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Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

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• (1900)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): Let's get started, committee. We are studying Bill C-23, the fair elections act.

We have three witnesses in this hour.

First we have Jason Mycoff. Do you hear me okay?

Dr. Jason Mycoff (Associate Professor, University of Delaware, As an Individual): I do, thank you.

The Chair: Super.

We also have Ian Lee and Leslie Seidle, who are here tonight.

What I would like you to do, if you each have an opening statement, is please give us your opening statement in five minutes or less. Then the committee would be happy to ask you questions, or answer yours, I guess, too.

Mr. Mycoff, would you like to go first?

Dr. Jason Mycoff: Thank you.

My name is Jason Mycoff. I am an associate professor of political science at the University of Delaware. The first thing I'd like to do is thank the committee for inviting me to testify. I'm very honoured, and I hope that I can answer any questions you might have about the theory and practice of election law.

As a very brief note on my background, I study the U.S. Congress, and my interest in election law goes back to my days of writing a dissertation at Ohio State University, where I studied how incumbent members of Congress build war chests for their campaigns. I also have a series of projects that I've been working on with my colleagues Michael Wagner and David Wilson at the University of Delaware, where we've been studying the effect of voter ID laws on election turnout.

Again, thank you for inviting me to testify. I hope I can answer any questions you might have and be helpful to the committee.

The Chair: Thank you very much for your concise opening statement.

Mr. Lee, would you like to go next?

Dr. Ian Lee (Professor, Carleton University, As an Individual): Yes.

Thank you for inviting me.

I'm an assistant professor in the Sprott School of Business.

Tonight I'm only going to address the issue of vouching, digital identity, and risk management. I'm going to narrow in on that as it is in reality a debate concerning identification policies and risk management practices of large public and private institutions in a modern complex society and the extensiveness and pervasiveness of these multiple overlapping personal digital identification systems.

Restated, the allegations of voter suppression are completely dependent on the unstated, implicit assumption that there are significant numbers of Canadians with zero identity cards.

In my judgment, Mr. Mayrand, Mr. Neufeld, and the political science professors have unwittingly significantly overestimated the number of Canadians with zero identity cards due to their apparent lack of familiarity with all the identification systems available today in Canada and risk management principles and practices.

I argue that it's impossible today in Canada to be digitally invisible with a zero identity of any kind in any database, i.e., not being recorded or tracked by any government or private firm anywhere. Of course voting will be suppressed for those with absolute zero digital identity, if identity is required for voting, but I'm going to introduce evidence that suggests that all Canadians have some form of identity.

I will now highlight the empirical evidence very quickly.

In Canada today, enormously powerful, real-time, connected mainframe computers and modern bureaucracies, public and private, create massive interconnected databases on we the people. Hospital databases register an electronic hospital record the very moment we are born. Birth registration is registered in a provincial records database and a birth certificate is issued. Social insurance numbers are registered in a federal database. Within six months of our coming into existence on the planet, we are already being measured and tracked. Education databases record when we start elementary school. Health ministry databases record immunization shots. Municipal databases record library cards. Another education ministry records when we start high school, and identity cards are issued. This is Michel Foucault and governmentality with a vengeance.

Most important of all, unlike the U.S., we've had our universal, singular, public health care system since 1965 that issues our universal personal health care photo identity card. I reviewed the health care ID policy of Ontario, Quebec, Alberta, Nova Scotia, Nunavut, Yukon, and Northwest Territories and discovered that it is mandatory to have a health care card to access any health care of any kind. If you don't have a health care card, you can't use the health care system, and we don't have private health care. According to the logic of the critics, this would be health care suppression.

Then we open bank accounts, and massive bank databases require two pieces of primary, i.e., government, ID—no utility bills, please—under the Bank Act, which was passed by MPs. According to the logic of the critics, this would be bank account suppression. By the way, 96% of Canadians have bank accounts per the FCAC established by this Parliament. So you MP suppressors are doing a pretty poor job.

Some of us get a passport requiring two pieces of primary government-issued ID—no utility bills, please. Indeed, since 2008 the U.S. demands a passport to enter the United States, and this is a direct quote from Homeland Security:

The Western Hemisphere Travel Initiative was designed to address the risks posed by accepting oral declarations and the many potentially unsecure documents that were being presented at U.S. ports of entry.

By the way, U.S. border control does not accept utility bills. Presumably this is foreign travel suppression.

According to the latest Passport Canada annual report, passport possession went from 45% to 70% of Canadians in a very short time, four years after the rule change.

Some of us get credit cards. The Canadian Bankers Association reports that Canadians hold 71 million credit cards: more identity; that's a lot of identity cards.

Today, an increasing number of Canadians go to post-secondary education. According to StatsCan, in 2013 there were two million students registered at colleges and universities where everyone is issued student photo ID, but in the immortal words of Senator Duffy, "Wait, there's more." It gets better.

Every university and college that I checked requires photo ID to sit every exam in the multiple thousands of courses across Canada. This policy likely extends to those political science profs outside Canada who oppose ending vouching. By the way, I would

encourage each of the 170 profs to publicly condemn their dean, their provost, and their president for such suppression of education freedom in requiring photo ID to write exams.

A final example is the delightful experience of modern air travel that starts with entering your passport in the airport kiosk. One minute later, you're asked again for photo ID to check the luggage—no utility bills, please. Then you go down to security to be groped, squeezed, and fondled, but not before being asked for your photo ID for the third time, and then finally to the gate where you are asked for the fourth time.

• (1905)

But wait a minute: Mayrand and the critics argue that we should not be adopting more stringent identification measures in the absence of evidence of voting fraud.

Excellent point. Where is the evidence of terrorism in Canada? There are no planes that have been hijacked and blown up in Canada. According to this curious logic, we must stop requiring photo ID to board planes in the absence of evidence of planes being blown up. And we should stop demanding student photo ID, as there's no evidence of exam fraud; of course not, because we demand photo ID.

In fact, this debate has been hijacked by an absurd test that undesirable risks must be experienced before prophylactic measures can be adopted, contrary to all principles of risk management.

Forgive me for this humour, but I'm trying to use humour to make my point.

The critics have causality upside down and backwards, and it can be reduced to the following proposition: one, have unprotected sex, and two, if a partner becomes pregnant—the evidence—then, and only then, number three, start using a prophylactic device. Clearly this is absurd. No, Mr. Mayrand. No, Mr. Neufeld. No, 170 political science profs. One uses a prophylactic device before sex, not after—and that's in all of the sex education manuals across Canada in the high schools—to ensure that the baby or the evidence does not materialize in the first place.

For the identical reason, we demand photo ID to cross the border; for the identical reason, we insist on photo ID to fly on a plane, write an exam, or open a bank account: because it is prudent and responsible risk management to adopt anticipatory precautionary measures before bad things happen, not after bad things happen.

This is exactly why the U.K. Electoral Commission, in the oldest democracy on the planet Earth, 90 days ago recommended mandatory photo ID for voting by 2019. They are following Northern Ireland, which adopted mandatory photo ID for voting in 2003, and pursuant to their study, found that mandatory photo ID does not suppress voting.

Thank you.

The Chair: Thank you. That was a little over, but we'll go to Mr. Seidle, for five minutes or less if you can, please.

Dr. Leslie Seidle (Public Policy Consultant and Researcher, As an Individual): Thank you.

I don't think I can compete with Professor Lee on the humour.

I have quite a lot of experience in this area, including at the Lortie commission on electoral reform 20 years ago, and two years at Elections Canada as the director of research and policy 10 years ago. In light of that, I want to begin my comments on this bill from the perspective of policy development.

I find that on a number of important matters, Bill C-23 proposes major policy changes that are not backed up by solid evidence. By this I mean, what is the nature and extent of the problem that needs to be rectified? I researched the answer to this question by checking the backgrounders on the democratic reform website, ministerial speeches, and other documents. I'm now going to talk about three policy changes to demonstrate the point about the lack of evidence.

First, the bill proposes to abolish the voter education mandate of the Chief Electoral Officer. Members probably know that this responsibility dates from 1993, and to my knowledge no political party has ever called it into question until now. Research has shown that the decline in turnout observed in Canada and most advanced democracies has been particularly sharp among youth. In the early 2000s, concern about this rose and not just among researchers and election administrators, but on February 17, 2004, almost 10 years to a day, the House unanimously adopted a motion, part of which reads as follows:

That the House direct the Chief Electoral Officer and Elections Canada to expand its initiatives to promote the participation of young Canadians in the electoral process, and that these initiatives include making available educational material to schools and other organizations.

When I was at Elections Canada, which coincided with the adoption of that motion, I was pleased to lead the development of the first partnership with the organization that came to be known as Student Vote. We also consulted with a number of aboriginal organizations about ways of encouraging more aboriginal Canadians to exercise the franchise. Since then, a decade ago, the voter education activities of Elections Canada have expanded considerably. In the last election, for example, Student Vote reached over half a million students who participated in mock elections in schools as a voter education program.

This mandate is not unique to Elections Canada. Interestingly, the Australian Electoral Commission, the federal body, has a mandate to educate and inform the community about electoral rights and responsibilities. Similarly in New Zealand, its Electoral Commission has a mandate to promote public awareness of electoral matters by the conduct of education and information programs.

The government's backgrounder on the voter education mandate change describes this move as “back to basics”. Sounds nice, but to me this implies that voter education is not really very important. After all, we should be focusing on the basics, not on these things that are tangential, or perhaps it also implies that this is not a legitimate thing for a public management body in the field of elections to do. I strongly disagree.

Turning to political finance, there are a number of changes in the bill, but one of them is particularly puzzling. I want to highlight it because this is an area we worked on at the Lortie commission. The definition of election expenses was made comprehensive in 2004. Now the government proposes to exempt the costs of fundraising. Once again, the evidence is scanty. I could find none at all in the backgrounder that is subtitled, "Keep Big Money Out of Politics". Why should this important activity no longer be subject to spending limits, which themselves are being raised through the same bill? I think we can predict difficulties with enforcement. After all, as you're fundraising, you're also promoting your own party or candidate, or possibly opposing the other side, or doing a bit of both. We could see that the commissioner is going to have some difficulty with this down the line. I think it's a potential Trojan Horse. It opens the door to a lot of potential difficulty and confusion.

Finally, on the Commissioner of Canada Elections, I must say it has not been demonstrated that the theoretical argument for separating the administration and the enforcement of elections is a compelling one. In my experience, according to the witnesses who have been before you, the Commissioner of Canada Elections has not been hamstrung in carrying out his duties in an independent manner. The commissioner is not a puppet of the Chief Electoral Officer, even though the commissioner is appointed by the Chief Electoral Officer.

• (1910)

If this bill is adopted, the appointment method will change. Rather than being appointed by an officer of Parliament, the commissioner will be appointed by the Director of Public Prosecutions, an office that was established in 2006 as part of the Accountability Act. In other words, the commissioner will become part of a departmental bureaucracy, more or less at the level of a director general, if I can look at things in the hierarchy and that sort of thing; we haven't seen the salary range and so on, that's not in the bill, of course. The commissioner will be within a departmental bureaucracy, reporting to the Attorney General who is the minister in cabinet responsible for the administration of justice. It's quite a difference in the architecture.

I find it particularly strange that the bill doesn't even allow the commissioner a public reporting role on himself or herself. Rather, it provides that the Director of Public Prosecutions will cover the general work of the commissioner in his or her annual report. So, I'm appointed to an office, I'm the commissioner of Canada elections, and I can't even report on myself. It's the Director of Public Prosecutions who reports on me.

Within a bureaucracy, where often reports are shared, things are nudged, things are nuanced, and so on. You can see the point I'm making about diminished transparency and accountability.

All in all, setting aside some of the increased penalties and that sort of thing, the commissioner's position has been significantly downgraded in the architecture of election administration and enforcement.

Based on my professional and research experience which dates back some 35 years, I would say that in a number of important respects, Bill C-23 is a step back. It is a regressive measure in the evolution of Canada's election law. If adopted in its present form, it can be expected to diminish accessibility to the vote, particularly for

youth, because the education and information function will no longer be there, will no longer be part of the basics of election.

The bill could also weaken the fairness principle that lies at the core of the regulation of political finance and election spending that dates back to 1974 and was significantly enhanced under the Chrétien government, and also under the Harper government.

Finally, it will lessen transparency and accountability with regard to the role of the Commissioner of Canada Elections. The bill is flawed in a number of respects and in my view should not proceed unless amended on the matters that I mentioned and some of the other matters that have been pointed out by a number of the witnesses.

We are in the most unusual situation also, I would add, just in closing, of having a bill that is not only dividing political parties sharper than ever before, but has the incumbent Chief Electoral Officer opposed on a number of very major counts. This is unprecedented in the three decades and more during which I've been studying election law. It in itself is, I think, quite a worrying development.

Thank you for your attention.

• (1915)

The Chair: Thank you, Mr. Seidle.

We will now go to questions. Members can ask questions of any or all.

Mr. Lukiwski, for your first seven minutes' worth of questions.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, gentlemen, for appearing before us.

I may not use the entire seven minutes, and I'll cede the rest of my time to Mr. Richards.

I'd like to start off with Mr. Mycoff, because his opening statement was extremely brief.

Mr. Mycoff, I want to question you on one element of your presentation. You said that you have done studies on the relationship between identification and voter turnout. I think I heard you correctly. Was that what you said?

Dr. Jason Mycoff: That's right.

Mr. Tom Lukiwski: Could you expand upon that?

The debate we're having in Canada on Bill C-23 right now is whether proper ID is required, or whether there should be alternative methods, such as vouching, to allow everyone to exercise their constitutional right.

In your studies have you found there is a direct relationship between the requirement for proper identification and voter turnout, and what would those findings be?

Dr. Jason Mycoff: In our studies we have not found a direct relationship between identification requirements and voter turnout. We've studied the aggregate level and the individual level for individual voters. We found instead—and this is backed up by the majority of political science theory on voting—that there are better indicators of who's going to turn out, and those are the indicators that drive voter turnout.

Number one is interest in politics, interest in the election. Those who are interested in voting are going to show up; they're going to participate. The cost of identification is a concern. The U.S. identification and Canadian identification systems are very different, but when individuals need to get identification, that added cost could stand as an obstacle in the way of voter turnout. But in our research, we found no evidence that, when controlling for interest in the election, a requirement of having identification keeps voters from showing up for the election.

• (1920)

Mr. Tom Lukiwski: If I'm hearing you correctly then, very quickly, you're suggesting that regardless of the requirements to produce identification, that in itself does not have any direct correlation to the voter turnout. The mitigating factor, the important factor, is an interest in casting one's ballot. Is that correct?

Dr. Jason Mycoff: That is correct. There is no main effect of a requirement for more aggressive forms of identification: a photo, expiration date, things like that.

Mr. Tom Lukiwski: Okay. I think my colleague may be able to pursue that line of questioning with some of our other witnesses as well, so I'll cede my time now to Mr. Richards.

The Chair: Thanks, Mr. Lukiwski.

Mr. Richards, for three minutes.

Mr. Blake Richards (Wild Rose, CPC): Thank you very much.

I would like to just follow up on that, Professor Mycoff. I've had a chance to read one of the papers that you wrote on this in 2009. It's my understanding that you'd not really found any direct relationship there, and I appreciate your confirming that today.

However, I did note that in your paper you indicated that theoretically at least anyway, the most likely to be negatively impacted would be people who wanted to vote but were unaware of ID requirements. I don't know if you're familiar with our new fair election law in Canada, which we're studying tonight. One of the things that we're doing is we're trying to focus the education that Elections Canada provides to voters on the logistics of voting, making sure that people are aware of where, when, and how, including what ID to bring with them to be eligible to vote.

First of all, I just want to verify that is in fact what you did find, that this might be the person who would be most likely to be

affected. Also, would you believe then that what we're seeking to do here, which is greater focus of the education on making sure people are aware of what they need to bring in order to vote, would be helpful in combatting any potential risk there would be there?

Dr. Jason Mycoff: Yes, there is the risk that people who are unaware of any sort of voter registration requirement are less likely to show up to vote. That doesn't just apply to voter identification, although certainly if there's a new law, if you're adding additional identification requirements, one of the big concerns would be that someone who has voted in the past but really doesn't pay attention to politics much in between elections, may not be aware of changes in the law and may show up to vote like they normally would every year, or whatever time period, and not be prepared to participate in the election with their identification. I think you're right that this is a risk of these sorts of identification laws.

That risk is mitigated over time as people become more and more aware. I think, on the second point you asked about, education is absolutely critical in informing voters and letting them know about the new requirements, explaining how they go about securing the proper identification that they need on election day.

Mr. Blake Richards: Would you feel that the requirements we have in our bill which would focus that education on those specific points would be helpful in terms of dealing with that then?

Dr. Jason Mycoff: Yes, expanded educational programs would certainly help in improving the chances that fewer people would be caught unaware of the new requirement, and therefore maximize their opportunity to vote.

Mr. Blake Richards: I will turn to you, Professor Lee, in my remaining time.

You mentioned in your opening statement that it would be very difficult to imagine someone who wouldn't have the ID necessary to be able to vote in an election. That's the view I've shared. I've certainly gone through a number of scenarios in which I've tried to come up with something where someone wouldn't be able to access their ID and I have not been able to find one. I think that's what you've confirmed.

Dr. Ian Lee: Yes. I was only given five minutes.

Mr. Blake Richards: Professor Seidle mentioned specifically about youth. I just wanted to hear any response that you had to his comment about youth potentially being a problem in terms of having that ID. What would your thoughts be on that?

Dr. Ian Lee: I think that youth probably have more ID than anybody else. They're on Facebook; they're on everything else.

I just want to mention that I only had five minutes so I could only present a thin amount of what I found. I went through very large numbers of institutions in Canadian society. I went through their websites. I had to find the proper procedures to open up a bank account under the CBA. I went through all six banks. I went through the ministries of education. I went through a lot of institutions, and of course they all have identity requirements. You can't just walk up to an institution and say, "Give me a bank account, and by the way I don't have any ID and I'm not going to give you any ID." You just can't do that. You can't get a passport. You can't get a SIN card. You can't get a health card. You can't get a driver's licence. The most universal is this one, and that's the health card, and it's universal.

• (1925)

The Chair: Thank you, Professor Lee. I know you'll be able to get more of that answer in under someone else's seven minutes.

Mr. Scott, for seven minutes, please.

Mr. Craig Scott (Toronto—Danforth, NDP): I'm not quite sure what to do with one of the witnesses. I'll leave it for the moment.

Professor Mycoff, thank you so much for being available.

I, too, have had a chance to read your six-page piece called, "The Empirical Effects of Voter-ID Laws: Present or Absent?" I just want to make sure that I fully understand the import.

You just said that there's no direct relation and no evidence that voter ID cards affect turnout, turnout being your reference point, but throughout your piece, you're making comparative evaluations between other more significant factors and voter ID requirements.

You say that voter identification laws appear to be a much smaller piece than are other factors. You say, "While strict ID requirements have the potential to burden some members of the electorate, our analyses suggest that these numbers are small."

You cite, "0.2% of potential voters claimed to have been excluded from voting due to ID requirements". By the time you amalgamate that, those are real individuals, not just statistics.

You also say, "our question is whether these laws have significantly reduced turnout".

Then you say, "Even if voter-ID laws do have pronounced empirical effects, once political interest is taken into account...", etc., etc.

Can I just double-check that you want to stand by this claim that there's no direct relation, no evidence at all that there's some impact?

Dr. Jason Mycoff: If I might add, I said before that there was no main effect, right? It's not a particularly—

Mr. Craig Scott: There's no direct relation.

Dr. Jason Mycoff: —large driving factor in explaining voter turnout.

Now you can point to individual examples of individuals feeling as though they've been disenfranchised because of voter ID laws. We had an anecdote at the beginning of that paper about a member of the U.S. Congress who showed up to vote with a congressional identification. There was no expiration date on the card and she was refused the vote at that time. Now she was able to vote. She was able to go back and vote later. But those sorts of stories crop up during elections.

The previous member was asking about how individual people might not be aware of the new requirements. That's certainly a factor. If there is difficulty in acquiring the identification, that can affect individual people. But to say that voter identification laws are the driving factor behind whether someone's going to turn out to vote or not, I don't think that is true.

Mr. Craig Scott: I think you might well be correct, but I just wanted to make it clear that it's different from saying there's no direct relation and no evidence.

The driving factor may well be the case that there are other factors, especially cumulatively, that might account for more. Our concern is that each individual has the right to vote, and that the particular impact in some groups, as you've said in your own language from a theoretical standpoint is:

the voters most likely to be negatively affected by voter-identification laws are those who are interested in voting, but do not know and/or have the proper identification. This population may include groups such as first-time voters...or those whose IDs have recently expired,

—for example.

You also say, and I appreciate this, because I think it's a very balanced paper, and you're reporting your findings:

This is not to say that actually requiring a more strict form of identification is not on its face discriminatory; it is, and the laws deserve to be scrutinized. But, our question—

—your research question—

—is whether these laws have significantly reduced turnout.

Based on your analysis, you say no.

Our concern is there are multiple reasons we would be concerned with voter ID. Those include the fact that adding to the burden of any set of individuals, individuals on their own or groups of individuals, is itself a problem in our system, especially when there's no evidence of voter fraud, as opposed to other forms of gaming the electoral system to justify upping the ante in terms of voter ID requirements.

I just wanted to make it very clear that I have no objections to your conclusions. I just don't think they prove as much as I think my colleagues over there wanted them to.

May I simply ask whether you think this matters? You've emphasized, "we hypothesize that voters with higher levels of interest in politics are more likely to vote,"—I think that's probably a reasonable supposition—"and are less affected by voter-identification laws."

Our concern is people who may not be all that engaged, who may only get engaged around election time. We have a system here whereby people can actually turn up on election day and vote, whereas in the U.S., I understand, unless things have changed, by and large you have to have registered in advance, if I'm not mistaken.

• (1930)

Dr. Jason Mycoff: Well, individual states have very different election laws.

Mr. Craig Scott: Different rules; that's right.

Dr. Jason Mycoff: There are some states that have same day registration.

Mr. Craig Scott: Great.

You say, "Thus, we argue that voters who are interested enough to register and turn out to vote would also understand and secure the necessary form of identification needed to cast a ballot." The point is that in the U.S. system, if you do go over that hurdle and register, then already you're in the framework of seeking out the ID. That doesn't necessarily mean everybody in the Canadian context will be so motivated.

I'm wondering if you think that would be a difference that might create a different situation up here.

Dr. Jason Mycoff: Yes, in a comparative context, there will clearly be important differences. Here in the United States, where you have individual states determining their own election law by and large, we have a lot of variety in terms of how long between registration and election day. We have a lot of variety in terms of how people are identified on election day.

If you turn to a different system in Canada, there likely will be individual aspects of that system that will affect voting, that will affect the way people pursue registration, that will affect the way people pursue finding identification. Each system is in a sense unique in that way.

Mr. Craig Scott: Great. Thank you so much.

That's fine, Mr. Chair.

The Chair: We'll go now to Mr. Lamoureux, for seven minutes.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): I have a few questions I'd like to ask you, Mr. Seidle, because in your closing comments you kind of hit a couple of chords with me.

One of them was the fact that you've been studying election laws, I believe you said, for over 30 years from a public policy point of view. Your comment was something to the effect that in those 30 years, never have you seen an election law of this nature being passed, or being forced through the House.

It seemed to me the reason you were making this statement was that only one entity is actually pushing this legislation through. To the best of my knowledge, there is no other political party outside of the Conservative Party that supports this legislation. We have the current and past chief electoral officers raising serious concerns and problems with the legislation and the need for it to have amendments. We've had academics both here in Canada and outside of Canada point to how bizarre this whole process is and the impact many of the changes will have.

I'm wondering if you might want to emphasize that aspect in terms of how important it is, when you change an election law, to build on some sort of consensus. That has always been my experience. I've been a parliamentarian for 20 years, at a different level, but locally in Manitoba it seemed there always was some sense of consensus when you changed an election law.

Could you provide more comment on that particular issue?

Dr. Leslie Seidle: I'll be pleased to. I'll draw a distinction, though, between the support or otherwise of the Chief Electoral Officer and of other political parties.

On the latter, for decades it was the tradition and I would say probably an unwritten rule that changes to the Elections Act, even very major ones, were the subject of all-party consensus.

When the Election Expenses Act which came into effect in 1974 was passed, it occurred under a minority Parliament. The NDP held the balance of power. David Lewis was the leader at the time. All of this was the subject of my doctoral research. There were a number of very significant changes, including the threshold for access to candidate reimbursement, which were conditions of support that David Lewis and the NDP placed in front of the government.

If we flash forward, this began to break down, actually, under a Liberal administration, because in the face of the reforms that came into effect in 2004, the two parties that became the Alliance, as it then was, were opposed to the annual public funding allowances granted to political parties. I don't know how the vote proceeded at the time, but certainly in their public statements they were opposed.

The present government abolished these allowances, against the wishes of the other two political parties in the House of Commons. So in the last decade the all-party consensus tradition has been weakened.

Turning to the Chief Electoral Officer, it has been traditional that many of the amendments came from the reports of the Chief Electoral Officer, particularly on more technical issues: flaws or difficulties were noticed, he reported, and these were picked up as legislation was drafted, and so on. Usually the Chief Electoral Officer was consulted informally.

I realize there's a debate this time about the degree to which he was consulted on this. Apparently there was a meeting with Mr. Poilievre that lasted a half hour, and Mr. Poilievre got rather bored with what Mr. Mayrand was saying because he felt it was all in the public record.

Whether this is true, I don't know, but there certainly is a lot on the record, based on Mr. Mayrand's testimony, that demonstrates there's quite a bit of light between him and the sponsoring minister on a number of very important matters in the bill, whether in the enforcement area or concerning the commissioner or on the issue of vouching, and so on. There's a long list there.

I know of no other example, even dealing with less important amendments, in which there was that much difference between the Chief Electoral Officer and the sponsoring minister.

● (1935)

Mr. Kevin Lamoureux: Yes. In regard to the party issue, this is a case in which there is no political party supporting the legislation, and that is truly unique, is it not?

Dr. Leslie Seidle: Well, I think the government is actually a political party, so there is a political party supporting it. But there's only one party supporting it, and it has a majority, and as we all know, it's possible to do things with a majority that wouldn't have been possible three years ago.

Mr. Kevin Lamoureux: That's right.

You made reference to the commissioner and noted that the office or that individual's powers are in fact going to be weakened. I'd appreciate your comments on this. We agree with that view wholeheartedly.

There's also the issue of compelling a witness, something that we felt was absolutely critical and something that Elections Canada felt was absolutely critical. I can't recall that you said anything specific in regard to the importance of Elections Canada's being able to compel witnesses.

Dr. Leslie Seidle: No, I didn't talk about that. I was talking about the governance and the reporting and that sort of thing. This is an area that other people have more expertise in than I do, but bearing in mind that the Chief Electoral Officer has raised it as a weakness in the act and that there hasn't been an adequate response is certainly something the committee ought to take very seriously.

Mr. Kevin Lamoureux: Okay.

The other interesting point that I thought you mentioned was in regard to the exemption of fundraising letters. I will give you an example. In essence, if I circulate a brochure to all 30,000

households in Winnipeg North and at the end of the brochure state that if they'd like to donate to my campaign, please send their cheque to such and such a place, would that in your opinion potentially qualify as exempting me from having to claim it as an expense?

Dr. Leslie Seidle: My understanding is that the exemption only applies to people who have given money previously. That in itself adds to the complication. My position on this is that there's no evidence this needs to be exempted from the Election Expenses Act. In the 1970s, after the initial act was adopted, the parties got together informally—it wasn't an amendment to the act—and agreed that research should not be considered an election expense. They agreed that polling was a form of research.

● (1940)

The Chair: Mr. Seidle.

Dr. Leslie Seidle: Yes.

So for a number of decades, until the legislation was tightened about 10 years ago, polling was not an election expense. The exemption that was agreed to initially became more important over time as the expenses grew, and that's why I use the image of the Trojan Horse. We have another small Trojan Horse in front of us that could become a much larger beast over time as political parties get creative and as complications and enforcement come about.

I just don't see why this needs to be exempted. The spending limits are being raised—

The Chair: Mr. Seidle.

Dr. Leslie Seidle: —so there's a little bit more room there. What is the reason for this? It has not been stated. It has not been justified.

The Chair: Mr. Seidle, I don't want to be rude and cut you off, so please don't be rude and go on after I signal you that we should be slowing down on the question.

That was it. You're well past a minute over on that round.

We'll go to Mr. O'Toole, for four minutes, please.

Mr. Erin O'Toole (Durham, CPC): Mr. Chair, in that light, I'll try to be quick.

My questions are for you, Mr. Seidle. I appreciate your time here and I'm going to try to move quickly through a few things.

Your concern in three areas, you stated, was based on the changes not being backed up by public policy rationale or evidence. I'm going to explore the second two.

In terms of expenses, you actually proved the changing public policy landscape, using 2004 as the starting point, through the move away from corporate and union donations and more recently through eliminating the per vote subsidy or taxpayer-subsidized party funds.

Since that has been removed, would it not be fair to do a reassessment of how expenses are determined, both in limit and in what counts as an expense towards that limit, because of the changing landscape?

Dr. Leslie Seidle: It might very well be time for a reassessment, but that hasn't occurred. A decision has just been taken. It's a bit of a rabbit out of a hat, if I can use a metaphor.

I think a study on some of these things—it is 10 years after the act.... In fact, in the 2004 legislation there is a requirement that the act be reviewed, I believe, after five years. That never occurred. But if it's going to be reviewed, witnesses should be called, options should be examined, and so on, rather than a decision being made that is not even explained in a background. That's how limited the evidence is.

Mr. Erin O'Toole: You raised the research exemption earlier. As you may or may not know, many candidate expenses during an election are exempted from the cap. In fact, the NDP leadership race exempted certain expenditures, some related to fundraising, from their cap. Has it been practised under a cap to exempt certain categories of expenses? Would that exemption apply to all?

Dr. Leslie Seidle: We have to draw a distinction between what political parties do through their own rules and what is done through the statute. The statute of course has a number of exemptions; for example, to take a very basic one, child care expenses for a candidate, or expenses for a disabled candidate to be able to move around, and so on. There is a rationale for all of these. What I'm saying is that if there's a rationale for this exemption, it should simply be put on the public record and explained.

Mr. Erin O'Toole: I would suggest that eliminating the taxpayer subsidy would be one of the public policy rationales.

I'll move quickly to your third point, the bifurcation, as I might call it, of the Commissioner of Canada Elections.

In your public policy experience, from a public administration standpoint, is there not a move away from multi-functional agencies that both enforce rules and create policy going forward, and that look back and investigate and prosecute? The Ontario Securities Commission, the British Columbia Securities Commission, a number of these provincial securities agencies have recognized the inherent conflict of both a forward-thinking policy role and a backward-thinking investigation and prosecution. Would this change not be in line with some of those public administration changes in the last two decades?

The Chair: You have 30 seconds.

Dr. Leslie Seidle: It's in line with the spirit of them, but I have some problems with the modalities under the statute creating someone who is subservient to another office.

Mr. Erin O'Toole: But that office does investigations. The DPP you described is a specialized agency for investigations. Is that not appropriate?

Dr. Leslie Seidle: I think it would be better to have more room to manoeuvre, more of an independent stature to the commissioner. You could have created a parallel office to the DPP. I'm not comfortable—

Mr. Erin O'Toole: Separating that function is not unheard of in a public administration standpoint.

The Chair: Thank you, Mr. O'Toole.

● (1945)

Dr. Leslie Seidle: The separation that's occurring is from the Chief Electoral Officer to the DPP, in essence. There's a rationale for that. That's been stated. My difficulty is more with turning the commissioner into someone who is highly subservient to an officer who himself or herself is appointed by a cabinet minister and reports to the cabinet minister on a regular basis.

The Chair: We'll go to Madame Latendresse, for four minutes.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you very much, Mr. Chair.

I will ask my questions in French. The witnesses can listen to the simultaneous interpretation. My questions will be for Mr. Seidle in particular.

I would like to go back to what Mr. O'Toole was referring to in his questions. He talked about the fundraising and the exemption for raising funds from past donors. The Chief Electoral Officer said he was very concerned about that provision. He said that there would be no way to differentiate what was fundraising and what wasn't.

Do you share Mr. Mayrand's opinion on that?

Dr. Leslie Seidle: Yes.

Ms. Alexandrine Latendresse: Okay.

In terms of the register that needs to be created to combat the phone scams that took place in 2011, Mr. Mayrand had two concerns. First of all, the phone numbers would not have to be saved and saving them for a year only is not enough. It is better than nothing, but they should be kept for a much longer period if we want it to really have an effect. Could you tell me how you feel about that?

Dr. Leslie Seidle: I think his advice is valid.

I should also add that I am happy to see that the bill addresses the abuse—and let me go back to my Trojan horse—that we experienced in the last election and that might become more serious in the future. At least, something is being done about it. Ideally, it would be improved now or perhaps in the future. I think it would be desirable to strengthen those provisions before passing the bill.

Ms. Alexandrine Latendresse: In his report on the 40th general election, Mr. Mayrand recommended another provision, that is, to allow the Chief Electoral Officer to request, if needed, documents from parties to support their election expenses returns. Right now, the Chief Electoral Officer can request documents to support election expenses returns from election candidates or candidates running for leadership, but not directly from parties. However, the parties still receive money directly from the public. The Chief Electoral Officer has been requesting this for a long time. In addition, the House passed a motion to support this change to the legislation, but it is still not in effect. Could you also tell me what you think about that?

Dr. Leslie Seidle: I think this recommendation is valid. Given the level of detail in this bill, it could have been incorporated without adding too many lines to a text that is already very long and complex.

Ms. Alexandrine Latendresse: That is true.

How much time do I have left, Mr. Chair?

The Chair: You have three minutes.

Ms. Alexandrine Latendresse: Great.

To wrap up, I would like to go back to what Mr. Lamoureux was saying.

One of the important requests that had been made has to do with the power given to the commissioner to compel testimony. As we know, in the 2011 fraud, that was a major obstacle that prevented the commissioner from doing a proper investigation on what had happened. Do you agree with me that it is unfortunate not to see that aspect in Bill C-23?

Dr. Leslie Seidle: Once again, the commissioner and the Chief Electoral Officer have practical experience. They have identified major shortcomings. Since I am not a lawyer, I do not want to comment on whether this issue is admissible in court, but the recommendation should be taken seriously, in my view.

Ms. Alexandrine Latendresse: Thank you very much.

[*English*]

The Chair: Thank you very much.

Mr. Lukiwski, for four minutes.

Mr. Tom Lukiwski: My question is for Professor Lee.

Professor Lee, correct me if I'm wrong, because I certainly don't want to mischaracterize what you were saying, but my strong impression of your testimony is you were saying that basically everyone, in your opinion, has the ability to have identification.

Are you saying, sir, that there should be no impediment to people voting because of whatever identification requirements are contained in this bill? Would you say, sir, that people should be able to comply with the provisions contained in this bill regarding the need for identification? Would that be an accurate statement?

● (1950)

Dr. Ian Lee: Yes. I'm saying there are multiple digital identity systems in Canada. Think of them as intersecting Venn diagrams. There are these multiple circles. One is called a bank account, one is called a credit card, and one is called a health card, and they intersect. When you add them up and look at the part in the middle

where they all meet, I suggest and propose to you that there are zero Canadians with zero digital identity.

First off, you can't get health care in this country without a health care card. I know, because I have actually been to my doctor's, but I forgot my card and I was sent home. I have arthritis, so I go to a doctor fairly frequently, and I was refused health care. Now, it was no big deal. I went home, got the card, and went back. But I believe that you cannot get health care without your health care card, every last one of us.

Aboriginal identity cards; I didn't even mention that, by the way. A new aboriginal identity card is being rolled out for 800,000 aboriginals. Ninety-six per cent of Canadians have bank accounts. I can go on and on. I've only scratched the surface of institutions that issue identity cards.

Every university issues a photo ID faculty card. I've been in many government buildings—I've lived here all my life—and for every government building, including Elections Canada in Hull, by the way, you cannot get into the building without a government photo identity card. Every employee of the Government of Canada has a photo ID card. That applies provincially, municipally, and so on. It just goes on and on.

There are dozens of digital identity cards, so anybody can get an identity card if they choose to.

Mr. Tom Lukiwski: Yes. The opposition and the critics of this bill are suggesting that why vouching must be maintained is there are literally millions of Canadians who do not have the ability to produce proper identification. You're—

Dr. Ian Lee: My answer would be, then, they're not using health care, and I just cannot imagine not being able to use health care in this country. You must have a photo ID health care card. We don't have private health care in this country because we don't have two tiers, so the only way you can access health care is to use your health care card. If somebody is saying there are millions of people without ID, they're saying that they're never, ever, ever using the health care system. I do not believe it.

Mr. Tom Lukiwski: How much time do I have, Chair?

The Chair: You have a little over a minute.

Mr. Tom Lukiwski: Quickly, Dr. Lee, I believe that you have done some studies on the bifurcation between the Chief Electoral Officer and the Commissioner of Canada Elections. We've heard Mr. Seidle's views on that, and I'd like to hear yours.

Dr. Ian Lee: I haven't done research. That's why I said at the beginning that I was going to talk about vouching. I have a personal view, but it isn't backed up by evidence. I just know that in our country we do separate.... The crown is separate from the police; I have worked with the police in the past and I've published on that. We do separate the crown from the police from the courts. It's one of the principles of the Westminster system that we separate the three.

In fact in many administrations, including my own administration.... I cannot sit at an appeal. If a student appeals my grade, I cannot sit on the appeal committee. It's kind of obvious. That's a principle in every system. That's the extent to which I could comment.

Mr. Tom Lukiwski: Yes, and right now, the current system has it that the Commissioner of Canada Elections actually reports to the Chief Electoral Officer. Regardless of what Mr. Seidle is saying, there should be complete independence of the office.

Do you believe it's appropriate that the investigatory powers report to the person who is actually administering elections, or should there be a complete separation, which is the intent of this bill, by the way?

Dr. Ian Lee: I want to qualify: I haven't looked at this, but I am working on a paper arguing that the model should be like the Competition Bureau and the Competition Tribunal. They should be completely separate: the one side that investigates and the other side that determines or adjudicates.

The Chair: Thank you.

I can't get another round in.

I'll say thank you very much to our witnesses.

We'll suspend for two minutes while we change the panels.

Mr. Seidle, Mr. Lee, and Mr. Mycoff, thanks to all of you for your information today. It was great to have you here.

- _____ (Pause) _____

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- (1955)

The Chair: We'll call the meeting to order.

Professor Thomas, it's great to have you with us.

Can you hear me all right?

Dr. Paul Thomas (Professor Emeritus, Political Studies, University of Manitoba, As an Individual): Yes, I can, Mr. Preston.

The Chair: Thank you.

Mr. McLaughlin, Madam Dawood, it's great to have you here today.

For opening statements, Professor Thomas, we're going to go first with you, if that's all right, for up to five minutes.

Dr. Paul Thomas: Thank you very much for the privilege of coming before the committee.

I submitted a brief earlier. Tonight, I'll just touch upon several points that were contained within that presentation, and then I'd be pleased to answer any questions that might arise.

I start with the observation that there has been considerable decline of public trust and confidence in politics and democracy in Canada. A similar trend has been happening in established democracies. There are many long-term causes and short-term factors that have contributed to public disillusionment with the political process. I fear that both the process by which Bill C-23 was formulated and is being passed in Parliament and the substance of the bill will further weaken public trust and confidence in the integrity of the election process, the one democratic activity in which a majority of Canadians participate.

Sound electoral governance arrangements based on as much consensus as possible contribute in important ways to public trust and confidence in the election process and to democratic legitimacy.

Turning to the process of electoral law, on process I would observe that the Canada Elections Act is not ordinary legislation. It provides a foundation and framework for fair and free elections. Other countries have recognized that such fundamental laws should not be changed hastily and unilaterally by the governing party.

In the U.K., most election laws require advanced consultation with the national electoral commission. Usually this involves a review of draft bills with the commission officials to ensure that the proposed legislation is workable.

In New Zealand, the Electoral Act 1993 requires a supermajority of members of the House of Representatives to repeal or modify a list of eight key features of the election law framework. This provision ensures that there is some measure of cross-party support for those changes. This leads me to recommend that the bill be amended to provide for mandatory consultation with Elections Canada concerning future changes to the Canada Elections Act.

I also recommend that before the fixed-date election scheduled for 2019 that a comprehensive evaluation of the framework of election law and administration put in place by Bill C-23 be conducted by an all-party committee of the House of Commons.

Turning next to the mandate of Elections Canada, the proposal to restrict communications by Elections Canada to the mechanics of voting is wrong. Of the five other national election bodies that I have studied, none has such a narrow restriction on its communications activities. Informing Canadians on when, where, and how to vote is a core role of Elections Canada that the agency has always taken seriously. The agency did not unilaterally assume broader educational and outreach roles. On February 17, 2004, a unanimous motion was passed in the House of Commons calling on Elections Canada to expand its activities to ensure accessibility for disabled voters and to encourage younger Canadians to participate in the electoral process.

Politicians, political parties, and Parliament have the primary responsibility to promote a more vibrant democracy. Other groups and organizations within society also have responsibility to inform and engage Canadians. Elections Canada is one of those organizations that should be involved. Therefore, I recommend that if Parliament decides to reinforce the core task of Elections Canada by passing the new section 18, it should add a parallel provision that recognizes the right of the agency to study, report, and comment on the conditions within the domain of electoral democracy.

Moving the Commissioner of Canada Elections to the office of the Director of Public Prosecutions is the next topic. I've not heard compelling arguments nor seen strong evidence to justify this relocation. My understanding is that the commissioner acts independently of Elections Canada when conducting investigations and recommending prosecutions. The current location within the administrative framework of an officer of Parliament provides more assurance of independence from political pressures than the proposed location within a department headed by a minister. As part of a department, the commissioner will be restricted in his freedom to report on investigations and prosecutions.

There are other issues associated with the proposed relocation that are discussed in my brief. I recommend that the relocation of the commissioner function be dropped from the bill. If there is a perception that the commissioner needs more autonomy, this could be provided through amendments requiring structural and procedural separations inside Elections Canada.

● (2000)

My next topic is on adding to the tool kit of enforcement. Changing political practices and new technologies of campaigning require that a broader range of enforcement tools be provided to Elections Canada and the Commissioner of Canada Elections. Whether the commissioner is housed in Elections Canada or in the DPP, the commissioner needs the authority to compel testimony subject to judicial supervision.

In five provinces the CEO or an election commissioner has such power to compel testimony. Currently, most violations of the Canada Elections Act must be treated as criminal matters and processed through the courts. To achieve greater flexibility and fairness in the enforcement process, a broader array of tools should be included in the law.

The U.K. example is instructive. Back in 2009, the election law was amended to provide a range of civil penalties such as monetary penalties, stop notices, enforcement undertakings, and forfeiture orders.

Therefore, I recommend that Bill C-23 be amended to provide authority to the Commissioner of Canada Elections to compel testimony. Also, a non-legislative recommendation is that the procedure and House affairs committee develop, in consultation with Elections Canada, procedures to ensure due process to guide the use of compelled testimony and to develop a plan for a wider range of enforcement mechanisms for the 2019 election.

Turning to the control of election spending, Bill C-23 makes a couple of improvements to the rules on the raising and spending of political money. It imposes sensible restrictions on the use of loans to

skirt the limits on donations. It imposes higher fines for overspending.

However, the bill also creates a loophole by exempting from ceilings on spending the costs of electronic communications with past donors for fundraising purposes. It is difficult to imagine that communications for fundraising purposes would not involve appeals for votes and other types of support, and could even include attacks on political opponents.

There is no conceivable way that Elections Canada, with its present authority, could monitor and enforce compliance with this provision. I recommend that the exemption for the cost of fundraising communications be dropped from the bill.

Turning to voter information cards and vouching, the proposal to eliminate VICs and vouching is wrong. No hard evidence of voter fraud has been presented. There are already controls on the use of these devices and more safeguards could be introduced if this were deemed to be necessary. Elimination, however, does not strike the right balance between upholding the constitutional right of Canadians to vote and the highly remote risk of voter impersonation.

Already, more and more election administration activities and campaign finance reporting takes place online. The legislation should anticipate a continuation of this trend, working toward a day when online voting becomes an option. Therefore, I recommend that instead of eliminating VIC and vouching, Bill C-23 should grant authority to Elections Canada to conduct pilot projects with online voter registration and authentication of voter identity with the findings and recommendations being presented to Parliament.

I'll depart a bit from my script, and briefly say that if this committee was looking for a principled compromise to ensure the right balance between accessibility and integrity in the electoral process, they might look to Manitoba. In that province, over the last two elections, a voter who appears at the voting booth with two types of identification, neither of which has an address on it, can still vote, if they sign an oath to the effect that they live within the constituency. It has worked well and there have been no problems. This might be a compromise the minister might consider.

There are two areas where, I think, the bill fails to move election law forward.

Political parties now collect a large amount of personal information about individuals. It's past time that the provisions of privacy laws were extended to political parties. It is also time that political parties developed, with the support of Elections Canada, codes of conduct that will guide the behaviour of their candidates, paid staff, and volunteers. This is more than a symbolic gesture. Codes can help political parties to comply with not just the letter but also the spirit of the election law.

Changes to the Canada Elections Act should not lead to real or perceived advantages for one political party, nor should they put the convenience of political parties ahead of the voting rights of all eligible Canadians. Research in other countries indicates that political attacks on election agencies and partisan involvement with election administration weaken public trust and integrity in the election process.

● (2010)

We have an enviable reputation in this country. Elections Canada is the longest standing independent and impartial election administration body in the world and we want to ensure that we have fair and free elections and they're perceived to be such.

Thank you very much.

The Chair: Thank you, Professor Thomas.

Next is Ms. Dawood. Please try to stay as close to five minutes as you can.

Dr. Yasmin Dawood (Professor, Faculty of Law, University of Toronto, As an Individual): Thank you, Mr. Chair, and good evening.

My name is Yasmin Dawood and I'm an assistant professor of law at the University of Toronto. My areas of specialty are election law and constitutional law.

Two weeks ago my colleagues and I wrote an open letter to Prime Minister Harper and the members of Parliament to express our profound concern that the fair elections act, Bill C-23, if passed, would damage the institution at the heart of our country's democracy voting and federal elections. The open letter has been signed by over 170 professors at Canadian universities who study the principles and institutions of constitutional democracy, including 16 past presidents of the Canadian Political Science Association. This overwhelming and unprecedented level of support from democracy experts across the country is a measure of how damaging we think this legislation would be for the future of our democracy.

Our primary concern is that Bill C-23 would seriously undermine the integrity and fairness of the electoral process. Although we have multiple concerns, I'm going to focus briefly on four issues.

The first issue is on vouching. As Mr. Neufeld has testified to this committee, there is simply no evidence of a link between vouching and fraudulent voting. Although there are record-keeping errors associated with vouching, such errors do not justify the disenfranchisement of thousands of eligible voters. I would like to emphasize that the Supreme Court has made clear that incorrect record keeping of vouching does not amount to an irregularity that would overturn an election result. The charter protected right to vote is fundamental and may not be abridged on account of administrative mistakes.

The second issue is on the role of Elections Canada. Bill C-23 prevents the Chief Electoral Officer from engaging in citizenship education campaigns aimed at increasing voter turnout. While political parties undoubtedly play an important role in motivating citizens to vote, we think that Elections Canada, a non-partisan agency, plays a special role in reaching out to voters that political parties are less likely to target. Historically, political parties have not

focused on younger citizens because of low turnout among youth, nor do they reach out to citizens who are unlikely to support them. We need a non-partisan agency like Elections Canada to reach out to all voters.

The third issue is on ensuring a level playing field. We are concerned that certain aspects of Bill C-23 create the actuality and appearance of a partisan bias in the electoral process. For example, Bill C-23 would exempt fundraising expenses from the spending limits for political parties. This loophole would increase the influence of money on politics, and it would be particularly beneficial for the party with the longest list of donors, which in this case happens to be the governing Conservative Party. Bill C-23 also provides that central poll supervisors would be selected from lists provided by the candidate of the party that won the district in the last election. This provision violates the norm that the administration of the electoral process should be strictly neutral.

Fourth is the issue of effective compliance. Bill C-23 fails to provide the commissioner with the power to compel witness testimony, an essential power that is required by the commissioner to effectively investigate electoral infractions. Bill C-23 also fails to require political parties to provide Elections Canada and the commissioner with receipts and supporting documentation about their election expenses. In addition, we are concerned that Bill C-23 would remove the commissioner's ability to speak with the public. Under the new confidentiality requirements of Bill C-23, members of the public and members of Parliament would have no access to information about the commissioner's investigations into electoral infractions, such as the robocalls affair, unless charges are laid.

Finally, the process by which Bill C-23 was drafted departs from a long-standing political practice in Canada whereby electoral reforms were undertaken through widespread consultation with all the political parties and close collaboration with Elections Canada. We are deeply concerned that the unilateral process by which Bill C-23 was drafted will establish a new precedent in our country's political practices. Rather than providing a neutral structure for political competition, the rules of democracy will themselves become the battleground for partisan control. This political precedent will be deeply damaging to democracy as successive majorities in Parliament rewrite the electoral rules in an effort to gain a partisan advantage. We urge the governing party to consider the long-term consequences of its approach. It will hurt all the political parties and will diminish the strength, fairness, and vitality of our democracy.

Thank you, Mr. Chair.

● (2015)

The Chair: Thank you.

Mr. McLaughlin, for five minutes or less, please.

Mr. David McLaughlin (Strategic Advisor to the Dean, Faculty of Environment, University of Waterloo, As an Individual): Thank you, Mr. Chairman.

Thank you to all of you for the invitation to appear before you tonight. It truly is a privilege for me to be doing this, so thank you.

I want to begin by congratulating you on both your openness to listening to the many diverse views you're hearing before you in this process and your willingness, I hope, to consider how to incorporate improvements meant to strengthen our democratic system and reflect our shared democratic values. Doing so will reinforce the value of the parliamentary process as well to Canadians.

The perspective I offer tonight is my own, based on personal engagement in elections, federal and provincial, as a partisan but also as a former deputy minister to the New Brunswick Commission on Legislative Democracy established by Premier Lord to examine and make recommendations on how to strengthen and modernize that province's democratic institutions and practices. The key focus of our work was how to bring about civic engagement and participation of New Brunswickers, particularly young voters, in the political and governmental processes. That's what I wish to focus on tonight.

Few issues are so critical to Canada's democracy as the conduct of elections. The passionate interest shown by many Canadians in the proposed fair elections act reinforces this notion. Beyond the fine print of what's in this bill, it is equally important that parliamentarians consider the core democratic values and principles of Canadians and determine whether and to what extent they are reflected in the fair elections act.

When it comes to how elections are run, these values include fairness, transparency, accountability, accessibility, and inclusiveness. While political parties and their candidates are the main practitioners of electoral democracy in our parliamentary system, they do not own it. We do as citizens and voters. These are not, I hope, idle words. There's a world of difference between a party-based view of elections and a citizen-based view of elections and how either would be reflected in an elections act.

Political parties are absolutely necessary features of our system. In many ways, they are the gatekeepers for the political process. They give voters a choice of views and candidates. They proactively engage with voters. They provide the basis for electoral legitimacy, necessary when forming a government. Strong parties are good for democracy. But political parties are, legitimately, self-interested organizations. They compete for the most votes, not for others but for themselves. A turnout for your party is paramount, not for the country overall.

A citizen-based view of elections takes the view that voter participation independent of party is an important democratic goal in itself, that our democracy is healthier and stronger if more citizens exercise their right to vote habitually. Only one player in the electoral process has this interest at its core, and that is the independent, non-partisan Chief Electoral Officer.

Strengthening, or at least maintaining, the role of Elections Canada in fostering voter knowledge and participation in elections is as basic as it gets when it comes to a responsible democracy such as ours. Subsection 18(1) of the current Canada Elections Act allows this to occur. The fair elections act amends this section, and would remove this public education and information role, replacing it with a much more minimal role on communicating just the basics of voting. This is a move away from the principles of a citizen-based voting system.

Accessibility to voting is a critical feature of turnout and participation in every election. Elections Canada needs to keep doing this, and will of course be able to do so under this bill, but the knowledge about elections and motivation in voting is equally important for the long-term health of our democracy. The steady decline in youth turnout over many elections is an alarming signal that our democracy is not reaching all those it should.

Recent elections have seen only about 40% of eligible youth ages 18 to 24 turn out to vote. There are several reasons for this, less interest and attachment to conventional politics, lack of knowledge of democratic institutions and processes, a general decline perhaps in political deference over many years, but the result is the same. A one-time non-voter is more likely to become a habitual non-voter. That is something that all of us, citizens and parties, have a shared stake in preventing, and it is something that this bill should worry about too.

Improving civic literacy, the knowledge that young Canadians have about political issues in our voting system, is central to fostering more inclusiveness and hence participation within it. Elections Canada has done this in the past by supporting, for example, Student Vote Canada, but it won't be able to in the future. By removing the ability of Elections Canada to engage with Canadians, especially young Canadians, not just on the mechanics of voting but on the importance of voting, we lose a key preventative tool and risk undermining the future health of our democracy.

I honestly do not believe any MPs on this committee or in the House of Commons want this. I urge you to consider how you might positively incorporate such a role into this bill as a continued long-term investment in our democratic system.

Thank you.

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

We'll go to a seven-minute round of questions.

Guests, if you can keep your answers succinct to what you've been asked, it would help get more questions in. But I know we all like to talk, too.

Mr. O'Toole, you're up for seven minutes today.

•(2020)

Mr. Erin O'Toole: You say we like to talk, and then you go to me, Mr. Chair—

Voices: Oh, oh!

Mr. Erin O'Toole: —so thank you.

The Chair: I wasn't pointing at you for that reason, but yes.

Mr. Erin O'Toole: Professor Thomas, thank you very much for appearing. I've followed your work since I was an undergrad political science student and right through to law school. It's a pleasure for me to ask you a few questions.

First, on pages 10 and 11 of your report to the committee, you mention 100,000 vouching transactions and go on to say that those are mainly made up of young people, aboriginals, and various groups. Where did you source that figure?

Dr. Paul Thomas: I believe that information was offered by the CEO of Elections Canada and by Mr. Neufeld in his report. I think a number of studies suggest those are the groups that tend not to vote as often and have to rely on the device of vouching.

Mr. Erin O'Toole: I think in fairness you're merging two areas of studies.

Mr. Neufeld quotes from his conformity audit. I'll take you through that. It's in annex C of his report. It was an audit ordered after the Etobicoke Centre byelection Supreme Court case. That conformity audit was conducted with 1,000 random polls from the 2011 election, 10 from Etobicoke, and then 50 from the three byelections in 2012, including my riding of Durham in Ontario. So a total of 1,160 polls were randomly sampled.

We've heard a lot about vulnerable groups being impacted. That's not part of the conformity audit. The vouching that was suggested to occur at a 95% confidence level was 120,000-plus vouching transactions.

Mr. Neufeld reported that of those transactions, 95,000-plus had errors, serious ones right through to some cases with multiple errors giving a rate of 42% to 80% errors. Do you think that's an acceptable error rate for a G-7 country, Professor Thomas?

Dr. Paul Thomas: I'm not an expert on the methodology used for the compliance audit. I know there has been an ongoing disagreement between the minister and Mr. Neufeld over the significance of the findings, and there have been some exchanges in the media between Mr. Poilievre and Mr. Neufeld where they've disagreed and the argument has been that the Neufeld report has been used selectively. I guess my bottom line on—

Mr. Erin O'Toole: I'm quoting from it here, professor. Given time, could I ask you to undertake to review annex C and provide some clarification on pages 10 and 11 of where you source your number, and the groups impacted?

Dr. Paul Thomas: I'd be happy to do that. I would just say that if you go back several decades, people voted without any voter identification and there was more trust that nobody would be engaging in voter fraud, as it's become known. So we've changed in our culture of trust within Canada.

Mr. Erin O'Toole: Yes, I read an international report, part of which was about, "Canada: From Trust to Documentary Identification", or something like that, about the last two decades of election law. Quickly, you referenced the Manitoba example, which has an identification requirement. Certainly only four jurisdictions permit vouching at a provincial level, and municipalities, at least those in Ontario, do not permit vouching. So do you believe it's possible, given your experience in Manitoba and in these other jurisdictions,

to have a proper and democratic election with an identification requirement?

Dr. Paul Thomas: Yes, I think it has happened in Manitoba over the last two general elections. According to the experts in and around Elections Manitoba and me as a commentator, I have not encountered any problems with it. There are alternatives to vouching, but I think there are sufficient safeguards, protections, built into the vouching process that there isn't the likelihood of widespread fraud. I hear the message from the proponents of Bill C-23 now saying it's the potential for fraud. If you're balancing the potential for fraud and ensuring people the greatest amount of access to the vote, I would think that vouching would still be satisfactory and acceptable to most Canadians.

Mr. Erin O'Toole: I agree there's been too much discussion about fraud and proving it or not, but if there's a serious irregularity that leads to the potential overturning of the result, those are the two aspects the Supreme Court looked at. If that irregularity through fraud or any other means leads to an overturned result, is that not as bad for shaking confidence in our system as nefarious cases of fraud that we try to identify?

• (2025)

Dr. Paul Thomas: Well, you're never going to have a perfect election that's conducted without any administrative problems that arise.

One of the problems is it all happens on one day and it often involves the use of hundreds of thousands of people who have been trained in a very short period of time. What I read in the Neufeld report was a suggestion that we simplify and streamline the reporting requirements, and we ensure adequate training, and even then, as I say, it's not going to be perfect.

We don't want to exaggerate the irregularities that arise because it just isn't that serious a problem, and if it intimidates voters, if it gives rise to people having second thoughts about voting, that's not the outcome we want. We want a stronger democracy, not one in which more people are turned off.

Mr. Erin O'Toole: I only have a minute left.

You're an election observer. You have watched for years. It probably wouldn't surprise you to know that in the last general election there were 27 ridings that had a result of less than a 1,000 vote margin between first and second. Mr. Neufeld's report suggests that there are at least 500 errors per riding as a result of registration problems and vouching problems. Given your experience in Manitoba and by looking at other jurisdictions, do you think it's reasonable when Elections Canada's own report shows a 42% to 80% error rate with vouching, that we look to move past that type of registration at voting?

The Chair: A very quick answer, please, Professor Thomas.

Dr. Paul Thomas: You can do more on the front end in terms of improving registration. I didn't know the number, about 27 or so, whatever it was. I'd have to think some more about that. I will get back to you on that. I'll give you a comment on that in writing.

The Chair: Thank you, Mr. O'Toole.

Thank you, Professor Thomas.

Mr. Scott.

Mr. Craig Scott: Mr. Chair, I'm going to just speak for four minutes, if you could let me know.

The Chair: I will stop you at four minutes.

Mr. Craig Scott: Thank you so much.

I'd like to thank all three of you for extremely well-prepared presentations. I appreciate that.

I want to start with Mr. McLaughlin. Your comment that it's not just the mechanics of voting but the importance of voting that needs to be messaged, I think, sums up everything you said so well. Forgive me for the question I'm about to ask, but you do have an experiential base. You mentioned the Lord commission. For the record, with the observations that you bring to this, what stints and involvements did your life in politics include?

Mr. David McLaughlin: Some were better than others. Let's see, I was on the Kim Campbell campaign in 1993, a surplus of democracy, I might point out there. I've been involved in federal politics from 1984 through to 1993 working for various ministers, Prime Minister Mulroney and Minister Clark, on constitutional issues. I worked for Premier Lord as deputy minister, intergovernmental affairs, and policy and planning around the cabinet office, and also was chief of staff briefly on democratic reform. I worked for Minister Flaherty as his chief of staff. In the last five years, from 2007 to 2012, I was the president of the National Round Table on the Environment and the Economy. I've worked in a policy and small "p" political environment, also in a partisan environment. I've been in campaigns. I've done door-knocking; I've worked on buses, and all the rest of it. It's a bit of both, but not recently in a partisan way.

Mr. Craig Scott: I just want that to be on the record, because I think it's a background that's extremely important, that informs what you had to say.

Professor Dawood, I'm not sure if you know the work of Richard Hasen in the United States, his book called *The Voting Wars*. I'm going to give a few quotes from him. I wonder if you could comment, first of all, on billmoyers.com, where he says:

For my book *The Voting Wars*, I could not find a single case in the last generation where it's even remotely possible that impersonation fraud...[what we're calling voter fraud]...without the collusion of election officials was responsible for changing an election.

He goes on to say:

This kind of fraud is extremely rare. A recent News 21 study looked at all election-related prosecutions over the last decade in all 50 states, and found at most 10 cases of prosecutions....

It's no surprise that the numbers are so low, because voter impersonation fraud is an exceedingly dumb way to try to steal an election.

—versus other methods, that's my editorial comment.

He says, "On the other side of the ledger, how many people could be disenfranchised by these laws?" He's referring to voter ID laws.

Do you have any comment on that perspective? What's going to happen on the disenfranchisement side, versus what people think they're gaining by having stricter voter ID requirements?

• (2030)

Dr. Yasmin Dawood: It's interesting. Professor Hasen actually believes the voting wars have now come to Canada, now that he has taken a look at the fair elections act. He's of the view that the same sort of dynamic is happening here, where requirements for voter ID are actually leading to vote suppression, and that there is, again, in Canada no evidence of voter impersonation fraud. But there is significant evidence that there will be thousands of people who are eligible voters who will be disenfranchised.

I would just like add to the conversation by noting that it's not the ID that's the issue. It is proving current address, which is much harder. That is really where it gets difficult for a lot of groups, such as students who move or seniors in residential....

The Chair: You had your four minutes, Mr. Scott. Good timing.

Mr. Christopherson, you have three minutes.

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

Continuing with you, Professor Dawood, in your remarks you talked about Bill C-23 failing to provide the commissioner with the power to compel witness testimony and, in addition, receipts and supporting documentation. Vouching is a crucial issue, because it means a lot of Canadians aren't going to be able to vote.

There are other critical issues in here. I wonder if you would comment on that. My understanding is that of \$66 million spent in the campaign by the national parties, \$33 million was reimbursed by way of the rebate system we have and not one receipt has to be provided. There are no receipts and there's no ability to compel testimony to determine whether or not the submissions were accurate.

Could you comment further on that, but with a view to a Canadian who may be listening? A lot of people are getting cranked up about this. They hear about the vouching, but then they say that doesn't affect them. Can you start to give a reason why other Canadians should care about this bill? Also, what are your concerns in that area of compelling witness testimony?

Dr. Yasmin Dawood: I think it's essential that Elections Canada has the ability to make sure the political parties are actually providing evidence about their election expenses, given the fact that \$33 million is returned to political parties. I can't imagine in any other setting that you ask for reimbursement without providing a receipt. Certainly where I work at the law school, if I want a reimbursement, I need to provide receipts to show I've actually spent that money.

Elections Canada really can't do its job of ensuring the caps have been met without actually having financial documentation. How else are they supposed to know the rules are being followed?

Mr. David Christopherson: What's really strange is it wasn't that long ago when there was a rule eliminated. It used to be that members of Parliament and senators could submit, without a receipt, up to \$25 for a cab ride if they were going somewhere, particularly to the airport. They cut that out, because they said, "Whoa, wait a minute. Who could possibly be okay with the idea of giving \$25 to somebody without a receipt?" And here we are, \$33 million and nobody needs to give a receipt.

You didn't mention the issue of compelling witnesses, because you were very focused on your answer. By the way, the government voted for this unanimously and said they'd have it in place months ago, but it's not in the bill, the ability of the commissioner to compel testimony. We know right now in the robocall scandal that they can't get anybody from the Conservatives to give any testimony. Where do you go if you can't get testimony and you don't have documentation? I'd like your thoughts please.

Dr. Yasmin Dawood: I think this seriously hampers the ability of Elections Canada to actually investigate effectively any kind of electoral infractions. Without this ability, which other organizations such as the Competition Bureau do have, it makes it very difficult for Elections Canada to actually follow up and get to the bottom of problems like the robocalls affair.

Mr. David Christopherson: Excellent. Please let the record note I ended with four seconds to go.

The Chair: My clock had you three seconds over.

Mr. David Christopherson: I doubt that. You'd have been all over me.

The Chair: I believe the world is spinning faster down here where the Chair lives.

• (2035)

Mr. Craig Scott: Are you accusing me of being a biased timer?

The Chair: No, never, but I did see your iPad take a heck of a bounce when David started talking. We're all trying to go paperless around here and we're all using iPads, but we're going to be in big trouble if Mr. Christopherson does that.

Mr. Lamoureux, go ahead.

Mr. Kevin Lamoureux: I really did enjoy all three presentations. I did want to pick up on a couple of points, Ms. Dawood. I do think it's really important that people, whether viewers or all parliamentarians, recognize to what degree the academic world has actually been following the proceedings in regard to this very important piece of legislation.

In your presentation you said, and I'll read directly from it, "The open letter has been signed by over 170 professors at Canadian universities who study the principles and institutions of constitutional democracy, including 16 past presidents of the Canadian Political Science Association".

I think that for most people, whether you're a parliamentarian or not, when you hear of that groundswell that's out there at our post-secondary institutions, I take it that it's from our country's three

coasts, Canadians should really stand up and take note that something's wrong here.

Can you or maybe any of your colleagues recall anything of this nature ever occurring before, where they have felt such strong principles on a piece of legislation that they've actually signed off on this magnitude?

Dr. Yasmin Dawood: Probably this is the first time ever that professors have agreed on anything, so this is really quite remarkable. We spend most of our time arguing about everything and not agreeing on anything. Having such widespread agreement with over 170—I think the number is now 179—professors signing on to this is extraordinary. It's completely unprecedented. I've never heard of a situation like this before where there's been such widespread consensus that there is a problem.

Mr. Kevin Lamoureux: Add to that concern that of the current Chief Electoral Officer and the past chief electoral officer, and there's the fact that we don't have any political entities outside of the Conservative Party that are trying to push this legislation through.

Do you feel that this legislation has to be amended? If it is not amended, in your opinion, what should happen?

Dr. Yasmin Dawood: I think it's essential that the legislation be amended. There's also Canada's international reputation to consider, the fact that we are a leader globally for electoral standards. This bill seriously undermines our international standards. I think if it does not get amended, it should be pulled.

Mr. Kevin Lamoureux: The government might bring in some minor types of amendments. Would you suggest that rather than minor amendments, which might be somewhat helpful, there need to be, in order to receive any sort of real recognition for approval, substantial changes? I've read the letter. It really goes into a lot of detail.

Dr. Yasmin Dawood: I think I speak for everyone who signed it when I say that we believe that significant revisions must be made to this bill. It's problematic in a number of different ways. This is from a non-partisan standpoint of expertise. It's not a partisan position. It's based on best practices and established ideas around how elections ought to be run.

Mr. Kevin Lamoureux: Mr. Thomas, you had made a recommendation that interests me. You recommended that the bill be amended to provide for mandatory consultation with Elections Canada concerning future changes to the Canada Elections Act. I think it's wonderful. If we asked that question of the government, they would say, "Well, we did consult." Can you expand on what it is you're trying to get at here in your recommendation?

Dr. Paul Thomas: Mr. Mayrand has indicated that he had an hour-long conversation with the minister before last summer at some point. I know from my studies of five other countries that in a couple of them there are rules requiring that the head of the national election authority be consulted regarding the actual content of a draft bill. They have to operate election law. They have a distinctive type of wisdom that comes from being on the front lines of election administration, and the minister and the government need the benefit of that advice, as do Parliament and the parliamentary committee that's going to study it.

I know in other countries, and this happens in Manitoba, there's a device called the concordance. It shows the changes that are being proposed to the election act alongside the existing provisions, and it provides a rationale. When I first encountered the fair elections act, I was hard pressed to connect all the parts. It's a tremendously complicated and detailed document. There wasn't much assistance to parliamentarians or to ordinary citizens or to professors of political science to get their head around exactly what was being changed and how the different parts would interact with one another in practice.

The government could have done much more to help people understand what they were proposing to do and demonstrated that the three aims they set forth in the act were actually being supported by the changes that were being proposed.

• (2040)

Mr. Kevin Lamoureux: My last question for you is to what degree you think there's an obligation for the governing party to actually ensure there's at least some consensus among more than themselves as a political entity before they should change an election law.

Dr. Paul Thomas: Well, Mr. Lamoureux, I'll take you back to 2004 when the Chrétien Liberal government of the day abolished contributions, or put a ban on contributions from trade unions, corporations, and other associations to political parties. That change came out of the Lortie Royal Commission on Electoral Reform and Party Financing, for which I did background research. It came out of a committee of Parliament chaired by Jim Hawkes, and it came out of ongoing studies within Parliament. There was broad party support for that change. It had been in the works for some period of time.

Usually these changes are made gradually and incrementally, and political support for them is developed over time. Rushing a bill into law quickly like this, especially a comprehensive sweeping bill like this, is not best practice, in my view.

Mr. Kevin Lamoureux: I agree.

The Chair: I want to see what you can do in the 10 seconds you have left, now eight seconds.

Mr. Kevin Lamoureux: It's always nice to see Mr. Thomas from the University of Manitoba.

The Chair: Good. You're a proud Manitoban—way to go, way to get that in. Super.

We're going to go to a four-minute round, starting with Mr. Richards.

Mr. Blake Richards: I'd like to start with you, Professor Thomas.

You mentioned a couple of things in your opening remarks. One was that it's always good to look at models in other countries and other jurisdictions when you're looking at changing your own laws. I forget what it was in regard to, but you mentioned the U.K. electoral commission.

I had noticed in some of the suggestions made by that commission that they had recommended looking at the expansion of the requirement for photo ID in order to be able to vote. They currently have it in Northern Ireland, and they were recommending expanding it as a way to combat voter fraud. I didn't see any indication there or

any discussion of allowing vouching. They were recommending a photo ID system.

Now of course, that would be beyond what's being suggested here, because obviously there are a number of other ways you can create your identity. You obviously have the idea of the photo ID, but you could have two pieces of ID as well. Obviously, what they are suggesting would be beyond this.

I'm curious as to your thoughts. The report from the U.K. commission indicates that since 2003, when Northern Ireland had the requirement, there has been little evidence of voters being turned away from the polling station for presenting an incorrect form of identification.

They also indicated that they had gathered substantial evidence. They said: We gathered substantial evidence during our review that the lack of a requirement for ID... is both an actual and a perceived weakness in the system.

I would be interested in your comments on that, based on some of the suggestions being made there and the comments they have made in their report.

Dr. Paul Thomas: Until recently in the U.K. you registered to vote on a household basis. There was an enumeration, and someone in the house could actually indicate that there were persons present who were eligible to vote and so on. Now they are going to individual registration. They are making changes, as you indicate, to the requirements to produce identification, but they are also allowing for online authentication of voter identity. They are trying to make it easier both to register and to actually cast a ballot on election day or in advance polls.

From talking with Mr. Peter Wardle, who is the executive director of the national electoral commission, I understand they haven't had serious problems in terms of even a significant amount of voter misrepresentation. It just doesn't happen, quite frankly, in this system.

• (2045)

Mr. Blake Richards: I'm sorry to have to interrupt you, but I have a limited amount of time.

They indicated that they felt there was a potentially real and certainly a perceived concern about the lack of identification. In their putting in the photo ID requirement, I don't see—correct me, if I'm wrong—any discussion of allowing a procedure like vouching in their proposed new system.

Dr. Paul Thomas: As one of the other witnesses already indicated, it's not so much producing an identity card, including a picture card, perhaps; it's often demonstrating your address that becomes a stumbling block for a legitimate voter to be able to cast a vote.

Again, I—

Mr. Blake Richards: I'm sorry; I hate to interrupt you, but I have a limited amount of time.

The Chair: Yes. You had four minutes, though, and we're there.

Thank you, Mr. Richards.

We'll go now to Madame Latendresse, for four minutes, please.

[Translation]

Ms. Alexandrine Latendresse: Thank you very much, Mr. Chair.

My thanks to our three witnesses for being here with us. I will speak in French. You can listen to the simultaneous interpretation.

Mr. Thomas, I am interested in what you had to say when you answered questions because I think that issue is one of the most important aspects.

Identification in itself is not a problem. However, proving one's address can be a problem. In fact, you can go to the polling station with 20 different identity cards, but if you have no proof of address and you don't have a driver's licence, you cannot vote.

Could you expand a little on that issue, please?

[English]

Dr. Paul Thomas: Well, academics tend to comment on both the motivation to vote and the propensity to vote. Some groups are not as likely to turn out. If you arrive at a voting station and someone says to you that you have two forms of identification but that neither of them contains an address and that they need to know that you live within that polling division, your choices are either that you go home and try to find a document that qualifies under the list of 38 or 39, and if you're weakly motivated you may not come back. This may happen with groups that historically have been politically marginal. The other choice for you is to find somebody who knows you and can vouch for you, and that's not always possible in the moment.

I like the Manitoba example, which has not been talked about in this forum. We have used it for two elections. It just means that you sign an oath, and there is a penalty attached if you misrepresent yourself. In another part of the legislation, there is an opportunity, if someone shows up to vote and somebody has already voted under his or her name ahead of him, that the person can still vote, if they have the right ID requirements with address, but would have to sign an oath that they're the real person.

The principle of having voters sign something at the polling booth seems to be part of the thinking behind this bill.

[Translation]

Ms. Alexandrine Latendresse: I completely agree with you.

I also have a question or comment for Mr. McLaughlin.

In the article you wrote for *The Globe and Mail*, you raised an extremely important point, in my view. In that article, you said that young people who are starting to exercise their right to vote at the first election when they have the right to do so are often those who become systematic voters, meaning that they go back to vote at subsequent elections. In connecting the dots between the two, you also mentioned in your article that research shows that turnout decline is mostly driven by young voters not participating.

With specific reference to clause 18 of the bill and the power of Elections Canada to encourage youth voter turnout, do you think that other provisions in Bill C-23—such as the one about the use of voter identification cards, which were accessible only to students in the last election—could also undermine the participation of young people in the electoral process if this possibility was removed?

[English]

Mr. David McLaughlin: I think the evidence will show that people who are less attached or committed or motivated to vote, the more they perceive a barrier in front of them, which could be simply their lifestyle at the moment. They're too busy, have kids to take care of, or schoolwork or other things. This is just normal. Then, if you add a barrier about identification that is beyond what is considered reasonable, the danger, of course, is that people will simply self-select themselves out of the process.

A way to get around this, of course, is what you are studying, and it seems to me you're looking at it in quite good detail: the impacts of vouching versus other measures. I encourage you to continue to look at this question to see what kind of solution you can come up with.

The broader issue is that we have to work harder as a country to try to raise the motivation, raise the civic literacy, and raise the civic knowledge of young people. The danger isn't just at that one moment. Research shows there's a danger of habitual non-voting as people move through their life cycle, if you will. Your voting interests and your political interests change as you grow older, as you get a job, as you have kids, as you worry about different things. The danger will be that this youth downward trend that we've had will continue into other age cohorts as we move along, and then you're going to have a generational effect.

The ongoing motivational piece is important as much as—this is really my point—the identification issues that you are studying so assiduously.

• (2050)

The Chair: Thank you very much, Madame Latendresse.

Mr. O'Toole, you have four minutes, please, to finish this.

Mr. Erin O'Toole: I have a few questions for Ms. Dawood.

Thank you very much for appearing. I appreciate your expertise as a law professor. I'm going to talk about the Supreme Court case relating to Etobicoke Centre. There are two specific elements.

The majority took the view—and I'd love to have you comment on my assessment of their decision—that if fraud or irregularity or serious error can overturn the result of an election, that can undermine confidence in our system.

Is that a fair characterization of one element of the decision?

Dr. Yasmin Dawood: What the majority decision says, which is asserted by four of the seven justices, is that if there's an irregularity that affects the result of the election, those votes will not be counted. However, the important part of their decision is that not every error counts as an irregularity. That's something that is often missed when people try to summarize what happened in that case.

For example, concerning the vouching errors, whereby the vouchers' names were not listed, in that particular case the Supreme Court majority said that those kinds of errors do not amount to an irregularity. Likewise, the registration certificates were lost; 16 of them went missing. Once again the Supreme Court—

Mr. Erin O'Toole: One second. Mr. Neufeld, in his assessment of vouching errors, characterizes 46% as serious errors. In fact, with the high error rate with vouching, a final number cannot be put. As I said to Professor Thomas, between 46% and 80%, but because of multiple errors per transaction, an exact figure from the audit can't be determined.

Would you not say that in accordance with the Supreme Court decision on irregularities which they use associated words to connect fraud to errors in the administration of the election, if they can overturn a result, they undermine the faith in our system?

Dr. Yasmin Dawood: That's not what the Supreme Court said in the majority opinion. They said that only certain kinds of irregularities count and the kinds of errors that occurred in the Etobicoke Centre case did not arise to the level of an irregularity.

You'll see this, for example, in paragraph 39 of their decision and also in paragraph 43. They said that the word "irregularity" does not count toward every single administrative mistake that was made. The mistakes that were made with respect to vouching in that case and with respect to the registration certificates did not, in their minds, arise to a level of an irregularity. These were just record-keeping mistakes. They said that under section 524.1 of the Canada Elections Act, those mistakes do not count as irregularities.

Mr. Erin O'Toole: I'm quoting from paragraph 43:

In associating the word "irregularity" with those words, Parliament must have contemplated mistakes and administrative errors that are serious and capable of undermining the integrity of the electoral process.

Mr. Neufeld identified 46% of vouching transactions that he said were serious, serious errors.

Is your position that—

Dr. Yasmin Dawood: The Supreme Court would not agree with that, though. The Supreme Court said that certain errors with respect to vouching do not arise to a level of an irregularity. Mr. Neufeld, in his report, lumped together a lot of different vouching problems that the Supreme Court, in its decision, did not consider to be an irregularity.

Mr. Erin O'Toole: The Supreme Court also said at paragraph 65, and they used an example of applying proper procedure to a situation:

However, unlike the rejection of a valid vote, turning away a voter on election day is not fatal to that person's right to vote.

Then they do the flip side of that, which is if a vote cast by an entitled voter were to be rejected, they would be permanently disenfranchised. The court seems to recognize that reasonable compliance procedures, like asking for identification, are acceptable.

• (2055)

The Chair: I'll allow a quick answer on it. Mr. O'Toole's time is finishing.

Dr. Yasmin Dawood: Actually, what they do say is that administrative mistakes are not a reason to deny someone the right

to vote. They say that it cannot be a perfect system and that small errors like record-keeping errors, such as in the vouching and registration certificates, are not reason enough to deny someone the right to vote. That was the majority holding, which is why the member for Etobicoke Centre kept his seat.

The Chair: Thank you, Professor.

Professor Thomas, Mr. McLaughlin, and Professor Dawood, thank you for coming tonight. It's been great to have you here and great to get information.

Professor Dawood, I have a very smart nephew who's at U of T, and please don't hold Uncle Joe against him.

We will excuse you and we'll bring in our next panel.

We'll suspend for a couple of minutes.

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_____ (Pause) _____

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• (2100)

The Chair: We're back in session again for the third panel of this evening. We're doing very well, committee. I'm very happy with your timing and your questions.

We have Bob Brown from the Council of Canadians with Disabilities. We have David Shannon from the Canadian Disability Policy Alliance.

Welcome to both gentlemen.

We have Corey Willard, from Forum for Young Canadians. Thank you, Corey, for coming tonight. We love attending your stuff, too. Fantastic.

I didn't pick who's going to go first so, Bob, I'm going to start with you. For your opening statement, gentlemen, you have five minutes or less, and then we'll get to rounds of questions for you.

Mr. Bob Brown (Member, Transportation Committee, Council of Canadians with Disabilities): Thank you very much for hearing me. I'm not as fast a reader as some of the others, so I'm just going to highlight some of our points. I understand that you have the full presentation.

Council of Canadians with Disabilities, CCD, is a national cross-disability organization with nine provincial, one territorial, and seven national disability member groups. Through CCD, Canadians with disabilities have been speaking out and taking their rightful place in Canadian society by causing the removal of barriers to participation. Approximately 3.8 million, or 13.7% of Canadians—we'll talk about that—15 years of age and older report a disability.

Thank you for hearing from the CCD on the barriers regarding Bill C-23. We want to talk about four points that we feel are of great concern.

On the public education campaigns, unfortunately Bill C-23 ends the Chief Electoral Officer's power to implement information programs about the electoral process. Barriers, such as the lack of plain language information, Braille, large print, ALS-LSQ information for the hearing impaired and deaf, have prevented some persons with disabilities from being knowledgeable about the electoral process. Accessibility and inclusive public education campaigns enable people with disabilities to overcome information barriers and to promote participation. CCD recommends that the Chief Electoral Officer continue to have the authority to implement information programs.

The next is alternative voting process. The printed ballot is inaccessible to some voters. For example, voters with vision impairments cannot independently verify if a printed ballot is correctly marked. Adoption of electronic and telephone voting processes will overcome this barrier, hopefully, but will require testing. Bill C-23 proposes House and Senate approval of future tests of electronic processes. Currently, committee approval is sufficient. As additional approval requirements could hinder barrier removal, CCD recommends that only committee approval be required for the test of electronic voting systems.

Next is voter identification rules. We've heard quite a bit about that tonight. Bill C-23's proposal to eliminate vouching and prohibit the use of voter information cards, VIC, for verifying a voter's residence will disenfranchise voters who do not have full identification of their address. Persons with disabilities living in long-term care facilities and homeless people with disabilities will be among the disenfranchised because they experience barriers to obtaining necessary ID, not because it's not available, but they just can't get it. CCD recommends we retain the current safety net provided by the VIC and vouching.

On campaign contributions, more people with disabilities are seeking public office. People with disabilities experience a disproportionate level of poverty. CCD disagrees with the Bill C-23 exemptions that allow increased contribution from a candidate's personal funds because it will place less affluent Canadians at a disadvantage.

Finally, on enforcement, the Commissioner of Canada Elections should not work for the government of the day. To protect the fairness of the electoral process, CCD recommends that the Commissioner of Canada Elections report directly to Parliament.

Thank you for your time.

• (2105)

The Chair: Mr. Brown, thank you. You're well within the time.

Mr. Shannon, you're next.

Mr. David Shannon (Lawyer, Hagi Community Services, Canadian Disability Policy Alliance): Mr. Chair, I'm glad you chose Mr. Brown first; therefore, there's always brilliance to my right.

Voices: Oh, oh!

Mr. David Shannon: Thank you very much for the invitation this evening.

My name is David Shannon. I live in Thunder Bay, Ontario. I had a spinal cord injury 32 years ago. That means I have had the benefit of experiencing many elections using a wheelchair. I'm also the executive director of a non-governmental organization that serves people with disabilities in Thunder Bay, Ontario. I'm here on behalf of the Canadian Disability Policy Alliance, which is a national collaboration of disability researchers, community organizations, and federal and provincial policy-makers aimed at creating and mobilizing knowledge to enhance disability policy in Canada.

Of course today I'm here to talk about disability policy and in particular some recommendations. I would submit that this is an opportunity for all of us to enhance the inclusion of persons with a disability.

When I talk about persons with a disability in Canada, I'm not talking in a vacuum. I'm not talking about an ideal or an idea. I'm talking about four million Canadians who are of an age to vote. In fact 4.4 million Canadians have a disability, and according to the latest statistic, four million are of voting age. It's a critically important bloc to access for any politically minded individual, and indeed to open the doors to greater democracy, which I believe is the purpose of this bill.

We have found, however, that obstacles to electoral involvement for persons with a disability are not limited to just inaccessible polling sites. The Elections Act has tried to address that. The Hughes decision at the Canadian Human Rights Tribunal tried to address that. But it goes beyond polling sites. It goes to meeting venues, campaign offices, and constituency offices. They are all central to the effective functioning of Canadian democracy. I want to talk about that. At the very fundamental level of our democracy, every party, every politician has to open the doors to meetings and campaign offices to guarantee that they have inclusive design.

Our research has shown that people with disabilities are 20% less likely to vote than those with a disability. That's ironic, however, that they're less likely to vote, because if you ask them, as our research also indicates, there is a greater urgency and desire among the disability community to vote than the rest of Canada. This leads to, within these 4.4 million Canadians, what is termed absent citizens. Therefore, meeting venues, campaign offices, and information materials are central to accessing these absent citizens.

A recent study conducted under the auspices of the Canadian Disability Policy Alliance surveyed candidates from the Ontario election campaign of 2011 to discover the extent to which campaign offices, meeting venues, party platforms, and official websites were accessible and inclusive toward their disabled constituency. Party leaders were polled to seek their position on disability issues and accessibility in their campaign and their platform.

The findings from this survey indicate there is a general lack of understanding of the imperative to achieve accessibility standards, not only of polling stations and booths, but also of political campaigns, if representative democracy in Canada is to include people with disabilities.

Of course that was a provincial election. I would not imagine that same error would visit itself upon any federal campaign.

The survey found that accessibility practices tended to be reactive instead of proactive, exceptional instead of inclusive. Electoral practices do not appear to have kept pace with the shift in policy and attitudes towards disability that has occurred. We've seen a shift in the past generation from 1981 to 2014 in the way in which the public views inclusiveness and includes persons with a disability, but political campaigns and politicians have not kept pace.

• (2110)

Mr. Chair, we therefore ask for your consideration to add a section under the general provisions of the bill known as the fair elections act.

We recommend: one, that the standing committee mandate campaign office accessibility in the legislation; two, that the fair elections act adopt and implement an accessibility standard for all campaign websites, offices, and meeting spaces during the federal election; three, that Elections Canada communicate with the individual candidates about the expectations of accessibility. We do have, by the way, a tool kit, which is a survey of how to make one's campaign offices accessible. Finally, Mr. Chair, we recommend that the Standing Committee on Procedure and House Affairs recommend enhanced and broadened funding through the enabling accessibility fund to help achieve greater accessibility during a federal election. In other words, this section can be implemented.

We believe this would help us lead to a much broader constituency and a voice for all Canadians.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Shannon.

Mr. Willard, for up to five minutes, please.

Mr. Corey Willard (Board Member, Forum for Young Canadians): Absolutely.

Good evening, and thank you for inviting us to join this discussion tonight. My name is Corey Willard, and I'm a volunteer board member with the foundation that the forum is part of.

I'm going to touch on two things. I'm going to give you a brief overview of the program. I know many of you know Forum for Young Canadians; I see some familiar faces in the room. I'll also touch on two aspects of the proposed legislation that might affect our program and the youth who participate in it.

Forum for Young Canadians is a non-partisan program that offers Canadian youth a chance to learn about Canada's political system, and sit side by side with today's leaders, preparing themselves to become leaders tomorrow. Throughout their week in Ottawa, these youths participate in mock elections, learn about the pillars of Canada's democratic system, and most importantly, how to use their voice.

They represent the issues in their communities and provinces and learn from each other what the fabric of Canadian society is all about.

[Translation]

Their experiences begin months before they arrive and continue for months after they return home. We support them in continuing their engagement as active citizens. As young leaders, one of their roles is to return to their schools and community groups and inspire their peers to become active and engaged citizens.

[English]

Funded in part through the Department of Canadian Heritage's exchanges Canada program, the forum program also receives support from sponsors that include Elections Canada, the Canadian Association of Former Parliamentarians, the Churchill Society, the Canadian Club of Ottawa, and a host of other companies and organizations.

For the last 38 years, forum has been the flagship program for the Foundation for the Study of Processes of Government in Canada, a not-for-profit organization whose volunteer board of directors is comprised of notable Canadians from across the country.

We are proud of the outcome that a significant number of students who participate in forum return to Ottawa to complete their post-secondary education. They already know what they want to do. Some of them end up working on or around Parliament Hill. Many of the other students who participate in the program end up choosing to pursue their post-secondary education in another city or province, in part because of the impact forum has had on their interest to explore the different regions of our country.

The elimination of vouching would have a negative impact on these youths. Many of them are turning 18 and are eager to vote. Most of them are attending post-secondary education institutions away from their home town, and unfortunately, the reality is a lot of them don't end up changing their addresses for the time they are in school. I was a victim of that one.

• (2115)

[Translation]

Elections Canada plays a supporting role in our program. At every session, Elections Canada officials come and deliver the module of the program that relates to voting.

In addition to the presentation, Elections Canada supplies us with all the materials required to host a mock election. Throughout the year, Elections Canada plays a significant role in strengthening our ability to support our participants in motivating their peers to vote.

As a non-partisan organization, we are part of a network of other organizations whose role is to prepare the next generation of Canadian leaders and active citizens by providing them with the tools and information they need to remain true to the democratic process.

[English]

I'm sure it was not the intent of proposed section 18 of this legislation that organizations such as ours would no longer have access to support from Elections Canada to educate and inspire Canada's youth from a non-partisan perspective. However, we believe that would indeed be one of the unintended consequences.

On Friday when we received this invitation, we were in the process of saying goodbye to 146 youths from across Canada who gathered here in Ottawa last week for forum. We heard over and over and over again comments from students about how forum has made them realize the importance of becoming active and engaged citizens. I will share a few comments that were submitted to us last week prior to these students departing.

Danielle, from Manitoba, noted, "Before I came to Ottawa I thought I would never vote, now I will go home and count the days till I turn 18 and can vote and I'll get all my friends to vote."

[Translation]

Roya, from Ontario, said: "Voting is very important because people have the ability to choose who they believe is the right person to lead their country. Citizens must vote in order for their political leaders to reflect the interests of the population."

[English]

Michael, from Ontario, said, "One of the most valuable and interesting parts of forum is the chance to debate political issues in a non-partisan environment. The election simulation and Elections Canada presentation both have the effect of showing students how these debates are decided in 'the real world'. The excitement generated by the elections at forum is incomparable and certainly makes the youth who participate passionate about exercising their democratic right."

[Translation]

Katie, from Quebec, said: "I felt the information I heard during the election session provided me with what I need to know not only about how to go about voting but also why it's so important for me to vote so I could make a good decision on who to vote for and be able to do it."

[English]

Megan, from Nova Scotia, said, "That won't be the last time I put my X to say who I think should run this country."

[Translation]

On behalf of the Foundation for the Study of Processes of Government in Canada, please accept our thanks for the opportunity to present this evening.

[English]

I will conclude with the words of another participant of our program. "Visiting Parliament Hill means more than just witnessing history. It means looking at the future and knowing that this is potentially a place where some of us may create history. It goes beyond the magnificent carvings and walls and makes me most grateful to be part of such a beautiful nation." That was from Dunja, from British Columbia.

[Translation]

We wish the committee every success in the task it has undertaken. We are now ready to provide you with any other information you may need.

[English]

Thank you.

• (2120)

The Chair: Thank you, Mr. Willard.

Thank you, all, for your opening statements.

We'll now go to questions. We have a seven-minute round, starting with Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, all, for being here.

I have one or two questions hopefully for all three of you on different aspects of your presentations, and we'll see if we can get through them in seven minutes.

Mr. Brown, in one of the items contained in your brief on alternative voting processes you talked about the fact that many times a printed paper ballot is a deterrent for many disabled Canadians. I'd like to hear a little bit more about that, because I know, for example—and you'd be well aware of this, of course—people who are visually impaired have the ability to bring someone into the polling booth with them, and they can instruct the person where to mark the ballot. You're talking about something that goes far beyond that. You're talking about either telephone or electronic voting.

Let me just ask you, if we remain for the time being with the printed ballot, would extending the ability to all disabled people to bring someone of their choosing into the polling booth, if required, satisfy some of the problems you're talking about now?

Mr. Bob Brown: I can probably speak to part of that.

For a large number of people with visual disabilities, who have a problem or are visually impaired, it seems to be a fundamental right that the person should not have to rely on someone else and should be able to independently verify which name they're voting for. It's a question of dignity, so in our view it's the ability to personally do it yourself, not having to rely on kindness, or whatever. Not everybody has someone they trust to bring in with them. You don't want to turn to the person next in line and ask, "Can you come in and give me a hand with this?" And you don't really want to rely on a voting official. It comes down to the fundamental democratic rights of the electoral process.

Mr. Tom Lukiwski: Your comments, certainly, on realizing, understanding, and allowing the dignity of the disabled voter to vote on their own is, I think, a very valid point. I appreciate your comments on that.

Mr. Shannon, I assume you would concur with your colleague Mr. Brown since you always find the true genius to your right.

Mr. David Shannon: I can only but concur and say that I've also had a personal experience. There is awkwardness that one might only imagine, in a very practical sense, in how some of the families that are engaged might have differing political views. The person you trust might be your spouse, but perhaps you don't agree on who to vote for that day, and it would be preferable to vote independently.

Mr. Tom Lukiwski: Yes, I'm sure we could have a larger discussion—

• (2125)

Mr. David Shannon: I think we could.

Mr. Tom Lukiwski: —on that issue, but we're here to discuss Bill C-23.

Mr. Willard, if I could turn my attention to you, please, I think, like every parliamentarian here, we've had dinners and meetings with young Canadians through the Forum for Young Canadians. They've been some of the greatest experiences I've ever had.

Unfortunately, on the last couple of trips to Ottawa, I haven't had any members from my riding, but those that I have met over the years, and I've been here for 10 years, I have found to be some of the most engaged, knowledgeable, enthusiastic, and industrious young people I could possibly have met. It has been a true pleasure for me.

I say this because I don't think there's ever a difficulty or a problem motivating that group of individuals, or young people like them, to vote. I think they fundamentally understand whether or not....

You gave the example of someone who, when she first came here, didn't think she would ever vote, but after leaving Ottawa said that she was now waiting for her 18th birthday. I think that almost would be the exception rather than the rule. I have found that most young people who come to the Forum for Young Canadians are absolutely motivated by the time they get here.

That being said, you talked about the need, in your opinion at least, to maintain the provisions contained in section 18 to promote voting among young people. As you would know, in Bill C-23, we are suggesting that the primary role of the Chief Electoral Officer at Elections Canada should be to advertise and to promote how to vote, where to vote, and what identification is needed to vote. Studies have shown that most young people don't vote for the primary reasons that they don't know where or when to vote and they don't know what ID.... We're trying to focus on the how-tos rather than on the motivational factor. In fact, I suppose you could say that any advertising is, in effect, promoting the need to vote.

In your experience, or your opinion at least, if Elections Canada were to concentrate on simply advertising, and advertising significantly, informing Canadians in the lead-up to an election of the requirements for voting—the right ID to bring, how to vote, and where to vote—do you think that would have an effect on increasing

voter turnout among young people, or do you think the advertising generally, trying to convince people that they should vote, would be a better way to go?

Mr. Corey Willard: I don't think there's one answer to your question. In my other job, I'm a lawyer, so I'm usually the one at the other end asking the questions.

Mr. Tom Lukiwski: With an answer like that, you're probably going to be a good one, too.

Mr. Corey Willard: You do highlight a good point. I think that knowing where to vote is, first and foremost, the most important thing. As a student, I remember not very long ago living here in Sandy Hill—back home in Alexandria, I would just drive down the road, and it was always the same place; it has been the same place for the last 20 years—and I did rely on the information on the Internet by Elections Canada on where to vote.

I think of some aboriginal youth who come to the sessions and tell me that when they do the simulation they have never experienced anything like that before. I think that might have an impact either on them or on them telling other people of the role Elections Canada played in the program.

I don't know if I answered your question.

The Chair: You may not have, but it isn't answer time; it's question time.

Thank you.

Madame Latendresse, for seven minutes.

[*Translation*]

Ms. Alexandrine Latendresse: I would like to continue talking about Mr. Lukiwski's questions and Mr. Willard's answers. I actually don't see why that should be mutually exclusive. There is no reason not to be able to simply tell the Elections Canada officials that their agency should focus on that, without necessarily preventing it from implementing all the other existing programs.

My question is perhaps more for Mr. Brown and Mr. Shannon.

Let me start by reading the subclause about communication with electors with disabilities. The bill states:

The Chief Electoral Officer shall ensure that any information provided under subsection (1) is accessible to electors with disabilities.

That means information about how to vote.

Mr. Brown, that's not bad, as you so well pointed out in your presentation. It is a good thing and we are happy to see it in the bill. However, the existing subsection in the Canada Elections Act states:

The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

I am particularly astonished about what Mr. Shannon told us earlier. You talked about a 20% difference. In your presentation you said:

Research has shown that people with disabilities are 20% less likely to vote than those without a disability.

You must surely think that people with disabilities are directly targeted by that subsection, which talks about those most likely to experience difficulties in exercising their democratic rights, correct?

[English]

Mr. Bob Brown: I'll answer first.

Part of the problem for some is mobility, just getting where they have to go.

One of the big things again is the poverty a lot of people experience. There is a cost to getting identification. Not everybody has a driver's licence, or photo ID with their address on it. A citizenship card or a passport costs money. Somebody on welfare, which a lot of people with disability are on, doesn't have a lot of extra money at the end of the month. Are they going to pay for groceries or medication or will they go out to buy a citizenship card or a form of ID? You still have to go out to be able to register for that ID in order to get it. I listened to previous speakers tonight. There is a cost. Not everybody is equal. I acknowledge there's a digital fingerprint or thumbprint somewhere, but not everybody has access, not everybody is able to get that ID. That's one of the big things we wanted to impress upon you.

• (2130)

Mr. David Shannon: To your point, too, I did appreciate the current wording has shifted. One might argue that it's shifted in tone, purpose, and even toward a greater vagueness. Certainly our argument would be to open the doors to greater education to, as you noted, the so-called absent citizens, and find new levers to help them engage at that very grassroots level so they can move from grassroots to much greater and fuller political and democratic participation.

[Translation]

Ms. Alexandrine Latendresse: Another point has been raised.

Now, we can no longer use the voter identification card to prove residence. The proof of address is what makes voter identification very difficult at polling stations. It was determined that young people were most likely to use that card. I myself was in that situation. For a long time, I was registered at my parents' address, even though my school was a seven-hour drive away.

You also talked about all the people in homes or other facilities who will have a great deal of difficulty in proving their address. In your view, voter identification cards could help those people identify themselves at polling stations.

[English]

Mr. Bob Brown: There are a lot of people still in long-term care facilities and nursing homes, seniors, persons with disabilities. These people do vote, especially seniors and persons with disabilities. The administration, because of resources or whatever, may or may not issue letters for this purpose.

The OHIP card was talked about. People don't necessarily have them in their possession. They may be held by family members or the administration of the facility they're in, so they're not able to independently provide identification or the identity card. This is a

problem that we see. People do need to be able to rely on that card. That's going to eliminate a lot of people. For anybody in the hospital it's the same process. They're not able, first of all, to get to a voting place, but there are systems for that. Without that VIC or a.... People just don't have that kind of information with them.

[Translation]

Ms. Alexandrine Latendresse: Thank you.

Mr. Shannon, do you have anything to add?

[English]

Mr. David Shannon: I think we can't discount the intersection of poverty.

As Mr. Brown had noted, if a person is on a disability pension, it's not that they're at a long-term care facility—the vast majority are in the community—but if it's a \$30 taxi ride, and then there's a fee to get that identification and it has to be two pieces of identification, it becomes just too much, especially if one is trying to also just negotiate support services and care to get around their disability. They're not going to get those identification cards.

Ms. Alexandrine Latendresse: That's a really good point. Thank you.

The Chair: Thank you, Madam Latendresse.

We'll go to Mr. Lamoureux, for seven minutes.

Mr. Kevin Lamoureux: I must say that I have enjoyed the presentations. I have learned something from them.

Even though I would love to ask the questions related to the compelling of witnesses and so forth, and you can feel free to provide comments on those issues, I want to question Mr. Brown and Mr. Shannon. The two of you are here from the disability community, and I think it's important to try to focus some attention on that right now.

Do either one of your groups or associations have opportunities afforded to you to meet with Elections Canada as an organization to go over some of the concerns that you've expressed before the committee?

Maybe, Mr. Brown, you could start off, and then we'll go to Mr. Shannon.

• (2135)

Mr. Bob Brown: I'd have to get back to you on what's happened recently. In the past, CCD has worked with Elections Canada for information programs. That was one of the worries, the capability of providing information programs. It's how to vote, and the alternative formats like Braille and sign language, the different kinds of disabilities that come along. It's not just mobility. There's a broad spectrum of different kinds of disabilities, and you have to be able to address all of them. Each one is an individual with the right to vote, no matter what the disability is.

Mr. David Shannon: We come as an organization that supports a network of academic researchers, disabled persons organizations, and other policy-makers. Individual members who are part of this network do work directly, in all facets, from Veterans Affairs to Elections Canada. Our focus had been primarily with respect to interests in polling sites, but that's why this new research that we've been doing and have supported.... In fact, I was the lead in this research, to drill down into the more fundamental aspects of democracy and find that it's wanting. That is where I think democracy is made, in the meeting rooms and the campaign offices.

Mr. Kevin Lamoureux: What I'm thinking is that proposed section 18 of the legislation obviously causes a great deal of concern for both of you, in fact, all three, in terms of limiting Elections Canada's ability to study, to work with different stakeholders, and so forth. That's the reason I ask if they've had that sort of contact with you.

Could you provide any comment in regard to the value of Elections Canada at least being afforded the opportunity to respond and to investigate, to do studies on things related to disabilities and what sorts of things we could be doing?

Mr. Shannon, I was reading through your presentation about campaign offices and other things. You give a number of bullets in terms of the types of things we should be doing as candidates. I don't know if it was you or Mr. Brown who made reference to the fact that we need to be from a party perspective and maybe that should be taken into consideration in legislation.

Maybe you both want to provide comment on that.

Mr. Bob Brown: First of all, as I said, in the past, CCD has worked with Elections Canada. Getting information to persons with disabilities and even to seniors, to some extent seniors with disabilities, can be problematic. What kinds of forums? We do have nine provinces, one territory, and seven other national organizations that are members of CCD, so we have a dissemination through our affiliates to get information down to them and to the individuals. It would be pretty hard to get to some individuals.

We have in the past worked with.... This is one of the things that concern us. That kind of thing may disappear. The Chief Electoral Officer would lose that ability to work with such organizations as ours or others, to be able to get information down to people.

Mr. David Shannon: You speak to the issue of enforcement. You're a lawyer. I'm also a lawyer, as is my colleague to my left, and I have a particular interest in administrative law. Clearly my recommendations would need some level of enforcement. You heard that my recommendation was for greater funding to the accessibility fund in order to enable an added section, clearly to strengthen it rather than wait for the RCMP to involve themselves in such egregious errors. We're talking about an administrative process, not a criminal process.

To have greater enforcement, one option would be to have greater levers of compellability in the hands of the CEO, but also, and I've seen this in other legislation, to simply link it to another body, such as the Canadian Human Rights Commission or Canadian Human Rights Tribunal. Then there is no need for added resources to create an entirely new administrative enforcement mechanism.

● (2140)

Mr. Kevin Lamoureux: I raise this, and all three can provide comment on it. On February 17, 2004, a motion passed in the House of Commons that read in part: That the House direct the Chief Electoral Officer and Elections Canada to expand its initiatives to promote the participation of young Canadians in the electoral process and that these initiatives include making available educational material to schools—

— and so on. This is a resolution that passed.

If we don't amend this legislation, it would prevent Elections Canada from being able to do some of the things that we all agree should be done.

Would Corey, or anyone else who would like to, provide comment on that?

Mr. Corey Willard: I haven't read the motion, but if it's the consent of the members of Parliament here, I believe that we would have to look at the role Elections Canada would play and the effect it could have on youth, if their mandate is limited via legislation.

The Chair: Thank you, Mr. Lamoureux.

We'll go to Mr. O'Toole, for a four-minute round, please.

Mr. Erin O'Toole: I thank very much all the witnesses.

The first question is for you, Mr. Willard. I'm very glad you mentioned your work with forum and the support of the Churchill Society. I'm happy to say that for about seven or eight years I was a director and fundraiser for the society, and we were very happy to support a great program such as forum.

In your comments you suggested that the changes to vouching might have an impact upon students, a group that is commonly referred to as potentially being impacted. I refer to annex C of the Neufeld report, which is essentially the page at Elections Canada on how to vote. We heard from an earlier witness, who addressed this.

There are three things specifically here that I would say would be tailored for students: student ID, in conjunction with either correspondence issued by a school, such as a letter of admission or any of that stuff; or, in combination with student ID, something related to the student residence, such as admission to, living in the student residence, and that sort of thing. Do you think most students would have two or three of those items?

Mr. Corey Willard: In my personal experience, yes, they would.

Mr. Erin O'Toole: That's all I need.

You did undergraduate and law school, so whether it's at the University of Ottawa or Osgoode Hall Law School, for instance, it's probably similar across the country.

Mr. Corey Willard: Yes. Your question is whether or not it's common for students to have student cards.

Mr. Erin O'Toole: Yes, I mean ID and a letter of admission. If they want to register on election day with those two things they can vote in that poll. That's provided for now, in fact, and won't change.

Quickly, because I don't have a lot of time, thank you very much, Mr. Shannon and Mr. Brown. I appreciate your time.

Mr. Brown, you responded to a few questions of my colleague Madame Latendresse about the NDP's Freudian slip, whereby they constantly refer to the VIC as the "voter identification card". That's not what it is. It's actually called the "voter information card", and it is sent to voters who are on the official list of electors.

You had some concerns that particularly people with some struggles or issues might not have identification that they would have to pay for to use when voting.

Were you aware that the voter information card, which comes from the official list of electors, comes from such things as tax rolls and the aggregated information that government has on someone? If someone is at the margins, would it be fair to say they might not appear on the official list of electors to begin with?

Mr. Bob Brown: That very well could be. Go down to the mission. If you know Ottawa at all, go down to the mission, to the Salvation Army, to Shepherds of Good Hope, to people living in shelters. Where do they put their physical address? They may not have one. They may not have taxes done. Sometimes they have an address, but a post office box doesn't usually do.

• (2145)

Mr. Erin O'Toole: I agree, and I think that all politicians in Ottawa agree that voting is a constitutional, a charter right. That's why, on the existing forms, which I referred Mr. Willard to, the same sort of combination provides for people in that circumstance as well. Specifically, the administrator of a shelter can issue a letter of stay or an attestation with respect to the physical presence of someone who is staying in the shelter.

Would that provision not be better than a VIC that comes from tax rolls? Don't the rules already provide for people who might be living in a shelter?

Mr. Bob Brown: It's my understanding that many shelters, because of a lack of resources, don't do that. If you have the resources.... There's a lot of people.

Mr. Erin O'Toole: If Elections Canada worked with the shelters in order to inform them of their ability to provide letters of—

The Chair: Mr. O'Toole, thanks.

Give a quick answer, if you want, but I'm not going to let him talk again.

Mr. Bob Brown: I can't answer that just offhand. I'd have to look into it and get back to you on it.

The Chair: Thank you.

Mr. Scott, you have four minutes, or thereabouts, apparently.

Mr. Craig Scott: I just remind everybody that the Chief Electoral Officer spoke to how comparatively accurate the voter information cards are in terms of their being the most accurate piece of federal ID that exists and said that the fact that some people aren't on the register doesn't make them less accurate for those who receive them.

I'd also note that, although I stand to be corrected, I don't believe universities or law schools or whatever can issue attestation letters.

An hon. member: [*Inaudible—Editor*]

Mr. Craig Scott: No, that has to be with respect to those living in residence, but many students still use their parents' address for correspondence, so it's not as though that mechanism works. It's in residence that it's particularly useful.

For anybody who is living off campus, it's a very different thing. There is a whole bunch of reasons: you may not be on the lease; your driver's ID is from another province. I came up against these in recent elections; people who said that in fact they had been to the polls and couldn't put together the ID. They were university students, in fact, at the University of Toronto.

I was delighted, Mr. Brown, that you brought in an important new angle on the whole question of electronic voting, because the proposed section 18.1 in the bill, concerning alternative voting processes, singles out one form of alternative voting, and that is electronic voting, for a much higher threshold to be passed in order for the Chief Electoral Officer to engage in a test. It requires the prior approval of the Senate and the House of Commons.

The drafters even dared to put the Senate ahead of the House of Commons in this. I'm not sure how that happened.

The point is that the barrier to getting it approved is so much higher than for anything else.

You have brought the perspective of those with disabilities for whom paper ballots are a particular barrier, and I thank you for that, because I've been to this point thinking that it's something that would appeal mostly to youth, as an accessibility issue.

From my perspective, we have to be ready for the time when electronic voting will be secure and people will have the right comfort level. Elections Canada can't be so far behind the trend that it will take another 10 years to engage in electronic voting.

The most important point is that you said, "An inclusive and accessible balloting process would include the option for alternate telephone or electronic voting processes, which would allow for independent verification by people for whom print is a barrier."

It's really important to note that Elections Canada, when they've been thinking about engaging in e-voting tests, are not saying that it is going to be for the whole system. It can actually be an enhancement to the system, in particular to make it more accessible for certain groups.

I'm wondering whether what I've said rings as correct to you and whether this is indeed something we should emphasize for an amendment.

Mr. Bob Brown: I'll let you answer the question. A second level of bureaucracy, trying to get agreement, and to get approval in a timely manner, this is just approval on testing: is that a hindrance or has it become a larger barrier than what we already have?

I would also like to suggest, as I testified in the post office, the digital divide for persons with a disability and seniors...the electronic will go a long way to help with that, but people aren't online as much either. They can get access, and that's why I say.... Plus, with the phone alternatives as well for a lot of people, if you have both those combinations of systems, it will go a long way. It will not get everyone. There are some people who are visually impaired and deaf. To remove that double layer of approval to be able to get something in a timely manner for testing, it's pretty hard right now.

I guess it was in the byelection in Winnipeg North where they had some testing of equipment, which I understand didn't go as well as hoped, but you learn on research and testing. You improve upon that. To go back and get a double layer of approval is difficult.

•(2150)

The Chair: Thank you very much.

Thank you, Mr. Scott.

Mr. Reid, for four minutes, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Disability is one of those things that is hard to categorize because there are so many different kinds of disabilities, and then within each kind of disability there are so many different ranges of issues. I don't have to elaborate; it's just obvious. I was thinking of one fundamental divide that I think does exist and I wanted to ask about this.

There are people who live in institutional settings and there are people who live independently. It seems to me that the issues they face are distinct. I wanted to start with the institutional settings.

Mr. Brown, in your comments a couple of questioners ago, maybe three questioners ago, you mentioned people who are in the hospital. This made me think. I know mobile polls service some institutional settings. People who are in long-term elder care, residential elder care, would have mobile polls, for example, as would prisons.

I actually don't know what the situation is with hospitals, for people who are in and out. Maybe you can tell me. What is the situation there?

Mr. Bob Brown: I'm not sure. I'd have to get back to you on that. It just stands to reason that people are.... For a fixed address, again it becomes a problem.

I believe there is a process where somebody can have somebody go to the individual to cast their ballot if they choose, and I may stand corrected on that. I think in some of my past experiences I recall that.

My understanding is it's difficult, so is it worth the bother, that kind of thing? As David was saying, 20% may drop off because of the difficulty.

Mr. Scott Reid: It struck me that an obvious potential area to improve accessibility, if it turns out the mobile polls are under-servicing, is to expand the use of mobile polls. I actually don't know whether that is the case, so that's why I'm asking the question. I also think of palliative care situations as being another possibility.

I wanted to ask this as well. The VIC, the voter information card, I don't know how often it is actually available to people who are in

institutional settings. I got the impression from the Chief Electoral Officer's testimony that there are occasions on which those who administered the institutions are reluctant to provide the information that would provide for accurate accounting of who is there. I don't know what the reasons are, if they have concerns regarding privacy laws or if they just regard it as too much trouble. I genuinely don't know.

I thought perhaps one of you two might know the answer to that question.

Mr. Bob Brown: Whether it's resources or...I think there are various reasons they provide. It may not be a specific one. It's just that I want to bring the point or identify there is a problem there, and how to work around that becomes an issue. It's at least to identify that this is a problem.

•(2155)

Mr. David Shannon: It would depend largely on the nature of the home or institution, too, and what confidentiality...whether it's agreements or even laws such as the Health Care Consent Act in Ontario, that applied to that particular facility. It would change with each. I guess since you've had the benefit of the Chief Electoral Officer being here to speak to it, he could speak with greater expertise.

Mr. Scott Reid: He didn't provide an answer to that question, unfortunately. It was one of these things where it was mentioned in a manner that did not permit me to get back to ask further questions. I thought you might have—

Mr. David Shannon: I can tell you I like in principle your idea, though, and that's the greater penetration through mobile polling to institutions or palliative care for people who are housebound.

The Chair: Thank you, Mr. Reid.

I think we'll stop there and we'll suspend. We'll allow our witnesses to say goodnight. Thank you very much for your comments and your help today. We've taken all of it in. Thank you very much.

We will suspend for a couple of minutes and let our witnesses leave. We'll go on to some committee business and see if we can leave here sometime this evening.

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_____ (Pause) _____

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•(2200)

The Chair: We can come back to order, please, and see if we can get a little bit of committee business out of the way before we go.

I was thanking Mr. Brown for his analogy of how you can't always trust who you might take into the voting booth with you. I was certain if I went in with my wife, we would have an argument over where the X went. So he's absolutely right.

We have a few things to cover tonight. One is we have talked about when amendments would be due, and we have said noon on the 25th would be an appropriate time to have those amendments in.

From the committee, we need approval to start clause-by-clause study, and I'm going to suggest that it start at 11 o'clock on our Tuesday meeting of that last week, on the 29th.

Mr. Christopherson, on that?

Mr. David Christopherson: Yes, on that: we don't like it. Surprise.

What we were hoping to do was at the very least to match up for clause-by-clause study what we're doing this week and next week in terms of time commitment. We have a lot of amendments. It's a big bill, and at five o'clock on the 1st it's all over, so we would like as much time as possible. I would just ask for us to replicate the timing in that third week. It's five, if you count the weeks, but in terms of our third week of work, it's this week, next week, and—

The Chair: So what are you suggesting?

Mr. David Christopherson: Regular hours, Tuesday and Thursday, and then Monday, Tuesday, and Wednesday, evening hours.

The Chair: I guess if we had the amendments in by the Friday... There's some thought they can't be back up to start to do that on the Monday.

Mr. David Christopherson: Then we should back it up one day, and make the deadline the 28th.

The Chair: You would have the amendments due on the 23rd?

Mr. David Christopherson: Yes, enough that we could start on the Monday.

The Chair: Does anybody have any comments?

Mr. Lukiwski, do you want to speak to this?

Mr. Tom Lukiwski: I don't have a big problem with that, Dave, assuming that everything is in and we're ready to go in the evening on the Monday.

The Chair: I have one issue with it. We have asked Monsieur Drouin, the chief electoral officer from Quebec, to visit us. He cannot possibly come, because he's in the middle of an electoral event, until that night, until the 28th, and so we had scheduled him then.

I think we can work around that. We could still have him and then go on to start our clause-by-clause study, if that's what the committee wanted to do.

Mr. Lukiwski.

Mr. Tom Lukiwski: Chair, had you planned to give him an hour?

The Chair: Yes.

Mr. Tom Lukiwski: If we had him from 7:00 to 8:00, then we could go from 8:00 to 10:00, we could get in two hours of amendments that evening instead of three. Then we could do the regular 7:00 to 11:00 or 7:00 to 10:00 or whatever—

Mr. David Christopherson: When is the Quebec election? Is it on the 7th?

We're talking about his coming in on the—

The Chair: —on the 28th. He has some wrap-up that he has to do. Obviously, he has to—

Mr. David Christopherson: Yes, we don't want to have him during their—

The Chair: I'll bet he's probably getting a day of sleep in there someplace too.

Mr. Tom Lukiwski: My point is if that you had him scheduled for that Monday, when David wants to start dealing with the amendments, we could have him for an hour, and spend two hours on amendments on the Monday, and then spend three hours on amendments on Tuesday evening—

Mr. David Christopherson: If that's the only caveat, we can live with it, Tom.

The Chair: Mr. Scott, are you speaking on this?

Mr. Craig Scott: Yes. The only thing is, just be double-double sure that whatever deadline is set for the amendments can be met for the Monday night. If we have to get them in on the 23rd or 24th, just tell us and—

The Chair: It's the 23rd by noon.

Mr. Craig Scott: Is it the 23rd by noon instead of the 25th?

We can live with that.

The Chair: Are we all okay with that?

All right.

The Scottish parliamentary group that was coming to visit us—

Mr. Craig Scott: They have mixed-member proportional representation—

Some hon. members: Hear, hear!

The Chair: —yes, and no reading of speeches in the House, and five-minute speech limits. There are a number of things in the Scottish Parliament that I rather like.

However, if it's okay with the group, I'm going to save you; I'm going to throw myself on this Scottish sword.

The day they were to come is the 7th, in the morning. Mr. Allison is already meeting with them to represent the liaison committee, and so I was just going to go there with Mr. Allison and share with him procedure committee information. That was from 10:00 until 11:00, and if not that, then 11 o'clock until....

I'm going to switch it around, anyway. Right after, my vice-chairs and I would meet with the Scottish delegation for an hour about procedure and House affairs and what we've been studying.

It's your call, folks.

• (2205)

Mr. David Christopherson: I know all those deputies are anxious to work, the vice-chairs.

The Chair: I know. The vice-chairs are just using midnight to 6:00 for sleep, and so—

Mr. Tom Lukiwski: If we can encourage people to get them in as early as possible, we may be having some amendments ourselves that we're presenting. To be quite honest, I'm not sure whether we can meet the deadline of the 23rd. We can certainly work to get them in as quickly as possible, but if we get the majority of amendments in, certainly from the opposition, early, even if we took until the 25th, is that going to be a problem?

Mr. David Christopherson: You're dragging your heels again, slowing down the process and acting obstructionist. It's one after another—

Mr. Tom Lukiwski: I'm just listening to all of the testimony.

The Chair: If we get them as late as the 25th, starting on the Monday would not be a possibility.

Mr. Tom Lukiwski: All right. We'll commit to no later than that and earlier if possible.

The Chair: That's great.

An hon. member: —no later than what?

Mr. Tom Lukiwski: We would have the amendments in on the 25th at noon.

Mr. David Christopherson: Do you mean the 23rd at noon?

Mr. Tom Lukiwski: Let's say no later than the 25th. We'll try to get them in earlier and—

Mr. David Christopherson: Whoa. It's either the 23rd or the 25th. It's not—

Mr. Tom Lukiwski: David, I'm not sure we can get ours in by the 23rd. That's what I'm saying.

Mr. David Christopherson: We'd like to accommodate you. Is there some way we can massage the time in that week so that we can still get the same number of hours?

Mr. Tom Lukiwski: Well, if I heard from the clerk...

Are you saying that if we had them in by noon of the 25th, you'd still be able to go on Monday evening, the 28th?

A voice: No.

Mr. David Christopherson: We might be able to go with ours, because we'll have a load of them in. But then they would say, can we—?

Mr. Tom Lukiwski: Well, that's what I'm saying. If you guys get yours in early—

The Chair: Look, we have to have them all in so that we can book them up.

Mr. David Christopherson: Massaging the next week as to time would be the best thing. As long as we can get the same number of hours that we would have had with the kind of schedule we have this week and next, we don't care how it flows, if it allows the government to get their amendments in, because we're all for that.

Mr. Tom Lukiwski: Colin was just mentioning to me that maybe the solution to this is that we add an extra hour on the Tuesday and Wednesday evenings to make up that—

The Chair: So we're getting the time in for not starting on the Monday.

Mr. Tom Lukiwski: Yes.

We're not opposed to what you're saying, David.

Mr. David Christopherson: I know, and I'm not trying to block your deadline of the 25th. We just don't want to lose anything in the process.

Mr. Tom Lukiwski: I understand.

Mr. David Christopherson: I hear what you're saying. You're saying the Tuesday and Wednesday. We can live with that.

Mr. Tom Lukiwski: If the chair and the clerk can get the number of hours extended so you have adequate time...?

The Chair: I see one duo always doing the work and the others just telling them when to do it. It's really a unique system.

Okay, it's the 25th at noon.

Yes, Mr. Lamoureux.

Mr. Kevin Lamoureux: How does that impact Elections Quebec? Are we just going to sit for one hour that evening, then?

The Chair: That was on the Monday night.

Mr. Kevin Lamoureux: But that's what they're saying: up to two hours for the following two days, which would mean we'd be coming together on Monday for one hour.

Mr. David Christopherson: Are we going to meet on the Monday night?

The Chair: For the Chief Electoral Officer, it's kind of when he said he was available, so—

Mr. David Christopherson: So what we're going to do is meet for that one hour and then just add hours on Tuesday and Wednesday to make up for that?

The Chair: Yes, to make up for the other.

Mr. David Christopherson: So we'll have a one-hour evening session on Monday and call it a day?

The Chair: You're okay?

Some hon. members: Yes.

The Chair: We had this down earlier in the day.

Tell me. On Monday, do you want evening or afternoon?

Mr. Kevin Lamoureux: Maybe earlier in the day, then.

Mr. David Christopherson: Yes, if we can get him in the daytime.

Mr. Tom Lukiwski: What's the schedule like?

The Chair: It looks like we can do 3:30 to 4:30, according to the time that's written here.

Mr. David Christopherson: We'd lose an hour, though.

The Chair: Oh. We just guessed that time.... Sorry. That's not a real carved-in-stone kind of time. Your chair is reading numbers that apparently he's not supposed to.

Mr. Kevin Lamoureux: What if we assume, then, Mr. Chair, that it will be one hour—

The Chair: It will be one hour on a Monday at our convenience and we'll let you know. We'll shop it a little bit before we get there.

Mr. Kevin Lamoureux: And if there's a change, then there's a change.

The Chair: We have a couple of weeks to get there and then two weeks' worth of being home for Easter, right?

Mr. Tom Lukiwski: Chair, the only difficulty on that, on the 3:30 time, is that we have members on other committees—

The Chair: I know, those who have other committees and so on—

Mr. Tom Lukiwski: —so a 5:45 start, for an hour, or a 6 o'clock start, for an hour, would be fine.

The Chair: Monday nights usually have a vote in them, too, so—

Mr. Tom Lukiwski: Yes.

The Chair: —let's just say as quickly after votes—

Mr. David Christopherson: And try to get us somewhere closer, too, if it's possible, if it's just an hour.

● (2210)

The Chair: Well, I could put you real close, but we've put some liabilities or difficulties on your chair by saying that we have to be available to do this if we want, and we want to be televised. This is the room that meets those two requirements. The other ones in the big house don't always meet those requirements.

Mr. Tom Lukiwski: Well, we don't have any need for video conferencing on Monday.

The Chair: That night, no, so we could—

Mr. Tom Lukiwski: He's going to be here in person, so if you can get something in the house—

Mr. David Christopherson: Let's keep in mind...*[Inaudible—Editor]*

The Chair: Look, your chair will always do his best not to walk—

Mr. David Christopherson: Especially when there are no buses.

The Chair: Take a look. There are no buses.

I noticed tonight there were buses after we didn't think there were going to be any.

Mr. David Christopherson: Does anybody know if there are any going back?

A voice: No.

The Chair: So on the Scottish thing, we've decided that I will let you know.

We're going to do the.... What time? I'm missing my notes. Wait, I'm going to my notes. It's at 7 a.m. I forgot. That's what that one said, but that's not it.

Voices: Oh, oh!

The Chair: If we're going to meet with the vice-chairs and the Scottish delegation, it would be at 10 a.m. and we'll make it in Centre Block.

Mr. Kevin Lamoureux: That's going to be your second choice.

Your first choice was—

The Chair: It's for me to meet with liaison in the next hour instead and for you to just have your chair go. It's your call.

Vice-Chair?

Mr. Kevin Lamoureux: I'm quite open to that, unless the other vice-chair is—

The Chair: Well, it's not a liaison committee meeting, but they want to meet with the chair of liaison, right? I was just going to bully in on Mr. Allison's meeting and say, "Hi, I'm here from procedure and House affairs and I'm here to help."

Mr. Kevin Lamoureux: So if it's good for one committee chair just to have the chair there, I suspect it could be good for both.

The Chair: Right. We certainly have done that in the past, where just your chair has met with a visiting delegation. Usually—

Mr. Kevin Lamoureux: You can let them know that if they would like to meet me in the lobby, I'm more than happy to do that as a vice-chair.

The Chair: Okay. Great. I will schedule to meet...

It is all right with you if I meet with Mr. Allison and the Scottish delegation?

An hon. member: Yes.

The Chair: Okay. Great. That's done.

Now, Mr. Christopherson's motion—

Mr. David Christopherson: Wait a minute, Chair. Sorry.

For scheduling, can we just review the finalized schedule next week? I don't want to keep you here any longer than necessary, but—

The Chair: I don't even know if there's a Thursday in next...no, I'll go through it.

We have certainly laid out, under the schedule you now know as Monday night, Tuesday day, Tuesday night, Wednesday night, and Thursday day, the time slots. Your clerk has been absolutely amazing on the telephone in calling people to try and get them to fill those time slots.

As we suspected for the great plan of putting groups together that are like each other...and as you saw again tonight, we've had to add to a group someone who doesn't absolutely fit. We're finding that same thing. We're filling those time slots basically with what you saw and at the times that we said they would come, but I'm not going to have a meeting with one person at the end of the table, so if two cancel, I'll try to double that back and then add some more of our experts.... We have every witness who's on our list who we can possibly get here, who says yes to coming, in those time slots for the rest of this week and next week.

Are you looking for more than that? My first-born is really old and—

Mr. David Christopherson: Here's where I am. Unfortunately this process is adversarial, so we do have to nail everything down; it's not a cooperative effort.

I know what we're doing this week. It has been approved and supported and signed off on. But for the week after, I still don't have anything. Could we maybe have at least an update on where we are for our next meeting?

The Chair: I could give you a list, but the vast majority of people either have not been contacted or have not said yes. So it will not look like, just like everyone else. Come on, help me; when could we look at it, just to be sure? I'd rather, if it's going to be a problem....

Mr. David Christopherson: Here I sit not knowing what it will look like, just like everyone else. Come on, help me; when could we look at it, just to be sure? I'd rather, if it's going to be a problem....

I don't know if we can do anything about it, but let's address it prior to the week coming rather than that day.

The Chair: Right.

We're Monday night of this week. Let's give our clerk through tomorrow's meeting, and maybe on Wednesday night we'll have a fuller—

Mr. David Christopherson: Sure.

The Chair: Okay?

Mr. David Christopherson: Yup. That works.

The Chair: We'll share the schedule, then we'll all...*[Inaudible—Editor]*...our problems.

Mr. David Christopherson: We're going to be reasonable. We're not looking for the sun and the moon. But you saw that we had some legitimate concerns last time, and by having a discussion we resolved them. That's all we're looking to do again.

I just want to make sure that we have had an opportunity to sign off prior to it going to print, to—

Mr. Tom Lukiwski: We haven't seen anything either, David, so if we do it by Wednesday, great.

The Chair: Yes.

I think we can give you a far more fulsome invite list by Wednesday—

Mr. David Christopherson: That's good, because I won't be here tomorrow.

The Chair: —including up to and ending with the chief electoral officer from Quebec.

Mr. David Christopherson: I'm at Stornoway, so I'm away.

The Chair: All right, we'll now go to Mr. Christopherson's motion.

● (2215)

Mr. David Christopherson: My motion is as follows: That, pursuant to the motion adopted by the House of Commons on Thursday, March 27, 2014 relating to the parliamentary functions being performed in offices of the Official Opposition, the Committee invite the Honourable Leader of the Opposition; and also invite the Right Honourable Prime Minister to appear before the Committee to address the many partisan activities undertaken by his government, specifically by the Prime Minister's Office (PMO) and by the Conservative Research Group (CRG), and that furthermore, the current study on C-23 be extended by the same number of days as those scheduled for the study on the referred motion.

I intend to call it on Wednesday.

The Chair: You don't want to talk about this tonight?

Mr. David Christopherson: I don't need to talk about this tonight; I'm good for Wednesday.

Mr. Tom Lukiwski: If I may, I have a point of order on the motion.

The Chair: I'd entertain your point of order.

Mr. David Christopherson: But I'm not putting the motion forward.

Mr. Tom Lukiwski: Okay. I didn't know if you had, or if...

Mr. David Christopherson: No, I just took an opportunity to read it into the record. That's always a good thing.

The Chair: It's a notice of motion.

Mr. David Christopherson: It's a notice of motion. As I understand it, I have the right to call it when I choose—

Mr. Tom Lukiwski: No, no; I just didn't know, David, if you had or not.

Mr. David Christopherson: —and I choose not tonight.

Mr. Tom Lukiwski: That's fine.

The Chair: So we'll add some committee business on Wednesday, yes? Thank you.

Mr. Kevin Lamoureux: On a point of order, Mr. Chair, just so that I understand, does this mean that at any point in time...?

If I have a motion that I want to provide tonight, for example, I can table that document, and then, after that has been done, at any point in time, sometime in the future, all I have to do is just read it, even if we're in the midst of a discussion on a bill?

The Chair: Let's suggest your chair would be kind of not happy if you did it that way. Perhaps you could talk to us ahead of time and suggest that we schedule some committee business for that night.

David already knows now that we're going to have some committee business Wednesday night, because I've promised him a schedule, so we'll do it during committee business. I really dislike interrupting our witnesses mid-sentence to talk about committee business. I don't think it's fair to them. It's very rude.

So I'd like it that way; I would suggest that would be a great way to work. Other than that, Mr. Lamoureux, you're right.

Mr. Kevin Lamoureux: Okay. I just wanted to be clear on that point.

Thank you.

The Chair: Is there anything else for the good of the committee tonight?

We're adjourned.

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