**Mr. Marc Mayrand:** It raises the whole matter of the value of a signature.

The act already requires that the campaign return be signed by the candidate. Elsewhere in the legislation, it states that the agent and the candidate—depending on the process—are liable if the return is fraudulent. The only exception is nomination contests—which do not take place or raise issues with any frequency—involving candidates who are already required to sign the campaign return.

**Mr. Mario Laframboise:** Yes, I understand that.

The problem is that the same offences will apply to both the candidate and the official agent. Theoretically, we try to secure someone as official agent who has some background in accounting. But that does not mean that the candidate also has a background in accounting.

If you are telling me that every single night I will have to spend two hours calculating my campaign expenses, well that's not a problem.

[English]

**The Chair:** Thank you, Monsieur Laframboise.

Mr. Christopherson.

**Mr. David Christopherson:** Thank you, Chair.

I want to pick up on the issue of registering by Internet, but first I want to comment on your analysis report. It says:

In the 1990s, Canada moved from a system that created lists of electors based on door-to-door enumeration after the writ for an election had been issued to the establishment of a permanent register....

Has that been a success, in your view? Do we have a better system, a more accurate, fair system for Canadians when we do it this way, as opposed to when we actually went out and knocked on doors?

**Mr. Marc Mayrand:** After 13 years of experience with the national register, I think we have a list that's even better than enumeration would have produced. I rely on that, on the data we had in 1997 when the register was established.

On the challenge we have when we do door-to-door targeted revision, our efforts on revision are quite significant and produce very little benefit. It's harder and harder to get electors to open the door, agreeing to respond or provide information. Again, we continue to do targeted revision in special areas across the country, but it's increasingly difficult.

● (1215)

**Mr. David Christopherson:** What are we doing about the issue of people who are homeless? There are many aboriginal citizens who still have difficulty getting on the register. How are we doing on that front in terms of making gains, to give everyone their legal franchise?

**Mr. Marc Mayrand:** We do have programs to reach out to various groups of electors. We have what we call community relation officers who engage with shelter administrators to provide information to homeless people who use the shelter as to how they can cast their ballots. We also have programs within aboriginal communities to inform them and facilitate their registration to make sure they understand what they need to do to cast their ballot.

**Mr. David Christopherson:** Have you or your predecessors, historically, actually met and sat down with groups that represent the homeless individuals and the challenges they face? Has that been done right at the street level, for people who do the best they can to help folks who—

**Mr. Marc Mayrand:** It's very much done at the local level. I will deal with national associations at the national level, but certainly in each riding that's part of the responsibility of the ROs—

**Mr. David Christopherson:** I was only asking at the upper level because we're talking about changing the rules, and of course the macro rules would apply to everybody within the riding. I understand you are saying it's done at the local level, but we still need the framework in law to ensure that the activities are happening, and if there's going to be further outreach we need to ensure that people understand what is expected of them when they're running operations in the riding.

Are there any other jurisdictions in Canada, or even in the Commonwealth, that you're aware of that still do enumeration, or have they all moved to a permanent voters list, to the best of your knowledge?

**Mr. Marc Mayrand:** Even in Canada I believe Manitoba still does enumeration, and so does Saskatchewan; so there are a number of provinces that still do enumeration.

**Mr. David Christopherson:** Are they reviewing this, sir, or do they maintain that they have a better system and they don't want to muck with it?

**Mr. Marc Mayrand:** I know there's discussion here and there over time. We do compare information. We share the national list with provincial jurisdictions. They use it also to improve their own list. I'm not aware and I wouldn't want to speak for other jurisdictions as to whether they plan to seek any changes in the way they maintain their list of electors.

**Mr. David Christopherson:** Okay. And lastly on this issue, just review with me again the security measures you would put in place to make this work through being able to register or change your material online.

**Mr. Marc Mayrand:** Quickly, there are a range of services. The first service would be to be able to confirm that you're registered: so you go online, confirm that you're registered at your address. That's simple information. All an elector needs to do with that would be to provide his or her address.

**Mr. David Christopherson:** I'm sorry, when you say "do with that", are you talking about my interacting with the local returning office? Or are you talking about me online, at home?

**Mr. Marc Mayrand:** Online, at home.

**Mr. David Christopherson:** So the first thing is, I see if I'm on the list and confirm that's me—

**Mr. Marc Mayrand:** And it will tell you during an election where to go to vote. That will give you basic information.

If you just recently moved and you want to change your address, you will go again online, and then you would have to share a secret with us. That's the common expression in the industry. That secret could be, as we discussed in June, the driver's licence number. It could be the date of birth. It could be maybe other information.

**Mr. David Christopherson:** That's not hard to get, though, publicly. It's identifying the voter in the beginning to ensure the citizen is entitled to it. If they've already shared the secret with you and they've already conned you, the system doesn't work from that moment forward.

Thanks, Chair.

**The Chair:** Madam Ratansi, you're next.

**Ms. Yasmin Ratansi:** I have two quick comments. One concerns what Mr. Albrecht had brought up—that is, somebody living around 100 metres away from the polling station. If you take away their right, their freedom of expression, I'm just making a statement that this would have to be revisited, because it impacts a lot of people.

On election by the Internet or registration of electorals by the Internet, I'm all for technology and I wonder whether enough precautions have been put into place. If there is even one breach, the whole electoral process is tarnished by it. It happened to CRA files, so I just want to know if we have thought through that one.

You talked about vouching. How often did you have to use this process in the last election? A quick response.

• (1220)

**Mr. Marc Mayrand:** I could not tell you at this point in time. All I can tell you is that we've received a number of complaints of electors who could not be vouched.

With respect to e-registration, again it's something that will come back to this committee later on to flesh out more about what's going to be our approach here. I just want to point out again that even though you've registered, you still have to prove your ID when you vote. So when you show up at the poll you still have to establish your identity and your address, so that—

**Ms. Yasmin Ratansi:** We're not into electronic voting yet. Okay, fine.

**Mr. Marc Mayrand:** No, we're talking about e-registration here.

**Ms. Yasmin Ratansi:** I am an accountant, an auditor, and I agree with my counterpart from the Bloc that it becomes difficult when we have to do a lot of micromanagement ourselves.

I need to understand something. I think both Mr. Lukiwski and Mr. Proulx had talked about the in-and-out scandal. I won't call it a scandal; I want to call it the in-and-out possibility. How does one avoid—

**Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC):** On a point of order, Mr. Chair, I think maybe the now dismissed charges that are being appealed at public expense might be a more appropriate title.



**Ms. Yasmin Ratansi:** It doesn't matter. I just want to ensure that this doesn't happen again. You put checks and balances in place, and therefore I wish Mr. Reid had waited for me to finish my question, because I'm asking factual questions, audit trails. How do you ensure a better system? How do you avoid going into legal expenses and challenges and counter-challenges, which is a waste of taxpayers' dollars? So let's put a system in place that works.

**Mr. Marc Mayrand:** Well, again, there are a number of recommendations in the report that seek to improve transparency and accountability with regard to political financing. They have nothing to do with the case you referred to. In fact, it builds on the recommendations of previous reports that had similar suggestions in terms of having access to political parties, documentary evidence to support their expenses.

What we've done in this report is we've curtailed the recommendation that was done following the 38th election, which I think was found to be a little bit too invasive by the committee at that time. So we're putting here, in my mind, a very reasonable recommendation that we didn't show more transparency regarding electoral expenses of political parties. As I point out, the federal jurisdiction is the only jurisdiction in Canada that does not have anything equivalent to this.

**Ms. Yasmin Ratansi:** Fair enough.

When you talk about a very stringent recommendation, I looked at the reimbursement of election expenses and I was wondering whether it really goes far enough. For example, a two-to-one ratio, which you're suggesting in 2.2, would that act as a disincentive? Because the more stringent the regulations, the more stringent the sanctions. Perhaps that would be something to look at.

**Mr. Marc Mayrand:** That's something the committee may want to consider. The point of the recommendation is that we need additional measures other than penal offences to encourage compliance.

**Ms. Yasmin Ratansi:** And my last question before I hand it over to Ms. Foote is—

**The Chair:** Well, in the ten seconds you have left.

**Ms. Yasmin Ratansi:** Okay, sorry.

You talk about disposal of a candidate's surplus and that it should go to the party. I'm wondering what happens to independent candidates who want to run again if they win or don't win. What do they do with their surplus?

• (1225)

**Mr. Marc Mayrand:** The surplus goes to the Receiver General.

**Ms. Yasmin Ratansi:** Fair enough.

**The Chair:** Thank you.

Mr. Reid.

**Mr. Scott Reid:** I'm glad you made that last comment. That's really unfair. I hadn't known that.

Are we doing three-minute rounds or five-minute rounds?

**The Chair:** Well, I'm trying to stay at five, but you're being very cooperative in doing less than that.

**Mr. Scott Reid:** Historically, yes. I'll try to break that pattern.

First of all, thank you for coming here today.

I wanted to ask you, Mr. Mayrand, with regard to those outstanding loans to former leadership candidates for the Liberal Party, based on the most recent reports—I know this is public information and I probably should have it at my fingertips—how much is currently owed, and by whom, as of the last time this stuff was reported?

**Mr. Marc Mayrand:** I don't have that information right now. We could provide it. Again, as you mentioned, it's on the public record.

**Mr. Scott Reid:** All right.

You mentioned that there'd been some court involvement in determining how this is dealt with. I think I'm right, and you can correct me if I'm not right, that you do have some discretion in this regard as to how such debts would be dealt with. Am I correct, or you did have some discretion at some point in the process?

**Mr. Marc Mayrand:** I had jurisdiction to authorize the extension of time for the repayment of unpaid claims, yes. After I granted those extensions, candidates wanted additional time. At that point, they had to go to court to get those extensions.

**Mr. Scott Reid:** Oh, so an initial extension is something you can decide on. After that, they have to go to court.

Let's say, for the sake of argument, you had not been willing to give the initial extension. Would they then have had the option of going to court to seek a ruling that you were being unfair, or whatever the case?

**Mr. Marc Mayrand:** Yes, they could apply to a court.

**Mr. Scott Reid:** Okay.

Based on your experience with this particular leadership race, and given that sooner or later one or another of the parties in Canada is going to have a leadership race, one assumes, and that similar problems could arise, would you, do you think, pursue the same course of action? If not, what kind of course of action would you pursue?

I ask you this because it's reasonable to assume that participants in those future races may structure their financial activities and their borrowing activities around their expectations of what your actions might be.

**Mr. Marc Mayrand:** Yes. There are recommendations in this report regarding unpaid claims and their treatment. The current rules are quite convoluted and not very efficient. I am putting forward recommendations to clarify the rules and to achieve better results with those rules.

I should point out, however, that my recommendations are driven not necessarily by leadership contests but by election contests. We have close to 400 candidates who still have outstanding debts today from the last general election. We still have quite a number of candidates who have outstanding debts from the 38th general election. That was 2004.

The rules in the legislation were designed by Parliament to achieve two things: transparency regarding what's happening here, who's being paid what, from what funds; and to achieve an end to this.

The problem you have—and it's described in the recommendations in the report—is that when you look at the provisions, it doesn't work like that. My recommendations are to the effect that we need to simplify the regime and allow 18 months, whatever the contest, to repay unpaid loans. After that, we need a report. You'll see that report recommends there be a strict liability offence for those who have failed to repay after 18 months. It also suggests that the court would have to authorize a further extension after 18 months.

I'll stop at that, unless you have an additional point.

**Mr. Scott Reid:** Okay. That's actually very helpful.

You mentioned reporting, so if I wanted to find out who those 400-odd candidates were and how much the outstanding amounts were, is that information currently publicly available?

**Mr. Marc Mayrand:** It's on the website. It's part of their return.

The one thing I would caution you about is that the last time we received information might have been several months ago, so I would advise caution as to whether the figures you'll see there reflect the situation as we speak.

•(1230)

**Mr. Scott Reid:** Thank you very much.

**The Chair:** Monsieur Plamondon, you're going to split the time a little, but please, be short if you can.

[*Translation*]

**Mr. Mario Laframboise:** In terms of election advertising, you are recommending changes with respect to ridings or third parties that pay for advertising before the election campaign begins. In the Bloc Québécois—you have all our campaign returns—the money is held by the ridings. Obviously, there are some ridings that are able to handle three or four elections. That means that advertising... There is already a system in place: when we advertise during an election that has to be accounted for in one way or the other. Why are you asking us to do this? Is it because you're afraid ...?

In the last campaign, the Conservatives took national funds and transferred them to ridings that didn't have much money, in order to pay for national advertising. Now you are telling us that the ridings can no longer pay for advertising... Please clarify.

**Mr. Marc Mayrand:** These provisions—and there is a whole series of recommendations dealing with this—are basically intended to clarify the act to ensure that even if an expense was incurred before the writ was dropped, it must be declared and accounted for during the campaign, if it was made during the campaign.

A strict reading of the act makes it clear that it is the case for candidates... When it comes to leadership contests and riding associations, there is a problem with the way the legislation is currently drafted. It refers only to expenses incurred during the event... So, technically, any expenses incurred prior to the event would not be reported. I don't think that is the intent. I believe most people would understand that whenever the expense was actually incurred, if the benefit associated with the expense is used during the campaign, it must be reported for that campaign.

**Mr. Mario Laframboise:** Mr. Plamondon.

**Mr. Louis Plamondon:** I have a question about recommendation 11.5 that you referred to earlier, with respect to a candidate's liability compared to that of the official agent. You would like both to be fully liable, as my colleague was saying earlier.

Would that mean that, as a candidate, I could decide to run in an election without an official agent, simply make the invoices in my own name, then prepare the financial report and sign it, since I would have the same responsibilities as the official agent? If that's the case, why would I need an official agent? I may as well just make the invoices in my own name and sign my own cheques.

**Mr. Marc Mayrand:** Under the current regime, candidates are required to recruit an official agent. However, the official agent is also your representative to a large extent. You are already required to sign the campaign return.

**Mr. Louis Plamondon:** Yes, you have to sign it at the end.

**Mr. Marc Mayrand:** That also suggests that there is liability.

**Mr. Louis Plamondon:** When the return is presented to me, I sign it and am given some explanations. If there is something fishy in the report, I will not be aware of it, because I have been campaigning for 37 or 38 days. But now there is a possibility that I will be prosecuted.

Up until now, it was the official agent being prosecuted, because it was his job to track election expenses by the candidate on a daily basis.

**Mr. Marc Mayrand:** Remember that we are not talking about a strict liability offence here.

I won't refer to specific examples, but there have been cases in the past where the official agent was actually acting on instructions from the candidate. I think everyone would expect that, in that kind of situation, the candidate should be liable. But that is not what the act currently states.

Of course, if a candidate was acting in good faith and was misled by his agent, I don't think he would be held liable. I cannot imagine that a court of law would declare him to be liable.

However, in cases where the candidate himself was partly responsible for the issue that arose, I think it is appropriate to make the candidate liable.

•(1235)

[English]

**The Chair:** Mr. Christopherson, a couple of quick questions. Then we'll get in anybody who needs an individual question and then we will move on to our committee business.

Mr. Christopherson.

**Mr. David Christopherson:** I'll do one and then someone else can pick up on that time, if there is any.

In your remarks on page 7, you asked “that the Chief Electoral Officer be granted the authority to commit transferred funds, at the request of the Government of Canada, for such activities”, talking about helping other jurisdictions, which I think is an important thing that Canada does in the world, and I would support it.

I'm just trying to get a sense of does this mean that those kinds of activities would come out of existing funds that are set aside for election purposes only, or does your reference to “commit transferred funds” mean that the government would say, “We want you to do something to help out country X. It looks as if it's going to cost \$25,000. We'll transfer that in.”? You have the authorization to act on it and the money's there.

What I'm asking about is the money. Is there any circumstance under which you would be spending money for international relations that are meant to be just for the functioning of your office and the support of running elections?

**Mr. Marc Mayrand:** Sorry, no. All our activities on the international scene are in response to government initiatives, mostly through CIDA or the Department of Foreign Affairs. The most current example I can give you is that we've been asked by Haiti to assist in certain aspects of their ongoing elections, and that request has come through CIDA, which is going to fund our help there. The amendments being proposed here are to clarify that I have the authority to spend the money that's transferred.

**Mr. David Christopherson:** But only if it's transferred money. That's what I wanted to know.

I'll share that question with someone else and give someone else a chance to speak who hasn't yet.

**The Chair:** That does finish that round, if that's the case. We'll have a couple of quick one-offs here, but let's make sure they have to do with the recommendations of the Chief Electoral Officer.

**Ms. Judy Foote:** Just one question. It has to do with identification for veterans.

We had an example in the last election in my riding when a gentleman in his nineties went in using his veteran's card, and of course it wasn't considered to be proper identification. He was told he couldn't vote unless he came back with his address, and no one could vouch for him because he lives alone. He was with his caregiver, who happened to be his granddaughter, but she couldn't vouch for him.

Is there any consideration at all being given to someone in that circumstance? He's now 92 years old and he was highly offended. For him to have to go back again—I think it's probably a way of discouraging people from voting.

**Mr. Marc Mayrand:** There are a number of things. The granddaughter lives with him?

**Ms. Judy Foote:** No, he lives alone.

**Mr. Marc Mayrand:** So my recommendation on vouching would not help.

**Ms. Judy Foote:** Exactly, that's right.

**Mr. Marc Mayrand:** One thing we're doing, and we're going to test that in the upcoming byelections, is allowing the voter information card to be used as a piece of identity. So if the gentleman had received his voter information card at home, that would present his name and address right there. He could likely use that in combination with the Veterans Affairs card. I would have to double-check that. I assume he doesn't have a driver's licence, but those two pieces would have allowed him to vote.

**The Chair:** Monsieur Proulx, did you have one quick one?

[Translation]

**Mr. Marcel Proulx:** Mr. Mayrand, I am obviously in favour of your recommendations involving increased amounts for election staff and auditors.

With respect to election advertising by third parties or riding associations, do you consider the latter to be third parties? No. When you talk about third parties, you are referring to a national association, for example, that might not support a specific party or candidate.

**Mr. Marc Mayrand:** Yes.

**Mr. Marcel Proulx:** In your explanation, you say that the act should: “Prohibit electoral district associations from transmitting election advertising during an election period, even when the expenses were incurred before the election was called.”

That means that whatever is used during the election period has to be accounted for during the election. However, if the association paid for advertising prior to the campaign, that would not be included in campaign expenses.

**Mr. Marc Mayrand:** No. It would be the same thing as for the parties. So, if that advertising was used during the election campaign, it would have to be accounted for.

**Mr. Marcel Proulx:** I understand. It's the same as for candidates. If they advertise before the campaign begins, that is before the campaign.

**Mr. Marc Mayrand:** Yes.

**Mr. Marcel Proulx:** Thank you.

Thank you, Mr. Chairman.

[English]

**The Chair:** Very quickly on the recommendation.

• (1240)

[*Translation*]

**Mr. Louis Plamondon:** If the candidate has been selected, the election has been called at the beginning of the month, say, and he files his return with the Chief Electoral Officer on the 8th day of the same month, and receives his answer on the 10th indicating that he is fully compliant with the regulations but that his riding association transferred an amount of \$50,000 between the 1st and the 8th, is he considered to have contravened the act?

**Mr. Marc Mayrand:** Yes, but there is a recommendation to correct that.

**Mr. Louis Plamondon:** To correct it? Which would mean that as soon as an election is called, that sort of thing could be done?

**Mr. Marc Mayrand:** Yes. We are even suggesting that an association be authorized to make a transfer pretty well any time.

**Mr. Louis Plamondon:** To the official agent.

**Mr. Marc Mayrand:** Yes.

**Mr. Louis Plamondon:** Fine. Thank you.

[*English*]

**The Chair:** Merci.

Thank you for coming today. Thank you for sharing all that you did. As you can tell, we have lots of questions still. We have some time set aside to be looking at your recommendations. I have a feeling it may take more than the day we have scheduled. As we write a report from that, we will get back to you on it, and if we have questions, I know where to find you.

**Mr. Marc Mayrand:** If you find it useful, Mr. Chairman, my staff will be more than happy to assist in any supplementary questions or information that you need to do your assessment of the report.

**The Chair:** In some cases it may be our clerk who will ask you the questions. In other cases maybe we'll ask you to come back. Thank you very much.

I'm going to suspend the meeting for a minute or two while we move in camera to do committee business.

I thank our witnesses for coming today. We'll excuse them.

[*Proceedings continue in camera*]

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