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Chair

Mr. Joe Preston

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• (1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We'll call the meeting to order, please.

This is the 29th meeting of our Standing Committee on Procedure and House Affairs. Pursuant to Standing Order 32(5) and the motion adopted by the committee on Thursday, September 30 on the report of the Chief Electoral Officer of Canada, entitled "Responding to Changing Needs", we're studying recommendations from the Chief Electoral Officer of Canada following the 40th general election.

This committee will hear witnesses to that effect today.

We have with us Brad Lavigne from the New Democratic Party of Canada, Gilbert Gardner from the Bloc Québécois, and John Arnold from the Liberal Party of Canada. I believe that by now all of you have received a written report from the Conservative Party of Canada. They were not able to attend today.

We will offer each of our witnesses an opening statement of up to 10 minutes.

Please share with us your thoughts of what you've heard from the Chief Electoral Officer. Then we will have questions from members for as long as it takes for them to get the information they need out of you.

I always like to caution the witnesses that this meeting takes place from eleven o'clock to one. Some of the members will be having their lunch while you're giving your answers. Please don't feel we're being rude. It may be the only chance any of them get to eat today so we'll do that. Also, you know that we're busy people, and some of us will be answering phone calls and doing other things while you're here. Again, we're not trying to be rude. We need the information you're here to share with us, but we also try to multi-task as much as we can.

Mr. Lavigne, we're going to let you go first and give your statement. We'll hear each statement and then we'll do questions from all.

You're up.

Mr. Brad Lavigne (National Director, New Democratic Party): Very good. Thank you very much.

On behalf of the New Democratic Party of Canada, I would like to thank the committee for the opportunity to comment on the report of the Chief Electoral Officer of Canada, entitled "Responding to Changing Needs".

In his report, the officer reviews many of the worthy areas governing Canada's election laws and procedures, but today I'd like to focus my comments on proposals that concern two areas. The first area is increasing voter accessibility. The second area from the report is reducing the regulatory burden.

Turning first to increasing voter accessibility, there are two sections in the officer's report. The first one is the registration of electors by the Internet. New Democrats agree with the Chief Electoral Officer's desire to make up for the gross inadequacies of the current so-called permanent voters list through online registration and the ability of every voter to update their information quickly and easily online. Making it easier to include yourself on the voters list, or to update your vital information on it, increases the accuracy of the list and therefore the integrity of the system. The status quo is insensitive to the ever-changing needs of a mobile population, including districts with high rental populations, aboriginal communities, and resource communities with ever-changing workforces. To participate fully, these communities require the voters list's process to enter the 21st century.

Now, the permanent voters list has created many challenges. Today's list, compiled within the parameters handed down to Elections Canada, is out of date and far from adequate for a modern democracy. Until the day Parliament returns to a full enumeration, it should give the Chief Electoral Officer the tools to stop the bleeding of the integrity of the current voters list.

The second area on accessibility is the issue of vouching. The Chief Electoral Officer further recommends allowing electors to vouch for more than one elector in the case of immediate family members. This would apply to vouching in order to prove an elector's identity and residence before voting, while registering to vote in an advance poll, and while registering to vote on polling day.

The New Democrats disagree with the proposed changes. We believe there needs to be better mechanisms to prove identity and residence. From our experience, the lack of identification is a problem for homeless voters and where identification is not used on a regular basis. The problem for these voters isn't that they're the only ones in their immediate family without ID; it's that they don't have ID, don't have an address, or don't have family members in the same district.

There is also a credible concern about fraud if individuals have the ability to vouch for many voters.

The second area is reducing the regulatory burden. The first area I'd like to touch on this morning is the pre-confirmation transfers to candidates.

For Canadian democracy to flourish within the current electoral system, we need both well-organized central political parties and strong local campaigns. One step that will allow for stronger local organization is to lift the restrictions currently placed on registered political parties and electoral district associations to transfer funds, goods, and services to local candidates at any time, notably before the writ period.

New Democrats have experienced difficulties with the existing terms of the regulatory timing for transfers. We've also had delays with confirmations, which are problematic and can involve waiting for confirmations until, in some cases, mid-campaign. This is unacceptable, and it is choking local democracy. Therefore, we strongly support advance confirmation transfers to candidates.

Next is the requirement for a candidate's return to be audited and the opening of a bank account. The heart of local campaigning is the dedicated volunteers of all political stripes and backgrounds who volunteer their precious time from their busy lives to make their community and their country a better place. However, on far too many occasions the unnecessary regulations placed on even the most modest of campaigns can suck the soul from well-meaning local campaigners, turning them off of federal democracy due to unnecessary paperwork.

Therefore, we concur with the proposal to lift the regulatory burden on local campaigns by, first, ceasing the requirement to open up a separate bank account even though the campaign does not conduct any financial transactions; no longer requiring audits for local campaigns that get less than 10% of the vote and that do not receive contributions or incur expenses of more than \$10,000 with their campaign return; and finally, removing the requirement for audit reports on updated returns.

These three changes alone would go a long way to help reduce the burden on the parties' smaller campaigns and at the same time free up Elections Canada resources to pursue more pressing matters.

• (1110)

Next is the extension for filing returns. We agree that the current regime for seeking extensions of time for filing returns is a flawed one. The grounds for allowing extensions are too narrow, the existing regime puts the procedures in the hands of the courts far too early, and the existing regime is not effective in promoting the timely filing of returns.

We agree that the Chief Electoral Officer should be extended the ability to grant extensions and crack down on parties that are acting in bad faith. But we are in complete disagreement that the penalty for acting in good faith but missing the deadline should cost a local campaign \$500. Quite simply, this fee will not serve as a deterrent where the late filing is out of the hands of the local campaign—for example, when the supplier is the holdup.

Many of the electoral district associations that have the most trouble securing documents on time, or that face unexpected circumstances such as illness or a sudden turnover, are what we consider the low-resource ridings, where \$500 would mean a lot. As such, this component should not be considered an effective or suitable measure to increase compliance.

Next we have the payments and reporting of outstanding claims, including loans. On the issue of compliance, I'd like to touch on the issue of reporting of outstanding claims, including loans. We agree with repealing the proposed language in the case of nomination contests and candidates; however, we believe that the existing provisions for leadership contestants already provide adequate time for managing unpaid claims.

For candidates and contestants, the four-month period for paying all claims following an election is particularly challenging considering that in many cases rebates from Elections Canada can take many months beyond that deadline. We agree that amending the period to 18 months is an effective measure that will reduce the number of requests for extensions, while still providing timely reporting.

We support the flexibility to transfer the local campaign debt to the local electoral district association; however, we disagree with transferring local campaign expenses or nomination claims to the central party. This would merely transfer the accountability away from the local decision-makers to central officials who had no role in incurring the debt to begin with.

A ban from serving as a candidate or a contestant seems inappropriate in instances where the unpaid claims were unavoidable, such as disputes with suppliers.

Next, the creation of an offence for having unpaid claims after a certain period of time merits further investigation, and it could provide a suitable consequence.

Finally today, I'd like to comment on changes to how leadership contests are governed by the act, notably chapter II, section 11, "Contributions to Leadership Contestants", a.k.a. the "per contest" limit, and the leadership contestant aspect of chapter II, section 8, payments and reporting of outstanding claims, including loans.

Firstly, we disagree with the proposal to move from a "per contest" limit imposed on contributions to leadership contestants to an annual limit. We do not agree that this will bring about the desired transparency, as this will allow for multiple donations to the same candidate for the same contest.

Secondly, the challenges to the system are not embedded in the frequency of reporting of a leadership debt, but rather the inability of the Chief Electoral Officer to impose firm deadlines for when claims for leadership contests must be paid.

In the past few years, we have done much to clean up our election financing in this country. We have taken big money out of politics. We have eliminated corporate and union donations. We have brought in limits on donations from individuals. We have begun to level the playing field.

But there is still more work to be done to ensure fairness, to ensure that those who are well connected aren't finding loopholes to stretch the rules to their advantage over everyone else. We see this particularly when it comes to outstanding loans on leadership contests. How can it be, as we approach the fourth anniversary of the Liberal Party of Canada's leadership race, that seven contestants, all sitting members of Parliament, collectively still owe \$890,000 in leadership contests?

The era of entitlement was supposed to be over. With many of the recommendations of the Chief Electoral Officer and the continued diligence of this committee, we'll bring about the election financing regime that serves all Canadians fairly.

I thank the committee for its time today. I look forward to any questions you may have.

The Chair: Thank you, Mr. Lavigne.

Mr. Gardner, it's good to have you back. It's your turn.

[*Translation*]

Mr. Gilbert Gardner (General Director, Bloc Québécois): Thank you, Mr. Chair.

Thank you for inviting me.

Broadly speaking, the Bloc Québécois is mostly in favour of all the recommendations. I am going to go over about ten of them specifically.

In part I, recommendation I.2 on the appointment of deputy returning officers suggests that the deadline for submitting the names for the appointment be moved up. This recommendation is the result of a problem experienced in western Canada where few names are submitted to the polling station officers, which is very different from the situation in Quebec where a specific number of officers are recommended to the Chief Electoral Officer within the timeframe set out in the act.

It is now asked that the date be moved up with two objectives in mind—the Chief Electoral Officer will have more time both to recruit individuals and to train them.

That does not pose a problem as long as the people are not sworn in faster. Most recommended individuals are party faithful and swearing them in denies them the right to be active, especially if this is done too early and serves no real purpose.

Recommendation I.8 on the protection of personal information proposes that the date of birth be removed from the documents submitted to deputy returning officers and poll clerks. We agree with removing the day and month of birth, but the year should be kept. That would allow deputy returning officers to determine, for example, that the person in front of them who claims to be 80 years old looks only 20. The year of birth would draw the officers' attention. The day and month are not very important, but we feel that the year is a way to catch people, even though the deputy returning officers cannot ask this question directly. But they can very well see first-hand if there is a discrepancy between reality and the electors' claims and, as a result, they could decide to ask for more information.

As to recommendation I.9 on the partisan signs outside polling sites, there were problems in the past in some municipalities because of the limited commercial space available for the offices of political parties and the returning officer. On a few occasions and in several constituencies, space for the returning officer was rented in a shopping centre, which also housed the offices of political parties. So, the procedure should be specified in those cases. The 100-metre radius rule also seems a little much to us.

In part II, the provisions on surplus introduce a procedure that would go as far as selling assets acquired during an election campaign. I feel it would be much simpler to make mandatory the transfer of all assets from the candidates to the party they represented. Then, if there is a formal obligation to turn over the assets to the party that the candidate represented, the Chief Electoral Officer will be able to achieve their objectives. In other words, making this transfer mandatory will prevent candidates from profiting from the election.

In terms of recommendation II.7 on the candidates' debates, I think we should keep the current framework. The fees incurred by debates cannot be considered election expenses under section 319 of the Election Act. I feel the legislator's intent is clear and no amendment is necessary.

As to recommendation II.15 on a superseded election, we agree with the proposal, with one exception: the reimbursement rate. We recommend that the reimbursement rate be the same as the one used in the cancellation of the byelections in Saint-Lambert and Westmount—Ville-Marie in 2008, meaning 100% instead of 60% so that the candidates who go through the cancellation of a byelection are not penalized.

In part III, recommendation III.5 deals with the presence of the media. We fully agree with the recommendation of the Chief Electoral Officer to allow the media to be there when party leaders vote.

● (1115)

But I think there is a mistake in the French version. It says: "...et des candidats qui s'y opposent." If candidates are opposed to the idea of being filmed during their vote... Something does not make sense, a mistake, I have trouble understanding.

Let's look at recommendation III.6 now, which deals with the right to strike. The Bloc Québécois is against taking away the right to strike from Elections Canada officials, just as we are for our party's unionized staff. There is no restriction on the right to strike, especially when elections could happen at a moment's notice, with a minority government. That would actually mean taking away the officials' right to strike permanently. We are opposed to that.

Finally, let's look at recommendation IV.10, which deals with judicial recount and states that it is the elector's responsibility to notify the returning officer of a request for judicial recount. We are in favour of that as long as there are no additional delays in the whole judicial recount procedure.

Thank you.

● (1120)

[*English*]

The Chair: Thank you very much for your opening comments today.

Mr. Arnold, you're up.

Mr. John Arnold (Senior Director, Regulatory Compliance and Administration, Liberal Party of Canada): Thank you.

I'd like to thank the committee for allowing me to replace our national director, who was not available to attend.

One of my roles at the office is that of dealing with regulatory compliance. I have been at the Liberal Party of Canada for 16 years, and while my focus is on the financial side, we had our political operations staff also go through the report to provide us with the input to respond today.

I'd also like to acknowledge that Elections Canada did seek the opinions of the party on this about a year ago and then followed up in December with a session for all the parties that had made submissions to them to discuss their points of view and also seek additional aspects of the recommendations we made. That was much appreciated.

We have comments on 10 points. I'm going to limit my discussion to those 10 points.

I will start with recommendation I.9 on partisan signs outside polling sites. Similar to what my colleague at the Bloc Québécois said, the limit of 100 metres from the entire property presents possible difficulties, particularly, say, in a smaller community with a large shopping mall in which both the returning officer and the candidate have located their offices. We would be amenable to a distance of 100 metres from the front entrance with such signage on public property. We don't think there should be a limitation on private property.

On recommendation II.1, documents supporting the parties' financial returns, if you will allow me, I'd like to read our short two-paragraph submission to Elections Canada on that. We said:

While we acknowledge that the "Chief Electoral Officer does not receive any documentary evidence of the expenses listed in the return", he does receive an independent Auditors' Report on the Registered Party Return in Respect of General Election Expenses and the Registered Party Financial Transactions Return.

Rather than Elections Canada using public funds to re-audit financial records that have already been audited by a public accountant, we would recommend that the Canada Elections Act be modified to include a broadening of the scope of the audit, including specific procedures if warranted, and require the auditor to provide a specific audit report to the Chief Electoral Officer that will meet the needs of the Office. If you do proceed with this recommendation, we would respectfully suggest that any changes in the Auditors' Report be agreed to with the Canadian Institute of Chartered Accountants prior to changing the statute.

On recommendation II.2, reimbursement of election expenses when limit exceeded, we believe a graduated system of reduction would be more appropriate, perhaps in a manner similar to that used for major league baseball. For example, an expenditure of up to 10% in excess would be dealt with on a \$1 for \$1 reduction. But an expenditure of—and I'm using these as guidelines or suggestions—perhaps 10% to 25% might be dealt with on a \$1 for \$2 reduction, etc., moving forward.

On recommendation II.3, failure of deregistered electoral district associations to file outstanding financial returns, we believe the current environment for deregistered EDAs is sufficiently embarrassing to a party and, as such, do not believe the harsher penalties are warranted. In the last year and a half, I believe, the Office of the Chief Electoral Officer has stepped up the enforcement of compliance with the act for the EDAs. As a result, we've seen a number of deregistrations, and I think the parties have started to notice this.

On recommendation II.5, offences for filing a campaign return with false or misleading statements or filing an incomplete campaign return, there are a host of reasons why a candidate may wish to present themselves in an election. Financial acumen does not need to be a mandatory requirement. A candidate relies on the integrity and professional capability of their official agent, especially given the ever-increasing complexity of the political financial regulatory framework. Even if a candidate were made responsible for filing a false or misleading return, those candidates without a financial background would be signing blindly. As such, we do not believe this measure will achieve any positive outcome.

• (1125)

Regarding chapter II, number 8, treatment of candidates' outstanding claims, we agree with the recommendations and suggest that Elections Canada go one step further and eliminate the unpaid claim approval process for the regular day-to-day operations of a party and electoral district associations. In their report, they mention that they weren't touching parties' electoral district associations. We believe they should look at those as well.

On chapter II, number 9, extensions of time for filing financial returns, we agree with the recommendations of the Chief Electoral Officer and believe the second option of a graduated penalty would be most appropriate. That ties back into our graduated penalties for over-expenditures as well.

Next is chapter IV, number 10, judicial recount, notice to the returning officer. Given the possible disagreement of the returning officer and the candidate regarding a judicial recount, we believe that the recommendations should be modified to require the notification of the returning officer within 24 hours of having filed the judicial application.

Regarding chapter IV, number 11, removal from the national register of electors by an authorized representative, we believe this recommendation should be modified to only remove the name once the elector is deceased.

For recommendation chapter IV, number 12, commercial value deemed to be nil, we agree with a more precise definition of commercial value being deemed to be nil, but question whether the definition should be broadened to limit these contributions to a Canadian citizen or a permanent resident of Canada. As an example, currently a landed immigrant who has not received their Canadian citizenship or their permanent residency status is allowed to participate in the electoral process—by driving electors to the polling station, say—in a manner similar to the example on page 118 of the Chief Electoral Officer's report.

We believe these types of contributions should be allowed to continue. Otherwise, the effort involved by an official agent in determining the eligibility of the contributed goods and services would increase the administrative effort to monitor these types of situations, which we conclude is the opposite intention of the exemption provision. Additionally, we're concerned about the \$200 limit being tracked on a cumulative basis. To do so would require the official agent to develop a tracking system for all levels of contributed goods and services under \$200, which again seems to run against the intention of the exemption provision of reducing administrative requirements of small amounts.

Those are our 10 points.

The Chair: That's super. Thanks to all of you for being concise today.

We have a number of witnesses today, so I think I'd like to start off with a five-minute round, and we'll be reasonably strict with the time. We'll try to give a chance to everybody who wants to speak today, so let's go ahead.

Madam Ratansi.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you.

Five minutes? Fine, I'll be very quick. I'll make two comments and then I'll have a question.

On the 100-metre rule, I think it would be unfair if I were living near a polling station and wanted to put up a sign and somebody denied me the right to exercise my democratic right to show my support to whichever party I wanted to show it to. So I agree that people are in agreement with that—except one party.

My second question is on the registration by Internet. I was wondering whether anybody has any concerns about fraud or what sort of checks and balances can be put in place to have registration of electors by the Internet.

The third thing I want to ask about is vouching. Electors should be able to vouch for more than one member of the family. I think I heard some concerns about vouching. I asked Elections Canada how many people used this system the last time, but they couldn't answer me. I know that we are all afraid of fraud or whatever. We want to maintain the credibility of the system.

My main question, though, goes to the contributions to the leadership contestant. I understand where some of the people are coming from. If I make a comparison of the democracy of Canada versus that of the U.S., and I see that in one day a presidential candidate can drop \$2 million, are we trying to say that we should attract people for their brains or for their money? What are we trying to do?

Not everybody has the financial capacity, so are you going to say that you would disallow those types of people from participation in a democracy process? I don't have the capacity to raise that much money, but should I not be given the chance to run if I so wish? Why are we so stuck that this money will go to the national party, etc.?

I'd like your input—from Mr. Arnold first, and then I could likely go around the table—as to how we could improve the system. It has been done in the past. We want to improve the system. How do we go about improving the system and increasing democratic participation?

Thank you.

•(1130)

The Chair: Good. We're at two and a half minutes, so we have two and a half minutes for answers from the three of you.

Mr. Arnold, you're first.

Mr. John Arnold: Well, the Liberal Party of Canada has been through a number of leadership conventions over the past number of

years, and we've worked extensively with Elections Canada on trying to define exactly what the rules are.

I understand that there might be concern about allowing multiple-year contributions to a leadership candidate, but I would say that we already have that concept in electoral legislation. An individual can donate to an electoral district association every year; that money can then be transferred to a candidate during an election. So we have the concept: why would we want to limit it on the leadership convention?

I do understand why there might be some concern about raising large amounts of money that create a surplus in a leadership campaign and which would then go to a political party. Although the Canada Elections Act does include broad anti-avoidance provisions, similar to the Income Tax Act, perhaps this could be dealt with by requiring the surplus to be made payable to the Receiver General for Canada.

[Translation]

Ms. Yasmin Ratansi: Mr. Gardner, please.

Mr. Gilbert Gardner: I would like to discuss two of the points you raised. In terms of Internet registration, our position is that new projects could be submitted, but as pilot projects. And the committee should first approve them before they are tested. Ideally, we should test these pilot projects more during byelections.

The consequences are actually more contained in this case. Control and evaluation are much easier in one constituency than in 308. I think we have to be open to new technologies, but we also have to be cautious to avoid them going off the rails.

As to the guarantor, we told the advisory council of Elections Canada that we were in favour as long as it was very clear that it was only the immediate family. We could very quickly get to a second cousin once removed or something and then there would be complete chaos. It must be the immediate family.

[English]

Mr. Brad Lavigne: On the first issue of the Internet registration and verification of information, I draw the attention of the committee members to page 28.

Both Alberta and British Columbia already offer electors the option to register online, as well as to verify and update registration information. Quebec currently is going through a system whereby you can update your information online during an election. Elections Ontario is currently investigating or developing online voter registration. I think the provinces, by and large, are leading the way.

I would also suggest, to answer your question specifically, that the fear of fraud is something that I think the private sector has also driven some good paths on. A number of years ago when the issue of online shopping and consumer identification came up, there obviously were some concerns. But I think today you would see a lot more confidence in the private sector about online verification of information of individuals for acquiring consumer goods or services.

It's a 21st century population out there. We're using online means to do everything, particularly the younger generations. I know it's a cliché, but it's very true. Also, I note, more and more seniors are online. This institution has to catch up with where the voters are.

If we are concerned about voter turnout or worried about disenfranchisement, particularly among vulnerable communities, whether of new Canadians who are new to the system, first nation and aboriginal Canadians on reserve, or folks who don't have necessarily access to the information on how to vote on an ongoing basis for a variety of reasons, we need to expand the opportunity for them to sign up online.

As for the issue of vouching, I certainly spent a portion of my remarks today on the issue. I don't believe, from our work in the last number of campaigns, that the biggest issue is that family members can't do more than one individual. We have some big concerns with identification, particularly among homeless individuals, as well as in first nation communities. What is being allowed for ID? Is it being recognized uniformly across the system? The notion that it's just my sister who can't vote, or my brother, or my wife because she doesn't have a driver's licence and I do.... I don't think this is going to address the issue.

As for leadership loans, well of course we want the system to be accessible in all political parties. Each political party will assess their ceiling, and their own private ceilings, obviously, in conforming with the Elections Canada Act. The issue is whether or not the loan, after a certain period, constitutes an unfair or illegal contribution.

If it does, then we need teeth, because right now all we're doing is asking individuals—seven individuals, in the case of the Liberal Party. They go to the courts to seek relief and say that they have a game plan. But some of these folks owe over \$300,000, and I think that the Elections Canada rules either mean something or they don't. We either lift the burden altogether or we give the Chief Electoral Officer some teeth to go after individuals who are in contravention of the law.

• (1135)

The Chair: Thank you very much. We went three minutes over on that, so I am going to ask you to be a little more concise in your answers and very much more concise in your questions.

Mr. Reid.

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

Mr. Chair, this is just one of those observations that I throw out there, but we have a tendency to go over on the Liberal question, and then to be very precise about timing the next Conservative question. It's a source of frustration to me. I know that as an auditor Ms. Ratansi would want us to be strictly equal in how we treat all parties.

The Chair: I believe that she is probably pretty happy with that. I will attempt to be as flexible as possible with you, Mr. Reid.

Please go ahead.

Mr. Scott Reid: All right. Thank you. I don't actually want more time. I just want to make sure that we all get equal time.

I was interested in your comments, Mr. Lavigne. I've had a very similar thought: that if it becomes the established practice that such leadership debts are allowed to exist forever, then naturally one could start gaming the system pretty easily, and I think that would lead to a situation in which, at least as far as leadership contests go, big money would be back in the saddle.

The question then becomes how one deals with such debts. There are different ways, I suppose, that one could deal with them. The trouble is, I can see different problems with them.

One way is that you simply make it that the person who is the contestant is required to pay the loan back at a certain point. But if you are Belinda Stronach, to take a real example from the past, being saddled with \$300,000 to \$400,000 worth of debt that you have to pay back to the Receiver General is not really a problem.

You could try billing it to the party—that thought has occurred to me—but you could then get frivolous candidates. I suppose the party could have some sort of right to refuse frivolous candidates. The danger there is that this is abused in another way to keep out legitimate candidates that the party establishment doesn't want.

So I'm interested in your thoughts and the thoughts of all the people on the panel as to how, at a practical level, one deals with this problem without introducing the possibility for a different form of abuse.

Maybe we could start with Mr. Lavigne, because he has obviously put some thought into it, and then go from there.

Mr. Brad Lavigne: I'll be as succinct as I can.

On the issue of uploading the debt of the individual, we are not in agreement that, at the local campaign level, local decision-makers who can't fulfill the obligations under the act simply upload the debt to another entity, their parent party. We believe this doesn't provide any accountability whatsoever to the local decision-makers.

I would suggest that it's the same for leadership candidates. If you have a limit and the individuals needs to borrow for that limit, it should not be the property of the party after the individual has completed the leadership contest; in fact, quite the opposite. Perhaps there's another thing that needs to be looked at, something that is the responsibility both of the political parties as private entities—but under public laws—and of Elections Canada as well, and that is the limits: why is it that these individuals are racking up such high debt?

I think we should be looking at whether it is fair that you can rack up these debts, supersede the spirit of the laws, and then still run for Parliament afterwards and then create another bank account.

This is a concern also with another recommendation: that we take away the 18-month provision—the “per contest” provision—and go to an annual provision. For some political parties that are in constant leadership mode that might work well, but I don't think it's going to serve democracy either way. I think it's a bit of both at the political party level. But the CEO, the Chief Electoral Officer, needs teeth to go after people after 18 months, if that is when it becomes an illegal contribution. We need real penalties. I think that will persuade political parties to lower the ceilings of their election contests and provide perhaps a little built-in prudence for their elections.

• (1140)

Mr. Scott Reid: They would build in their own spending ceilings.

Mr. Brad Lavigne: That's right, so that they have to take on less debt, to ensure that after 18 months they pay it back or otherwise they can't run for MP again. That's an example of tightening up the provisions. I think there'd be a—

Mr. Scott Reid: Let me see if I understand this. If they set a ceiling and you go over the ceiling, what happens to you? I think Mike Harris, for example, went over his party-imposed ceiling when he was running for leader of that party, and in practice nothing happened to him. He went on and led the party and it all just faded away.

Mr. Brad Lavigne: Well, I wouldn't want to impose any observations on political parties. I think they are going to have to come out with their own internally.

But what I'm saying is that you give the Chief Electoral Officer teeth to go after individuals. Let's say that you ban them from running as members of Parliament if they supersede the 18-month repayment program. I would bet you ten to one that the political parties would make sure these guys paid back their debts. In doing so, you might create a culture in which these folks who were borrowing hundreds of thousands of dollars would ramp that down, thereby lowering the likelihood that they might supersede the 18 months.

[Translation]

Mr. Gilbert Gardner: The Bloc Québécois has by-laws that set the ceiling for the expenses of a leadership or nomination candidate. The returning officer of a constituency or at national level has the authority to dismiss someone's candidacy that... The financial report that has to be submitted before the voting period has to give the breakdown of all contributions received and all expenditures and show compliance with the by-laws. I feel each party has this responsibility as part of its democratic inner workings.

I don't think deeming a legal contribution illegal retroactively is the way to go. I believe that compliance with the maximum contribution principle as set out in the act must be guaranteed. How can a loan that's legal one day become illegal the next day? That would be very difficult. It seems to me there is an inconsistency. The people who agreed to take out the loan did so in good faith. In my view, we should not be able to change the nature of things retroactively.

[English]

Mr. John Arnold: The political industry has gone through a tremendous learning experience with the legislation that we've had for leadership races, which were unregulated prior to 2004. Similar

to the Bloc Québécois, we have a committee that sets the rules regarding the financial envelope, the expenses and rules for leadership candidates.

It's very difficult to run a national campaign, especially previously with the Liberal Party of Canada's delegated convention, because you couldn't focus on one riding for delegates; you had to bring it national. It's very difficult to run a national campaign when you're only allowed to accept contributions of \$1,000 per contributor. I think we've found that. We've changed our rules so that our next leadership convention will not be a delegated convention.

• (1145)

Mr. Scott Reid: I think it has been mentioned that there would be a leadership selection process by mail or something like that.

Mr. John Arnold: There will be a committee that would decide something like that.

The Chair: Thank you, Mr. Reid.

I was generous, by the way. I just wanted to point that out. You got almost eight minutes.

Mr. Scott Reid: Thank you very much.

The Chair: All right.

Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Thank you, Mr. Chair. What's the time I have to exceed?

A voice: Eight minutes.

Mrs. Claude DeBellefeuille: Eight minutes? Perfect.

Voices: Ha, ha!

[English]

The Chair: I knew when we started it that it was going to be tough to finish it.

Carry on.

[Translation]

Mrs. Claude DeBellefeuille: I would like to draw your attention to recommendation II.15.

Mr. Gardner, you went over the description of the issues rather quickly. The Bloc Québécois recommendation is almost the opposite of the Chief Electoral Officer's recommendation. Could you tell us why you are asking for a full reimbursement of expenses?

There is nothing to say that the situation experienced by the constituency of Saint-Lambert, for example, where the byelection was cancelled because the general election was called, could not happen again in the near future. Please explain what the real issues are.

I also read the Conservative Party's brief and the Conservatives seem to support the Chief Electoral Officer's recommendation.

Mr. Gilbert Gardner: Take, for example, the by-elections held in Saint-Lambert and Westmount—Ville-Marie. The government called 2 by-elections 30 days before calling a general election. Thirty days later, it called a general election. The government did not fall. It called 2 by-elections, and 30 days later, it superseded them at the very last minute. Advance voting had even taken place. There seems to have been some inconsistency there. I think the government knew full well that it was going to call a general election 30 days before it did so. It could have simply called by-elections with 45 days' notice. That way, taxpayers' money would not have been spent and wasted on an event that was superseded practically the day before the election.

Under those circumstances, why should the candidate or party be penalized for raising 40%, say, of the election spending limit and be reimbursed for just 60% of those expenditures, even though the election was superseded?

I think that Elections Canada's decision to reimburse 100% of the actual expenses incurred, in the case of Saint-Lambert and Westmount—Ville-Marie, levelled the playing field for the nominations in those ridings, as compared with all the others. They had absolutely nothing to do with the government's decision to call a by-election, to supersede that by-election and to call a general election, all within a period of some 30 days.

Mrs. Claude DeBellefeuille: I am not sure whether I dreamed it, but I was shocked to read recommendation III.5, on the presence of the media at polling stations. I seem to remember seeing on television the prime minister and other politicians in a polling station. I get the sense that is something that is not allowed under the law but that happens anyways.

Mr. Gardner, you are in favour of having the media present in polling stations. I did not hear the position of the other two parties, but from reading the brief of the Conservative Party, I know that the Conservatives do not support that.

Could you tell us why you see no problem with the CEO allowing the media to be present in polling stations?

Mr. Gilbert Gardner: In the past, it was more or less left to the discretion of returning officers. The Bloc Québécois, in particular, was penalized during the election in 2006, when all returning officers had been directed not to allow cameras into polling stations.

Cameras were not allowed in the polling station when Bloc Québécois leader Mr. Duceppe cast his vote, but had been allowed in when the Liberal Party's and the Conservative Party's respective leaders cast their ballots.

So, yes, it is rather surprising that the Conservative Party would not support this measure. Presidents and party leaders can even be filmed in all eastern European countries, which generally place more restrictions on freedom of the press and freedom of information. It is also common practice in every country in western Europe. When President Sarkozy cast his ballot, for example, it was seen on television around the entire world.

This is something the Bloc Québécois has repeatedly asked Elections Canada for. We want Elections Canada to allow a practice that is commonplace in just about every country that recognizes freedom of the press.

• (1150)

Mrs. Claude DeBellefeuille: Mr. Arnold, where does the Liberal Party stand on this issue?

Mr. John Arnold: I do not really have any comment.

Mrs. Claude DeBellefeuille: Mr. Lavigne, your thoughts?

[*English*]

Mr. Brad Lavigne: The issue of media taking visual images of leaders voting is not a concern to us; it should be applied equally across. But I think that should be restricted to leaders for the purposes of showcasing the actual voting day itself.

I think where we get into trouble is with local media going in and following the incumbent or the challengers into the voting booth. I think that would serve as a deterrent for others in regard to feeling that they have the freedom to vote.

I think we can carve out an exception for leaders. I know that in our work it's all timed, and it's all presented as something that is staged, so I think that would be something that would be welcomed. But as for all media at any time, I think it would be a problem.

[*Translation*]

Mrs. Claude DeBellefeuille: Mr. Chair, since I have a bit of time left, I would like Mr. Gardner to explain his solution for dealing with partisan signs outside polling sites.

You talked about how difficult it is to find space in some urban ridings and even rural ones, where candidates' electoral committees are often located in the same place as the polling station. You also said the 100-metre limit was problematic.

Do you have another suggestion? We know this is going to happen again during the next general election. Do you have any solutions to deal with electoral sites specifically?

Mr. Gilbert Gardner: Historically—if we disregard the 100-metre rule—the fact that signs cannot be visibly displayed near polling stations applied mostly to the main voting day and advance voting days. Given the introduction of new formats over the years, having to do with special voting, where an elector can vote in person at the office of their returning officer, people want the rule to also apply to the office of the returning officer. That seems a bit much to me. We could perhaps keep the ban in effect on election day and on advance voting days in polling stations.

The 100-metre distance also seems a bit excessive. I challenge anyone, especially in urban areas, to read the name of the candidate or the party from 300 feet away, given how big the signs are.

Right now, the legislation simply talks about visibility. If you want to specify or measure the distance related to that visibility, go ahead, but 100 metres is definitely excessive.

Mrs. Claude DeBellefeuille: Great. Thanks.

[English]

The Chair: Very good. Thank you.

Mr. Christopherson.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you, Mr. Chair. I appreciate it.

Thanks very much to all of you for your attendance today.

At the risk of igniting something that I don't want to, I was a little disappointed that the Conservatives didn't send a representative. I understand they responded to the thing and that's great.

But when I read that "it is not possible at this time for me or another appropriate representative of our Party to appear before your committee", which is a quote from their cover letter, it basically was saying "no, we're not coming", so I'm just a little disappointed. We've been trying so hard to be non-partisan. It suggests there was some concern that there was some kind of political trap being laid or that something untoward was going to happen should they come here.

But anyway, that's certainly their right, and that's all I have to say about the matter.

I'll pick up on the last question. The signs outside the voting area seem to be getting an awful lot of attention. If I'm understanding it, the resistance is that in an urban area it's impractical. You're going to be denying people the right to put an election sign out on their front lawns, and just because it's a packed urban area and they happen to be too close, you end up denying people their rights.

But I think we all do agree that every one of us...well, most... I'll put it this way. It's not unusual for a campaign to eyeball what the distance is, be sure that you're safe, and then work like heck to try to catch everybody that you can just outside the safe area. They don't do that because they have nothing else to do; it's done because it can have an impact, and for people who haven't made up their minds, which is, surprisingly, quite a few. On the way to the polling station people are still mulling it over, right up to the time they get in front of the box and mark their ballots.

I just want to tease this out a little bit further. First of all, does everyone agree with the concept? Then secondly, is it just a matter of 100 metres being impractical and that it needs to be smaller? Or does there need to be a whole different approach?

I'll just open it up to all three. Don't all jump at once.

• (1155)

Mr. John Arnold: For us, the 100 metres was difficult in a shopping mall type of environment where the property is quite large. The entrance could be on the far side of the mall. No one is going to go by this private property location that is 100 metres from the property.

We're not certain exactly what the answer was in terms of dealing with large shopping malls. But certainly when you have a very large property and it's 100 metres around the property, we think that's too extreme.

Mr. David Christopherson: I'm sorry. Help me. I have to admit that I'm not quite getting your point.

Mr. John Arnold: It's 100 metres from the property.

Mr. David Christopherson: Right. Oh, I see what you're saying. So the built-in starting point in a mall is already out *x* far. Is that your only concern?

Mr. John Arnold: Yes. We were prepared to have it within 100 metres of the entrance of the returning officer's office or the....

Mr. David Christopherson: I see. Okay.

And thoughts from the others, please?

[Translation]

Mr. Gilbert Gardner: As I mentioned earlier, I think the ban on signs should apply only to polling day and advance polling days, and not to the various special voting formats, where electors can vote in person at the office of the returning officer. Advertising in the media, on the radio, is not prohibited during the entire polling period at the polling station, so I do not see why this would be any different.

An elector who is on their way to vote at the office of the returning officer can hear a campaign ad on the radio and still cast their vote. We do not limit the ability to transmit advertising. Nor should we limit an individual's ability to post a campaign sign on their property or the ability of a political party to display signs near the offices of returning officers.

However, I think the current practice of restricting visual advertising on polling day, near polling sites, is a long-standing and generally respected tradition, one I do not see as a major problem.

[English]

Mr. David Christopherson: You would leave some discretion with the DRO? Would they do their own interpretation? Would they take a visual look and say that's okay or that's not okay?

[Translation]

Mr. Gilbert Gardner: Yes, it could be the responsibility of the deputy returning officer or the returning officer. I tend to think it should be the returning officer. Elections Canada could set out relevant guidelines for all returning officers.

[English]

Mr. David Christopherson: *Merci.*

Mr. Lavigne.

Mr. Brad Lavigne: I think the point of the Chief Electoral Officer's provision in this report is to clarify where we get to it. I think there's a handful of examples across the country where the idea of 100 metres from the building or the property itself would be a problem.

But I also don't know about whether or not there would be some instances where the entrance to the facility itself is fair. If you live across the street from a community centre and that community centre's entrance is right at the edge of the property, they may restrict the freedom to display that in your own apartment or in your own home.

I think the discretion is good. I mean, among all of the 121 pages within this, I don't think this is our number one issue. But I think that some clarification within the act and some discretion with either the DRO or the returning officer would I think satisfy the clarification need that the Chief Electoral Officer has identified here.

• (1200)

Mr. David Christopherson: Thank you.

I don't want to make a huge deal of this, but I just want to ask a practical question. The issue around the leadership funding is very complex and it's very detailed. I'm going to ask Mr. Arnold. I don't mean it in any kind of an aggressive way, but you can interpret it as you choose, of course.

It's about the practicality of having such outstanding debts so many years later. A number of elections have gone by. Just in a nutshell, how would you suggest that we change things so that we don't have that situation repeated, because I think you'll agree it's not something we want to continue. So I'm trying to be as fair-minded as I can. Just given that circumstance, what is your suggestion, in a practical way, as to how we approach this?

Mr. John Arnold: As I mentioned, I think there has been a learning experience that the political industry has gained from these leadership conventions in the Liberal Party—Elections Canada and the other political parties as well. I think it's also the question that the Liberal Party of Canada has recognized that these leadership conventions can't continue in the way they did prior to when they were regulated. As a result of that, we have made internal changes in terms of delegate selection, which we would see at a subsequent leadership convention.

Mr. David Christopherson: Do you see changes here that would be helpful or changes that aren't here that you would suggest?

Mr. John Arnold: The thing that really hinders leadership candidates is trying to run a national campaign on \$1,000 contributions. You can think of the number of contributors that requires. This is a huge effort. You're a candidate. You know how difficult it is sometimes in your own riding, yet as a leadership candidate, you're doing this across 308.

Mr. David Christopherson: Thank you.

Thanks, Chair.

The Chair: Thank you.

We'll go to another round. I'll suggest that it be three minutes long to try to get everybody in today. I ask for your restraint, please.

Madam Jennings, you're up. Thank you for being here today. We've missed you. You've been away.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): It's my pleasure, although it's only a temporary visit.

Thank you so much for all your presentations.

Given that I only have three minutes, I will ask you about one issue, and that's II.9, extensions of time for filing financial returns. The Chief Electoral Officer is recommending that candidates who fail to file an electoral campaign return by the statutory due date should forfeit up to one half of the nomination deposit, regardless of whether they received an extension.

As someone who's been a candidate in five elections, I have a difficult time accepting that the return.... If I am granted an extension, that means the Chief Electoral Officer has accepted the grounds on which I was unable to meet the deadline, so I don't understand why I should forfeit any part of my nomination deposit.

I'd like to hear your views on that.

Mr. Brad Lavigne: In my remarks this morning, I highlighted that very fact. We find that to be unfair, particularly when you take a look at the kinds of local campaigns that are having challenges.

They are normally low-resource campaigns. Again, there's the volunteer culture of the local campaign. The idea that they would be penalized financially, particularly when it is not their fault.... Many times it is not due to incompetence of the local individuals in the campaign team; rather, it is challenges with suppliers. Perhaps that supplier has gone out of business and cannot furnish the appropriate invoice. Perhaps the individuals who were responsible have moved on, passed away, or had a sudden illness. It is not the fault of the local campaign.

For the larger riding associations, \$500 may seem like a small matter. Getting rid of a lot of the regulation that the Chief Electoral Officer has identified would get rid of a lot of the paperwork that is unnecessary and ineffective. This is ineffective as a deterrent. We completely agree that it should not be pursued.

[Translation]

Mr. Gilbert Gardner: Yes, it is a bit like dangling a carrot on a stick. You are allowed to seek an extension, yet you are subject to a \$500-penalty. If the reasons for the extension request seem reasonable in the eyes of Elections Canada or a court—because a court can also grant an extension—the extension is legally sound. If it is legally sound, I do not see why the person seeking an extension should be penalized. It makes no sense to me. If the extension request is far-fetched or unwarranted, it will be denied. In that case, I would be in favour of imposing some consequences, but if the request is granted, I do not see why a person would be penalized for making a request that has been deemed valid, logical and acceptable.

• (1205)

[English]

Mr. John Arnold: We only commented on the two options that were presented by the Chief Electoral Officer. Certainly it would be very logical that if an extension were granted by the Chief Electoral Officer there would be no penalty within that time period.

The Chair: Thank you.

We got to three minutes and 41 seconds. We did pretty well that time.

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): I want to focus on recommendation II.1, which has to do with the documents and information that the CEO deems necessary to verify that the party and its chief agent have complied with the requirements of the act with respect to the election expenses return. The Conservatives and the Liberals disagree with this recommendation. That is the position of the older parties. The younger parties, the Bloc Québécois and the NDP—which, granted, is a bit older than the Bloc—do not seem to have anything negative to say about this recommendation.

The CEO says in his report that, unlike candidates and other regulated entities, political parties are not required to provide any documentary evidence to support their returns. In their document, the Conservatives disagree with the recommendation, saying that the documents in question could be misused and that, at the end of the day, the auditor is the best person to carry out the audit function.

I will start with you, Mr. Gardner. Is there a reason why the Liberals—and we will see what Mr. Arnold has to say shortly—and the Conservatives would disagree with having to provide those documents to the CEO? What is the catch?

Mr. Gilbert Gardner: It is hard to say. I can speculate, but it would be hard since I cannot verify the accuracy of any such guesses.

Obviously, this recommendation would considerably broaden the CEO's inquiry power. The Liberal Party and the Conservative Party pointed to the fact that an external independent audit is conducted, and I must admit there is value in that. To go from that to requiring parties to provide all documents supporting their financial return, if the recommendation ends up being accepted and incorporated into a bill, the CEO's use or interpretation of that ability would need to be defined.

For example, we spent way too many months discussing a publisher's invoice. It was a matter of determining whether the price reflected fair market value. Elections Canada claimed fair market value was the selling price in bookstores, but we said we were buying the whole set. It was purchased from the publisher, and that is the practice of publishers. We had to spend months upon months discussing it before we were able to convince Elections Canada that we had indeed paid fair market value. If the requirement regarding supporting documents is added to the legislation, it should be restricted to prevent things from getting out of hand, as far as Elections Canada goes.

Mr. Mario Laframboise: The recommendation says the CEO could request any *necessary* documents. In response to that, the Conservatives talk about access to information requests, saying that the CEO should go through the Access to Information Act to obtain information.

Mr. Lavigne, should we adopt that approach? If the CEO wants to know something, should he file an access to information request?

Obviously, we do not agree with what the Conservatives and Liberals are doing.

[English]

Mr. Brad Lavigne: I know that political parties aren't captured under the access to information provisions, but we support the recommendations, and here's why. If the Chief Electoral Officer believes there is some misdoing and there's enough to go to the authorities, to the police, the police will raid a political party's office to gather documentation. The question is, does this provision kind of eliminate that step because the individual, the Chief Electoral Officer, would have access to certain files?

I think political parties need to be accountable on a variety of levels as long as they're going to be enjoying the public subsidy, of which we are a large supporter; we believe public financing keeps big money out of politics. But also, when you look at election expenses and the ability to rebate 50¢ or 60¢ of our expenditures at the local and central levels, I think the taxpayers deserve to know there's a watchdog on them. We have nothing to hide. We would volunteer the information.

But if we're going to give the Chief Electoral Officer teeth to pursue certain things, we shouldn't let it have to get to a criminal level so that the police or the RCMP come to raid our offices. Rather, we could give this officer the authority to look at some. We're not afraid of that in any way and we support the recommendation.

● (1210)

The Chair: Thank you.

An hon. member: Monsieur—

The Chair: Excuse me, but you're way over. We'll see if we can get his answer in with someone else's.

Monsieur Albrecht. I'm sorry that I skipped you going around.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): You're forgiven.

Thank you, Mr. Chair.

On a different note, I don't believe that any of the witnesses have spoken to this directly, except Mr. Gardner. I want to be sure I understood him in relation to III.6, the right to strike on behalf of Elections Canada.

I just want to confirm that you indicated that you do not agree with the CEO's recommendation. Was that your position?

Mr. Gilbert Gardner: *Oui.*

Mr. Harold Albrecht: Okay. You do not agree. So you think Elections Canada officials should be allowed to go on strike even in a minority Parliament when that could destabilize the election process.

[Translation]

Mr. Gilbert Gardner: I think that it is up to the employer, so the government, to reach agreements with its employees and that taking away this right is not....

[English]

Mr. Harold Albrecht: I just wanted to confirm that.

Mr. Lavigne, are you prepared to speak to that?

Mr. Brad Lavigne: Yes, I am. I believe it was an economic statement back in November of 2008—

Mr. Harold Albrecht: So you're opposed to that.

And Mr. Arnold?

Mr. Brad Lavigne: —and I think we've covered that off pretty well, and I think we've certainly convinced our friends on this side of the committee table that it was not a provision that we were willing to support.

Mr. John Arnold: We believe that this is a decision best left to government and Parliament.

Mr. Harold Albrecht: All right.

Mr. Arnold, I'd like to go back to a point you made about the reimbursement of election expenses when the limit is exceeded. Again, I would like to clarify what I think I heard you say. You agree with the dollar for dollar reduction for the first 10% that exceeds the expense limit. Then beyond that...?

Mr. John Arnold: I was just giving examples.

Mr. Harold Albrecht: Just a for instance...?

Mr. John Arnold: I think a framework would need to be developed so that you would end up having a graduated repayment. At one point it's dollar for dollar, then it's one dollar for two dollars, then one dollar for three dollars.

Mr. Harold Albrecht: Okay. That's where I'm confused. When you say one dollar for two dollars, are you suggesting that the penalty would be more severe the higher you go above the expense, or would it be less severe?

Mr. John Arnold: Correct: it would be more severe.

Mr. Harold Albrecht: It would be more severe. So in fact someone could end up, if they're \$5,000 over, as in the example in the recommendation, losing \$5,000, but if they were \$10,000 over, they could actually lose \$15,000 from their reimbursement.

Mr. John Arnold: That is correct.

Mr. Harold Albrecht: Okay. Thank you. I just wanted to clarify that.

Thank you, Mr. Chair.

The Chair: You are early on your time. Very good. You've set a new pace.

We'll go to Mr. Christopherson for short questions and answers. We'll try to get to everybody else after that.

Mr. David Christopherson: Thanks, Chair.

On vouching, I know that of course Mr. Lavigne has expressed disagreement on behalf of the NDP. The document from the Conservatives suggests that they don't agree. I didn't catch what the other two positions were on the recommendations around vouching. That is recommendation I.11 on page 31 in the report.

[Translation]

Mr. Gilbert Gardner: We agree provided that it is limited to immediate family members and that the term "immediate family" is defined in the legislation.

[English]

Mr. David Christopherson: Mr. Arnold.

Mr. John Arnold: We understand the reasons for Elections Canada's recommendation. It becomes very difficult if you start putting limits on determining whether you can do it for a household of four versus a household of eleven versus a household of fifteen. You are, in some cases, going to get households with adults at one address. We didn't want to exclude those people.

There is going to be a burden of proof in terms of establishing residency. We're fine with the recommendation.

• (1215)

Mr. David Christopherson: You support it. Okay. Thanks.

Just briefly, what are your thoughts again on Internet voting?

Mr. Brad Lavigne: We're very much in favour of it. We have it going on in British Columbia and Alberta. Quebec and Ontario are doing partial and pilot projects. This institution needs to get with the times. We have a voting challenge. The voters list is not good. We need full enumeration, and until that time, we need to give the tools to the Chief Electoral Officer to stop the bleeding.

Mr. David Christopherson: Thanks. That was a good point. I would just add—

The Chair: Mr. Christopherson, you said "Internet voting". Are you talking about Internet registration?

Mr. David Christopherson: I meant Internet registration. That's my mistake. But I appreciate your mentioning that, Mr. Lavigne.

I'd also just like your comment on the status of the permanent voters list. The NDP has gone out of its way to say that there are real problems with that. So as you're commenting on Internet registration, what are your thoughts on the permanent voters list as an effective tool?

[Translation]

Mr. Gilbert Gardner: The voters list is flawed. During the last election, in 2008, there were over 50,000 more voters on the federal voters list than on Quebec's voters list, which was used for the election in December, barely a month and a half later. There is still considerable duplication, as well as delays in deleting the names of voters who notice their name on the list twice. Despite their requests, their name appears more than once. So there is still a lot of work to do in this area.

In terms of Internet registration, I will limit my comments to what I said earlier. I would support it as part of a pilot project approved by the committee, especially in connection with a by-election.

[English]

Mr. John Arnold: We recognize that any list is going to have its limitations. The voting list, as we have it now, is a useful tool.

On Internet registration, we are in favour of it, and we believe that the regulator is fully capable of dealing with all the potential security and fraud issues. That can be dealt with.

Mr. David Christopherson: Thank you.

Thanks, Chair.

The Chair: Super. Thank you, Mr. Christopherson.

Mr. Murphy, welcome to our committee today. Please give it your best shot in the three minutes remaining.

Hon. Shawn Murphy (Charlottetown, Lib.): I'll be very brief. I just want to follow up on that line of questioning on the Internet registration, not the voting. I just want to get your thoughts and comments.

I do agree that this is the way society is going and that this is the way we should be operating. In my experience with the list, it's inaccurate because the returning officers have mechanisms at their disposal to add people to the list, but they don't have any mechanisms, that I'm aware of, to take people off the list.

You're dealing with a list where a lot of people have moved on or they've died. There are all kinds of reasons why they're on the list, but there really isn't any mechanism to take them off. You can tell the returning officer that the person has gone to Calgary and he went five years ago, or that fella is dead, but they look at you, and there's no mechanism for that.

I just want to get the parties' opinion on this. There must be better ways. How do they verify information coming in through the Internet if someone wants to register? Secondly, and perhaps just as importantly, how do they verify the information coming over the Internet that a person no longer lives within that particular electoral district?

[Translation]

Mr. Gilbert Gardner: I would draw your attention to recommendation IV.11, which seeks to make the voters list more representative by authorizing a guardian to delete the name of a person who should not be on the list. I believe that is one of the proposed methods.

However, I may have a different take on the problem. It is not so much the quality of the list as the voter turnout rate that is the problem, in my view, and those two things are not necessarily related. We may want to spend more time looking at ways to increase the turnout rate, while endeavouring to keep the voters list as accurate as possible—but it will not happen overnight.

[English]

The Chair: Mr. Arnold.

Mr. John Arnold: As a political party, we're not certain that we would be able to develop the rules regarding Internet registration. This is why we would rely on Elections Canada to develop those and then allow the parties to comment on whether those rules are going to meet our needs.

• (1220)

The Chair: Mr. Lavigne.

Mr. Brad Lavigne: One way to look at what is being done in Canada and other jurisdictions is to call Elections B.C., or the Alberta authorities, or Quebec or Elections Ontario, to find out what they've put in place. I, like Mr. Arnold, did not come here with any Internet fraud solutions today. That's not my area of expertise.

But I will share just quickly how bad the lists are.

You, Mr. Murphy, started off by saying that the lists...and I've seen the numbers that the Chief Electoral Officer has suggested: 93% of

the voters are there. I believe it's 80-odd per cent who are living in their permanent residence. There's no way, from the information we have, that this is anywhere near what we know to be true.

I know that each political party around the table today would know that. They can go to their political party's offices and see the stacks and stacks of returned mail because a person has moved or because a person is deceased. There's nothing as sad as when you're on the phone with a widow and you keep mailing to the husband who passed away 10 years ago. The reason that husband is on the list is that he's on the voters list. He's on the Elections Canada voters list. That's not our list. That's not the other parties' lists. That is the Elections Canada list. If it's that bad, I can't understand how the integrity can be maintained.

The key here is that you're asking us to fix a flawed system. The permanent voters list is a flawed system. We recommend going back to full enumeration. It has only been about 14 years since the legislation was passed in Parliament. I don't know what more this table or the rest of the House needs to see for evidence to say that we need to go back, so that individuals, either online or in person, can be signing up to exercise their franchise. If they move or if they change their name, they can turn on their computer—as they're doing every day already—and update their information. I think that's a modern, fraud-free way of getting this system into the 21st century.

The Chair: Great.

Thank you very much, Mr. Murphy.

Mr. Hoback.

Mr. Randy Hoback (Prince Albert, CPC): Thank you, Chair.

I just want to direct all three of you towards item number 7 in chapter II, candidates' debates, and the recommendation he's making there.

I'll just open the floor, maybe to you, Mr. Lavigne, and your discussions on that. I'm just curious about what your thoughts are.

Mr. Brad Lavigne: Yes. The offering here is to monetize one's performance at an all-candidates meeting. It's something that we couldn't disagree with more. There's no way that you could add a value to one's performance, one's exposure to it. I can't imagine what the market value of that would be. I can't imagine how we'd assess the variations of that, whether it's a small community group that's having an all-candidates meeting, or if there are two candidates or 15—wildly varying—and the size of the crowd, and then the paperwork that would have to go into it. It would be nuts.

At the same time, what you'd also see is that this would have an influence on the groups in the local ridings that are putting on these events; that is, candidates would say no. They'd say, "If I go to your all-candidates meeting, that's \$100 off my ceiling". So they're going to wait for the bigger one, the chamber of commerce, where they're going to do one debate; that's going to be \$1,000, and that's it for their debates. I don't think that would serve electors well and I think it would be impossible both to, first of all, monetize all-candidates meetings, and then to police them afterwards.

Mr. Randy Hoback: The spirit of the legislation is to make sure everything is equal and balanced. If you go to a candidates' debate—I assume everybody is going—then it's obviously equal and balanced. So it would be a wash, would it not?

Mr. Brad Lavigne: It could be very unbalanced; you could have organizations that only invite certain individuals to participate. But I don't think Elections Canada is going to be an effective vehicle to regulate that. I can't imagine it.

Mr. Randy Hoback: Mr. Arnold, would you have any comment on that, or Mr. Gardner? I'll open it up to both of you.

Mr. John Arnold: Our understanding is that this is already going on. Elections Canada has developed internal rules and a framework in terms of expenses that should or should not be recorded in the return. Our understanding is that they were looking at codifying these rules into legislation so that everyone is working from a level playing field.

Mr. Randy Hoback: You're actually in favour of the recommendation, then, are you?

Mr. John Arnold: We are in favour.

Mr. Randy Hoback: Really?

Mr. Gardner.

[*Translation*]

Mr. Gilbert Gardner: We object to that recommendation. The legislation talks about equity. That does not necessarily mean identical access for all political parties registered with Elections Canada. Many sections in the law favour a certain number of parties enjoying most of the popularity. I think that recommendation stems from the lobbying of very small parties trying to obtain the right to take part in national debates with the leaders of the main political parties.

Right now, section 319 of the act is quite clear: it excludes public debates. It does not involve a contribution, but a neutral debate, organized by a neutral body that does not favour any candidate over another, and I think the current legislative framework is very much in keeping with the will of legislators.

•(1225)

[*English*]

The Chair: Thank you, Mr. Hoback.

We have Mr. Weston, just to finish off everybody getting one round in. Then we'll go to some one-off questions.

Mr. Weston.

Mr. Rodney Weston (Saint John, CPC): Thank you, Chair. I won't take a lot of time.

Mr. Lavigne, your comments focused a bit on accountability. You had some concerns over regulation, and you seemed to imply that less regulation would allow more people into the system. I'm not trying to put words in your mouth, but that was the implication I drew from that. You said—and I'm paraphrasing here—that we shouldn't require an audit on candidates who receive less than 10%.

My question is on that. I'm not trying to stifle any participation in the political process, but there always has to be a measure of accountability. I am wondering if you could go a little further on that

to let me know your thoughts. Surely you're not suggesting that any candidate who receives less than 10% should not be accountable or not have to provide audited statements.

Would you be looking at something of the nature that the CEO would be able to randomly select candidates? What were your thoughts there? Could you expand a bit further?

Mr. Brad Lavigne: There's a whole host of things that would reduce the regulatory burden on the local campaigns. I highlighted a few of them.

Obviously we do want accountability; we do want to make sure. But some of these provisions.... For instance, if you have no financial transactions, it's very hard to explain to somebody why they have to open up a credit union or bank account. This is from our perspective and how we train our local teams.

We keep putting them through all these hoops. These are volunteers. These are people with jobs, with families, people who are taking their kids to soccer and to dance. They don't have time to go through motions. If you have absolutely no financial transactions, you have to open up a bank account, and if you don't receive very much revenue coming in from donations or expenditures going out, you still have to do an audit. Nobody is saying they shouldn't do returns, but an audit...? Many times our people have phoned and said, "Who drew up these rules—the Auditing Association of Canada?" I mean, come on.

Some hon. members: Oh, oh!

Mr. Brad Lavigne: There's one on this committee: go figure. There is finally some news coming out of all this—

The Chair: Let's not be blaming the committee.

Mr. Brad Lavigne: That's right.

Mr. Rodney Weston: I'm not trying to interrupt, Mr. Lavigne, but your correlation was to the number of votes garnered—less than 10%—not to whether they actually incurred any financial expense. That's what I'm trying to get to here: that there isn't a direct correlation between the two.

Mr. Brad Lavigne: Understood, but the benchmark I was using here is if you don't get your rebate back: you don't get your rebate or your deposit back if you don't get that 10% or more. That was the litmus test I was talking about.

Mr. Rodney Weston: No, I understand where you developed the benchmark, but I just wanted to make sure that you weren't...that there wasn't a correlation. There's no correlation between financial transactions and amount of votes garnered.

Mr. Brad Lavigne: No, none whatsoever.

Mr. Rodney Weston: That's where I was going with that. I don't think it's a fair statement to say that anybody who got less than 10% of the vote shouldn't have to be required to provide audited statements.

I guess here's where I'm going with this: do you have an idea of how to provide the best...? I mean, there have to be some accountability measures built in here regardless of what percentage of the vote you get.

The Chair: A very quick answer on that, please.

Mr. Brad Lavigne: Certainly. They do a return and that return is eventually audited anyway, but the litmus test is whether or not they get rebate money back from the taxpayer. That's what I'm saying. That's the cut-off. If you're not getting any money back from the taxpayer, then you file your return, and it will eventually get audited—but no audit when you file your return. That's my litmus test. It has nothing to do with votes. It has to do with whether or not you're getting a rebate.

The Chair: Excellent. All right. We have time to do some one-off questions, so I'll follow in the order of questioners.

Ms. Ratansi is first.

Ms. Yasmin Ratansi: On the candidates who conduct no financial transactions, my question is this: how can you not conduct financial transactions? You are a candidate. You must have an office. You must have some expenses. You must have some profile. How can you claim you're not conducting a financial transaction? The accountant in me says “debits and credits”. Which is your debit and what is your credit?

• (1230)

The Chair: Who are you asking that of? Mr. Lavigne?

Ms. Yasmin Ratansi: Mr. Lavigne. Yes, he's the only one—

Mr. Brad Lavigne: Oh, oh, I'm going after the accountant now.

Voices: Oh, oh!

Mr. Brad Lavigne: There are candidates who are names on ballots, who are staff people for members of Parliament or senators, who are running in what we call low-resource areas. For these people, they're a name on a ballot. They give the opportunity to the local people to vote for all the political options before them. They don't enter the riding. They don't expend. They don't make any expenditures or garner any revenues. That happens in dozens of ridings among a variety...I would look to some of the smaller parties for that very evidence.

One thing we're trying to suggest is that we agree with the chief because all of this stuff has to be verified by Elections Canada staff. There is important work to be done, and I don't think looking at a small party that is running a candidate's name on a ballot in an area of non-traditional strength is deserving of the amount of time it takes to review an audit.

The Chair: Thank you.

Mr. Reid.

Mr. Scott Reid: I wanted to come back to the issue regarding candidates' debates and the proposal that expenses incurred in organizing these debates be treated as a non-monetary contribution.

Mr. Arnold, you said—and I was surprised to hear this because I would have thought the contrary to be true—that this is already going on in practice and that the proposal would just codify an existing practice.

I'm only basing this on my own experience in my own constituency, but we had eight all-candidates debates in the last election and eight in the one before. That's four times now. You can do the math.

I've never had any attempt, to my knowledge, to take these costs and require us to include them in our return. Now, I haven't spoken with my opponents, but I wonder if you might have been mistaken there, or maybe I just misunderstood.

Mr. John Arnold: No, I agree with that. From reading the recommendation, it was not our understanding that Elections Canada was trying to change the rules on this. They're simply stating here that Parliament should adopt clear provisions in the act “that define under what circumstances expenses incurred to organize a candidates' debate consist of a non-monetary contribution”. I don't believe they're proposing that those current rules be changed.

Mr. Scott Reid: I see. So the idea is that for the current rule the law is vague as to when it should be counted or not counted, and in practice what's happening is that it has never been counted as something that should be put on.... Or it should be divided up among the candidates. Is that what you're...?

Mr. John Arnold: In reading their recommendation, that is my understanding.

Mr. Scott Reid: All right.

Thank you.

The Chair: Thank you, Mr. Reid.

Madame DeBellefeuille.

[*Translation*]

Mrs. Claude DeBellefeuille: My last question has to do with point I.2, on the appointment of deputy returning officers, poll clerks and registration officers.

Mr. Gardner, earlier you said you agreed with that recommendation, but you mentioned a limit in terms of the swearing-in. When should that be done, in your opinion?

Mr. Gilbert Gardner: It could be when Elections Canada provides the documents or equipment necessary for...

Mrs. Claude DeBellefeuille: ...training.

Mr. Gilbert Gardner: It could even be later than the training stage, when Elections Canada provides the ballot box and officially distributes the voters lists that will be used for the election, or the clerk's register. So the swearing-in could be done at a later stage.

I just want to say something briefly. A bit earlier, we said that the nomination of phantom candidates was more the result of small parties. I can tell you from experience that, in Quebec, the big parties have phantom candidates, as well. They are referred to as “poteaux”.

[*English*]

The Chair: Madam Jennings.

[*Translation*]

Hon. Marlene Jennings: I agree completely, Mr. Gardner. We know from experience that phantom candidates occasionally manage to get elected, is that not right? It involves all parties.

[*English*]

I want to come back to the issue of the locals. I agree with the point that Mr. Gardner has made about the swearing-in. It is a problem if the scrutineers are sworn in too early, because candidates are then deprived of volunteer assistance.

However, I want to come back to the issue of the campaign locality and the proximity of polling stations, because that is an issue, and I'm not sure that what the Chief Electoral Officer is recommending is actually viable. To take my personal experience, one would think that because I'm in an urban riding it would be very easy to find a committee room. Well, it's actually proving to be much more difficult. Where we used to be able to have maybe ten possibilities, we're now down to two. Also, because the owners know this, they want exorbitant rents. I think this needs to be looked at a little more closely.

I'm not sure if you wish to comment on that. If you do, the chair might give you some time. I don't know if there's any time left.

• (1235)

The Chair: Please go ahead.

It doesn't look like anybody wishes to, so—

Hon. Marlene Jennings: So then we move on.

The Chair:—I don't have to make the decision. That's very good.

Is there anybody else with a one-off question for our witnesses?

I'll go to Mr. Hoback and then to Madam Ratansi.

Mr. Randy Hoback: Yes, I just want to make a quick comment on the signs. Again, in the spirit of fairness—and the intent of the act is to make sure that it's fair and equal for everybody—one way to make it fair and equal for everybody at the polling stations when they open at 9 a.m. is to have at 'er. Put your signs wherever you want as long as the content is something that's consistent with a regular sign.

That might be one way of doing it. So then who cares where the polling station is? Who cares where...? That person who has the property right next to the polling station is covered. Would that maybe not be an option that we should consider?

The Chair: I have no comment coming on that one either. Such restraint from our witnesses today.

Mr. Lavigne, I think you would like to jump in.

Mr. Brad Lavigne: Sure. From my perspective, having to organize armies of individuals to get to every church basement and elementary school gymnasium to make sure that our signs are in a prominent spot would add tremendously to the burden of election day. We would probably not do that or speak in favour of it.

The other alternative, of course, is to take them all down on election day. There would be no signs anywhere on election day. That would actually be a heck of a lot easier, and easier to police.

Voices: Oh, oh!

Mr. Scott Reid: Would you fine people who don't take their election signs down before they ditch the writ—

Voices: Oh, oh!

A voice: Just in your riding.

The Chair: Before the next writ, perhaps.

Madam Ratansi.

Ms. Yasmin Ratansi: I was surprised that none of you commented on paragraph I.8, which is removal of the date of birth of the electors. Maybe I didn't hear you.

There are so many people with similar names or maybe living at a similar address. If you live in urban ridings, you will understand what I'm saying. If we remove somebody's birthdate and if we don't have the checks and balances.... Sometimes people don't ask for ID and sometimes they do ask for ID, and sometimes they don't ask for citizenship cards and sometimes they do, etc. How would you ensure that there is fairness in the system? What's your take on the removal of the date of birth?

The Chair: Mr. Gardner, you did comment on it. I'll let you do it again if you'd like.

[*Translation*]

Mr. Gilbert Gardner: We said earlier—perhaps you missed it—that we agreed with removing the day and month of the person's date of birth, if necessary; we feel, however, that the person's year of birth should remain to help deputy returning officers and officials determine whether the person before them is 80 years old or 20 years old. And, if there is any doubt, they can ask the elector further questions to confirm their identity.

[*English*]

Ms. Yasmin Ratansi: Anybody else?

The Chair: Do either of the other two gentlemen want to comment on that one?

Mr. Arnold?

Mr. Lavigne?

No? Okay. Is there anyone else with any other questions?

Then I'll go to Ms. Ratansi for another one.

Ms. Yasmin Ratansi: I have just one about the disposal of surplus electoral funds. What happens if there is an independent candidate or if a candidate leaves a party and runs as an independent? Where would their surplus go? Does anybody have any ideas on that? That is in section II.4.

• (1240)

[*Translation*]

Mr. Gilbert Gardner: I believe there is a provision, in that case, stating that the surplus shall go to the Receiver General for Canada. It is a public asset.

Ms. Yasmin Ratansi: Thank you.

Mr. Gilbert Gardner: Whenever a candidate is directly affiliated with a political party, the candidate is required—it says very clearly in the legislation—to hand over all monetary and non-monetary assets in their possession generated under the election campaign.

[*English*]

The Chair: We have a comment from one of our analysts on that one. There was a charter case on it, so he just wants to give us a little piece on it.

Mr. Sebastian Spano (Committee Researcher): Yes. Several years ago, there was an independent candidate—I believe this was the Nunziata case—who challenged that fact that as an independent he had no place to which to direct or return the surplus funds, and the rule in the Canada Elections Act is that the money goes to the Receiver General of Canada.

That was challenged in the Superior Court of Ontario and that has been struck down, but it's still showing as a current provision in the act. I'll do a little more research on the status of this, but that's really the upshot of the case.

Ms. Yasmin Ratansi: So the challenge would be that if I win as an independent candidate and have a surplus, I can keep it. If I lose, I return it to the CRA. But if I want to run the next time, what do I do then? Where is the equality in this system for me?

The Chair: Great. Go ahead, Mr. Spano. We're going to question our analyst here.

Voices: Oh, oh!

Mr. Sebastian Spano: I'll check the case, but my recollection is that this was one of the grounds of unfairness cited by the candidate. What if he or she wanted to run again and the money was there, and he or she wanted to use it but was forced to return it or give it away to the Receiver General?

I'd have to read the case again; it has been a while. It was a few years ago that this case was decided.

Ms. Yasmin Ratansi: Maybe they'll put it in a dormant account.

The Chair: Then I'll ask that we do that, members, and by the time we get to doing our checklist on that one point, we'll have information.

Mr. Sebastian Spano: I'd be happy to prepare a briefing note for you on that.

Ms. Yasmin Ratansi: Thank you.

The Chair: Mr. Gardner.

[*Translation*]

Mr. Gilbert Gardner: An underlying principle of any such statutory provision stipulates that a person cannot use the benefits of an election campaign for personal gain. If the person claims that they are going to run again, there has to be a mechanism in place to ensure that the money remains a public—not private—asset to prevent the individual from using it however they wish.

[*English*]

Ms. Yasmin Ratansi: That's good.

The Chair: Excellent.

Are there any other questions from members?

If not, then I'd like to thank our witnesses for coming today. You've helped us get through parts of this book from the Chief Electoral Officer. We'll endeavour to get through the rest of it on our own, but you've given us the views of the political parties. With the notes from the Conservative Party, we have them all.

Thank you so much for coming today. Be available to us in case we need you, but at this moment we'll do the work on our own from this point forward. Thank you very much.

Is there anything else for the committee today?

We're adjourned.

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