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Chair

The Honourable Larry Bagnell

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• (0905)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning, and welcome to the 124th meeting of the Standing Committee on Procedure and House Affairs.

[Translation]

I would like to welcome Peter Fragiskatos.

I would also like to thank Luc Thériault for being with us again.

[English]

Once again, we are pleased to be joined by Manon Paquet and Jean-François Morin from the Privy Council Office as we pick up where we left off with clause-by-clause consideration of Bill C-76, an act to amend the Canada Elections Act and other acts and to make certain consequential amendments. We will resume with consideration of clause 61 and CPC-22.

Stephanie did a good job of presenting the new amendments in order, and Philippe stayed up late last night to put them in order. When we get to a new amendment, I'll be referring to the number as the reference number, which is on the top left. If you keep them in the order you got them in, they'll come up in that order, and I'll tell you when we get to those particular amendments.

Mr. Nater, go ahead.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Chair.

I want to inform the committee that, because CPC-2 was defeated yesterday, the Conservative Party will be withdrawing amendments CPC-93, CPC-116 and CPC-148. Without CPC-2, the other ones wouldn't logically flow, so we'll be withdrawing those three.

The Chair: What are they, again?

Mr. John Nater: They are CPC-93, CPC-116 and CPC-148.

(On clause 61)

The Chair: Thank you very much. That's helpful.

We're going to start at CPC-22. This one just adds the word “knowingly”, so you can't publish results of an election that are inaccurate. This suggestion is to add the word “knowingly” to that.

Mr. Nater, do you want to say anything?

Mr. John Nater: Thank you, Chair.

I think you explained it exactly. It's maintaining the “knowingly” element, that there has to be knowledge that what you're doing is not appropriate. We'd like to add the word. I think that would be appropriate.

The Chair: Is there any discussion?

Mr. Bittle, go ahead.

Mr. Chris Bittle (St. Catharines, Lib.): Excuse me, I believe intent is already required in the offence, so I was wondering if I could ask the officials if this is a redundant section to include.

Mr. Jean-François Morin (Senior Policy Advisor, Privy Council Office): Thank you for your question, Mr. Bittle.

This motion would amend section 91 of the act. Section 91 is a prohibition. We're not yet at the offence stage. The offences are in part 19 of the act, so this is the prohibition associated with it.

Although you will see “knowingly” many times in prohibitions in the act, it's often considered bad practice in criminal law to include an intent provision such as “knowingly” in the prohibition itself, especially where there's already an element of intent that is expressed. In this case, we already have two: the intent to affect the election as well as the false nature of the statement.

Mr. Chris Bittle: It's redundant.

The Chair: Mr. Nater, did you hear that? He suggested it may not be a good practice to...

Mr. Cullen, go ahead.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): For my own edification, can you clarify that a little bit, Jean-François? If we have other sections of the act that include “knowingly” in terms of a contravention, are you suggesting it's bad legal practice to include this?

Mr. Jean-François Morin: Yes, that's why I was saying.... Don't get me wrong. We know that there are other places, other prohibitions in the act where we say “knowingly”, but it's bad practice.

Mr. Nathan Cullen: What's the problem with the practice? A Canadian reading this would say that the infringement is included in that, and that the person knowingly sought to, in this case, mislead on the results of an election.

Mr. Jean-François Morin: The “knowingly” is a *mens rea* element that is associated with the offence. When we try to craft legislation, we want to make sure that every offence that Parliament wants a mental element associated with has at least one of those mental elements—so it's those dual procedure offences versus strict liability offences, which don't have a huge intent criterion.

What I am saying is that in many prohibitions we already have an intent criterion. For example, in section 91 we already have the intent to affect the results of the election, and of course the person making the publication would need to know that the information that is published is false.

We already have two intent requirements here.

● (0910)

The Chair: Mr. Nater, go ahead.

Mr. John Nater: Thank you, Mr. Chair.

Thank you to our witnesses.

We live in a digital age where people share things on Facebook and retweet stuff. I think that's part of where adding “knowingly” came from. If someone retweets information that he or she sees, is that individual committing an offence simply by retweeting? The individual doesn't know that it's wrong, doesn't do it “knowingly”, so is this an element that we need to be looking at?

Mr. Jean-François Morin: Well, we'll get to that when we study part 19 of the act, which includes the offences. However, you will see at this point that all offences that relate to part 6 of the act are offences for which an intent is required, so there are no strict liability offences for part 6 of the act. Every time somebody republishes something on Facebook or on Twitter, if they do so without intent, if they mistakenly believe that the information is true, that would not usually be sufficient to lay a charge. These charges will really be laid when the person knows that the information is false—in the case of section 91, when the person intends to affect the results of the election by making that publication.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: Maybe to simplify it a little bit in terms of how it's structured within the law, if there is intent already in it, you don't want to put another word in there that would deal with it.

For example, with regard to murder, the Criminal Code wouldn't say that you “knowingly murder” someone. There is an expectation of intent already in there, and to add more words and phrases dealing with that may complicate the....

Mr. Nathan Cullen: There is no presumption of intent if somebody repeats information that is false about an election result or a candidate. However, if somebody knowingly repeats and distributes information and tries to affect the election—that is the outcome of this—that seems to be the difference.

If somebody retweets something that in all good intention they think is accurate, or they're just retweeting for the sake of it, that's one case. However, if somebody is knowingly disseminating information that is wrong.... That's my understanding of this section. That's why I was generally appreciative of this, because it includes that.

I'm looking for the redundancy, and I haven't seen it yet. Repeating something that's wrong is not the problem if you have no intent to do it. If you've had intent to do it, then that's the problem.

Mr. Chris Bittle: “Knowingly” speaks to the *mens rea*, the guilty mind element of it, so to put another phrase in when you already have that within the act makes the redundancy.

If you are accidentally doing it, you're not guilty of the offence.

Mr. Nathan Cullen: I understand, but I guess I have to go back through that section of the act to find out where the explicit mention of intent is already laid out, and where this then becomes redundant, because I don't have that section in front of me. Is that what I'm missing?

Mr. Jean-François Morin: Just give me a second.

Mr. Chris Bittle: It makes perfect sense to the lawyers; that's the problem.

Mr. Jean-François Morin: If you go to page 186 of the bill.... In the English version, I'm at lines 13 to 16.

Every entity is guilty of an offence that

(a) contravenes subsection 91(1) (making or publishing false statement to affect election results); or

(b) knowingly contravenes section 92 (publishing false statement of candidate's withdrawal).

Do you see the difference there, where 92 speaks of “knowingly” and 91 doesn't? If you go back to the two substantive provisions, the two prohibitions, proposed section 92 only says “No person or entity shall publish a false statement that indicates that a candidate has withdrawn.”

Each of these words refers to an essential element of the offence. In order to be found liable of this, of course you need to know that the statement is false. That's where we need the “knowingly” and the “offence” there. You knowingly published a false statement. This appears unnecessary at section 91, because at section 91 we already have the requirement to intend to affect the results of the election with false information.

● (0915)

Mr. Nathan Cullen: Okay. That satisfies me.

Mr. Jean-François Morin: If you add a “knowingly” there, then it's an additional element of the offence that needs to be proven beyond reasonable doubt. It could lead to a judge saying that not only did the person need to want to affect the election with false information, but the person also needed to know that he or she committed this specific infraction.

Mr. Nathan Cullen: I see. The “knowingly” is not about the false information; the “knowingly” is that the person knew they were committing crimes. That helps.

The Chair: Are we ready for the vote on CPC-22?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 61 agreed to on division)

The Chair: On clause 62, there was LIB-3, but that was passed because it was consequential to LIB-2.

(Clause 62 as amended agreed to)

(Clauses 63 to 67 inclusive agreed to)

(Clause 68 agreed to on division)

The Chair: On clause 69, there was a Liberal amendment, but that was approved consequential to LIB-2.

(Clause 69 as amended agreed to)

(On clause 70)

The Chair: LIB-5 suggests that the polling division be on the electors list. Because there is a bunch of polling divisions mixed into a polling station and they go to different tables, you need to know which table they went to.

David, are you going to introduce this?

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): It's a technical fix, because there's an omission in indicating the polling division on the electors list in one circumstance.

The Chair: Is there any discussion on that?

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Our amendment 10008479 is very similar.

The Chair: We'll vote on LIB-5.

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

The Chair: Do you want to introduce the new one? It's 10008479. It's the first new one. You should have it on the stack of your new ones.

Mrs. Stephanie Kusie: It's similar in spirit to the previous one. Since we've passed LIB-5, I think it's fine. We don't need to move it.

Thank you.

The Chair: Is it withdrawn?

Mrs. Stephanie Kusie: Yes.

The Chair: Okay, thank you. That's very helpful.

LIB-6 was consequential to LIB-2, so that was approved.

(Clause 70 as amended agreed to)

(On clause 72)

The Chair: Clause 72 had amendment LIB-7, which was consequential to LIB-2, which was passed.

(Clause 72 as amended agreed to)

The Chair: There are no amendments for clauses 73 to 75.

(Clauses 73 to 75 inclusive agreed to)

(On clause 76)

The Chair: On clause 76, we have CPC-23. The returning officer already has to give the names of election officers to the candidates, and this would suggest that he has to give not only the names but also the addresses of election officials to the candidates.

Do you want to introduce that?

● (0920)

Mrs. Stephanie Kusie: Sure. This is something that has historically occurred, and I guess we are uncertain as to why the candidates would no longer receive the addresses. What is the problem in their receiving the addresses in addition to the names?

Mr. Nathan Cullen: Can we ask our officials?

Mrs. Stephanie Kusie: Sure.

The Chair: I think that in the debate we had there was some concern about giving women's home addresses to people, but go ahead.

Ms. Manon Paquet (Senior Policy Advisor, Privy Council Office): It was removed from the bill following a recommendation of the Chief Electoral Officer in his report following the 42nd general election. It's a matter of privacy. The CEO didn't feel that it was necessary anymore to provide that information. I would add that parties also receive a list of electors that includes addresses. If necessary, candidates could cross-reference this with that information.

Mrs. Stephanie Kusie: If they're already receiving the addresses, what's the problem with giving them the addresses once again? If the information is publicly out there, why would we create another obstacle in terms of obtaining the information? If it's out there, then it's out there.

Ms. Manon Paquet: At this point, it's a policy decision. As I mentioned, it's based on the recommendation of the Chief Electoral Officer that this was no longer necessary.

Mrs. Stephanie Kusie: Just because it's no longer necessary, that doesn't mean that.... I mean, one would argue that there are a lot of things that are no longer necessary that are still completed anyway. To me, this just seems like another obstacle if there's a discrepancy after the fact or after the election. As I said, if the information is already out there, it seems silly to me that we would not provide that information as well.

Mr. Jean-François Morin: The list of addresses of election officers used to be provided also because election officers needed to reside within the electoral district. Because that requirement has been removed, there is no longer a need for candidates and parties to confirm that the person actually resides in the electoral district.

Mrs. Stephanie Kusie: Thank you.

The Chair: Now I have a list: Mr. Nater, Mr. Graham, and then Mr. Cullen.

Mr. John Nater: Very briefly, that was the point I was going to make. Now that we've removed the requirement that officials have to live in the riding, we won't have access to those addresses based on the voters list, the private voters list with all the addresses but not for the officials, who may no longer reside in the riding. I think that's why this amendment would be necessary.

The Chair: We have Mr. Graham and then Mr. Cullen.

Mr. David de Burgh Graham: That point is sort of the opposite of the one I was going to make. We got rid of the requirement that they come from the riding; where they live is more or less irrelevant. I think the CEO is competent to hire his staff, and I don't want to second-guess him based on where people live. I don't see the purpose of that data.

The Chair: Mr. Cullen, go ahead.

Mr. Nathan Cullen: It's exactly that. Since we've removed the requirement, what are we looking to verify?

The Chair: Ms. Sahota, go ahead.

Ms. Ruby Sahota (Brampton North, Lib.): Nathan said what I wanted to say.

The Chair: Mrs. Kusie, where did you say the information about the addresses of the officers is already available?

Mrs. Stephanie Kusie: I believe Madam Paquet just said that the information is already provided to candidates on the electoral list. If the information is provided on the electoral list, would it not be publicly available already?

Mr. Jean-François Morin: Of course, all election officers need to be electors. Yes, they will be on the list of electors in the electoral district where their ordinary residence is located. Parties have access to the list of electors for all electoral districts where they support a candidate. Parties would definitely have access to that.

The Chair: Are we ready for the vote?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 76 agreed to on division)

The Chair: There are no amendments to clauses 77 to 81.

(Clauses 77 to 81 inclusive agreed to)

(On clause 82)

The Chair: In amendment CPC-24, the returning officer has to give a statement of the number of ballots and their serial numbers to an election official at a polling station. This amendment, the way I read it last night, suggests that now that there are a number of polling divisions in the same thing, the returning officer would only have to give it to one officer.

I'll let Stephanie explain that.

• (0925)

Mrs. Stephanie Kusie: Sure.

Essentially, now that we have different tables with different polling stations, we need to ensure the safeguard that there will be proper reconciliation at the end. CPC-24 allows for that.

The Chair: Is there any discussion?

Mr. Cullen, go ahead.

Mr. Nathan Cullen: I'm trying to figure out how this would function.

Stephanie, are you suggesting that at the end of the voting night, or whenever periodically, all of the ballots are reconciled within the polling station itself? I'm just wondering how this looks on the ground. It's hard not having Elections Canada here.

Mrs. Stephanie Kusie: Yes, that is correct. It's at the end of every day. The way it stands now in the new legislation, it's controlled so that one person has been responsible for the one box all day and knows what is...how many there are at the end of the day. Is that...?

The Chair: Is there any further discussion?

Mr. Nathan Cullen: It's probably too late now, but because many of these things are just the practical workings of an election, I think it would be well for the committee to have Elections Canada here at some point. Of course, they don't give us policy direction, but they can certainly tell us how reconciling ballots under this provision would actually work on the ground. I'm not sure if they can be made available. Usually they are quite available to us.

My intention is to vote against it, even though it might be the greatest recommendation to make our elections more accountable, because I don't understand how this would function on a day-to-day basis. I guess I've understood as much as I can in order to be ready to vote.

The Chair: Jean-François Morin, go ahead.

Mr. Jean-François Morin: Actually, Bill C-76 was designed in a way that would allow maximum flexibility.... Well, it's not "maximum" flexibility in that it's not unrestricted flexibility. Nevertheless, it would give a lot of flexibility to the Chief Electoral Officer in managing polling stations on polling day and at advance polls.

I would point you to page 17 of the bill and to proposed section 38, which states:

A returning officer shall keep a record of the powers and duties that he or she has assigned to each election officer, and of the time at which or during which each election officer is to exercise a power or perform a duty assigned to him or her.

Proposed section 39 states:

An election officer shall exercise or perform, in accordance with the Chief Electoral Officer's instructions, any power or duty assigned to him or her by a returning officer.

The Canada Elections Act used to designate many functions at the polling stations—for example, the poll clerk, the deputy returning officer, the revising agent, etc. All of these titles have been removed, changed to the generic "election officer". The Chief Electoral Officer will now be able to manage personnel better at the polling station on polling day by assigning different functions to various election officers.

This motion and a few other motions would just remove some of that flexibility, but of course Elections Canada presented this model of modernized polling stations in its recommendations report and intends to continue administering elections in an—

• (0930)

The Chair: It would be somewhat unusual to have them here, Cullen.

Mr. Nathan Cullen: Would it?

The Chair: Yes.

Mr. Nathan Cullen: I'm into innovation, Chair. I very much appreciate Jean-François describing it. I find Elections Canada is always helpful in just saying, "This is logistically how we manage this." This new interpretation of their being able to designate roles, combined with what Stephanie is suggesting, would just help clarify in my mind whether this would work or whether they would find this counter to the intention of the amendment.

The Chair: Stephanie, go ahead.

Mrs. Stephanie Kusie: That's what I'm struggling with: How can we ensure the proper reconciliation of the votes at each of the tables under this system?

Mr. Jean-François Morin: Elections Canada already has a process for reconciling all ballots at the end of each polling day, so the same process will be extended to the size of a polling station.

Mrs. Stephanie Kusie: I have nothing further.

The Chair: They already provide the ballots and serial numbers to the polling stations. It's in the act. Is that right?

Mr. Jean-François Morin: Absolutely, but in the model where a polling station will include many voting tables, of course, the returning officer will designate one responsible election officer for the polling station who will be responsible for this duty.

The Chair: Are we ready to vote?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 82 agreed to on division)

(Clause 83 agreed to)

(On clause 84)

The Chair: Clause 84 has CPC-25. My understanding from reading this last night is that it's just adding a new section saying that when you go to vote at a polling station, there are enough of those little screened areas so you can do it privately and efficiently.

Stephanie, do you want to introduce this?

Mrs. Stephanie Kusie: No, I think you explained it well, Chair.

Thank you.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: I just want to say it's a good amendment. It adds flexibility for the CEO, which is one of the purposes of the act, and we support it.

Mrs. Stephanie Kusie: Thank you, Mr. Bittle.

The Chair: We'll vote on CPC-25.

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

(Clause 84 as amended agreed to)

(Clause 85 agreed to)

(On clause 86)

The Chair: Clause 86 has CPC-26. My understanding is that it just limits the number of polling divisions in a polling station to 10.

Stephanie, do you want to introduce this amendment?

Mrs. Stephanie Kusie: I think it's evident. It indicates a maximum of 10 polls per location without the Chief Electoral Officer's approval. I'm not sure if our witnesses would like to speak to situations where there are more than 10 per location.

The Chair: Would the witnesses like to speak?

Mr. Jean-François Morin: I don't have any comment on that.

The Chair: Do you know if there have ever been situations where there are more than 10?

Mr. Jean-François Morin: No, currently there is a limitation of 10 per polling place.

The Chair: Is there one already?

Mr. Jean-François Morin: Sorry, currently the act provides for polling places, and the act limits each polling place to 10 polling stations, but this requirement was removed as part of the modernization of polling services.

The Chair: So it used to be there, and it's been taken out. Now it's proposed to be put back in.

Mr. Jean-François Morin: Exactly.

The Chair: But you could still have more than 10, with the Chief Electoral Officer's approval, in your proposal.

We have Mr. Nater, and then Mr. Cullen.

Mr. John Nater: Chair, that was exactly what I was going to say. This is the current practice. It was removed, and this is something we think should be maintained. I think it's just a common-sense approach. It gives some flexibility, with the approval of the CEO. I think any of us who have been to a large polling station on election day know there are a lot of people going in and out, and the confusion that is developed by a large number of polling stations in one facility is significant. I think this is a common-sense approach.

• (0935)

The Chair: Mr. Cullen, go ahead.

Mr. Nathan Cullen: As we have said before, Chair, you and I are both rural. I'm trying to imagine what this looks like. If it goes beyond 10, is it....?

Mr. David de Burgh Graham: Or what does more than two look like? I don't know.

Mr. Nathan Cullen: How many voters? We only have 25.

Logistically, for some of my urban colleagues, does beyond 10 start to get....? Is it that we're trying to avoid crowds, or what's the problem?

If the Chief Electoral Officer has the discretion to expand it beyond certain circumstances, then this is a guideline saying that about 10 is as big as you want to get before it starts to get too chaotic. But, again, I'm not seeing polling places that big. Does it cause a problem for voters? If it doesn't, then we should let them have full discretion.

The Chair: Well, this doesn't say it can't be more than 10. It just says that you have to have the chief returning officer approve more than 10.

Mr. Nathan Cullen: Right.

It says that 10 should be your guide, unless you're going to make an exception.

The Chair: Mr. Bittle is next, and then Mr. Graham.

Mr. Chris Bittle: Unlike the previous amendment, this one seems to run counter to granting the CEO the flexibility to deal with the election and manage the election appropriately, so we're going to be opposed to it.

The Chair: Well, the CEO can manage it; it's the returning officer who can't.

Mr. Graham, go ahead.

Mr. David de Burgh Graham: I'm just going to ask the officials if there's anything that stops the CEO from saying you shouldn't have more than 10 at a location. He can say whatever he wants.

Mr. Jean-François Morin: Actually, nothing stops the CEO from saying that it's no more than 10. The CEO, under paragraph 16(d) of the Canada Elections Act, has the power to make instructions to election officers. If I may add, the Chief Electoral Officer has already announced that for the 2019 general election he wouldn't be implementing the model of voting at any table, because he just doesn't have time to implement that.

Let's project ourselves into the future. At the following general election, if the model of voting at any table is allowed, the services to voters at the polling stations should be more efficient, and there should be much less of a wait at the table where you vote, because you will be able to go to the next available election officer. In that context, in very densely populated areas, it may be possible to administer a polling station with more than 10 polling divisions, if the flow of electors is very efficient.

Mr. Nathan Cullen: So for 2019.... We're talking about 2023. In the coming election, a year from now, if there are long lineups, we can blame the Liberal government. Is that what you're saying? I just want to make sure I got the testimony. We're in public, right? I just wanted to clarify this one point.

The Chair: Thank you for that clarification.

Mr. Thériault, go ahead.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Mr. Chair, I'm not sure I fully understood the witness' remarks.

Mr. Morin, could you please repeat that in French?

Mr. Jean-François Morin: In his last recommendation report, the Chief Electoral Officer of Canada made several recommendations to modernize services to voters at polling stations. It was noted that polling stations were slowed down by the fact that every voter had to go to the polling station associated with the voter's polling division.

The changes made by Bill C-76 will eventually give the Chief Electoral Officer the flexibility to group several polling divisions at a single polling station. When voters arrive, they will be able to vote at

the first table available, rather than having to line up in front of the table for their polling division.

Mr. Luc Thériault: So it's basically like voting at the advance poll. It would be like holding a big advance poll on the big day.

Mr. Jean-François Morin: That's more or less the case. Yes, there are similarities to advance polling, but changes have been made—this is found in some provisions and in the schedule of the bill—so that election officers will have to write the voter's polling division number on the back of the ballot on election day. At the end of the day, the results will still be counted by polling division and reported in this way in the official poll results.

• (0940)

Mr. Luc Thériault: I am referring to advance polling because it is often when frustration is expressed about the flow of the vote. What causes this lack of flow? This is precisely due to the concentration of ballot boxes in a single section. It takes people a long time to find a voter's name on the list to register that they have just voted. The hope or claim is that this will work more smoothly, but let me voice a concern.

If all this were done by computer, it might be another story.

On election day, there are trained scrutineers on site, but, by the way, it is becoming increasingly difficult to find and train these scrutineers. It often takes some time for scrutineers to find the voter's name on the list in a single polling division. I just wanted to tell you that this is not necessarily the best way. Perhaps the process for identifying voters should be reviewed. Indeed, at each election, that is the problem. I have been voting for several years now, and that is what I noticed. The difficulty is not that the voter has to go to a particular place, but rather the time required for the voter to be identified and to be recorded as having voted.

[*English*]

The Chair: So with the new change, which is not coming in for this election, there's a new thing on the ballot that specifies the polling division. Because you can go to any table, it will be on the ballot, so you'll know which polling division you're voting in. So there's no change there. That's in the general.... I'm not talking about the advance poll.

[*Translation*]

Mr. Luc Thériault: This is about recounting. However, I do not believe that this approach will make voting more fluid.

In terms of the number of boxes per voting location, I think it is becoming increasingly difficult for returning officers to find places to hold the vote. From year to year, we get to know the different voting locations. They are established by all organizations and by returning officers, who have often been in office for years. It is possible that one facility may allow more than 10 boxes. Under these circumstances, I don't see why we should strictly limit ourselves to 10 boxes. In each election, few places have been inadequate. When this happened, the situation was corrected. Very large gyms or facilities can provide much more than 10 boxes. In the constituencies, it is institutionalized. We all already have such places.

That's what I had to say.

[*English*]

The Chair: Okay.

Welcome, Elizabeth May, from the *Parti vert*.

Are we ready for the question on CPC-26?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 86 agreed to on division)

(On clause 87)

The Chair: I just want to make a comment on the next two amendments, CPC-27 and CPC-28. If anyone is interested in both of these, they might want to amend the first one, because the second one won't be able to be put forward, because it's on the same line. It's talking about providing the candidate the information. The returning officer has to give the information on the addresses of all the polling stations. CPC-27 is saying they should also have to give the polling divisions at each station. The one after that says that they should also give the number of ballot boxes or any changes in the ballot boxes.

If you would like both of those ideas to be given to the candidate, you're going to have to amend the first one. Otherwise you won't be able to bring forward the second one, because it's amending the same line as the first one. That's the way I read all this last night.

It's open for discussion.

● (0945)

Mr. John Nater: Chair, you read my mind. I would put a subamendment that CPC-27 be amended by deleting proposed paragraph (c). That would allow us, then, to move the other one if this one passes, as I'm sure it will.

The Chair: Okay, that removes the problem of the next one not being able to be discussed.

Is there debate on the subamendment that CPC-27 be amended by deleting paragraph (c)?

(Subamendment negated)

The Chair: We're back to the discussion on the motion. The motion stands like this. The next one can't be added.

Mrs. Stephanie Kusie: I think the purpose of CPC-27 and CPC-28 is to allow better planification for the candidates. On election day, candidates are always looking for a good distribution of scrutineers and volunteers, and I think these amendments allow for better candidate planning going into the elections.

Mr. David de Burgh Graham: Correct me if I'm wrong, but Elections Canada already does this by practice within their existing power. Is there any reason to do this?

The Chair: I'll ask the witnesses.

Mr. Jean-François Morin: You're right that Elections Canada already does this.

The Chair: Do they give to the candidates each polling division that's at a polling station?

Mr. Jean-François Morin: Currently, each polling division is assigned to a single polling station, but of course, with the transition, they would provide the polling divisions assigned to each polling station.

The Chair: Okay. Is there any further discussion?

Mrs. Stephanie Kusie: I think that's why. Presently every station has its own division assigned to it. Again, if there are different stations with different divisions, this ensures that this information is available, whereas under the new requirement, we're not certain that the information will be available.

The Chair: Didn't you just say that it would be available?

Mr. Jean-François Morin: I said it's part of the modernization of polling services initiative. I don't see why Elections Canada wouldn't provide the information.

The Chair: Mr. Nater, go ahead.

Mr. John Nater: I think there wouldn't be a requirement by law to provide that information. I think that's why this amendment is important, to provide candidates with that information and have a requirement that this information be provided.

The Chair: Is there any further discussion on CPC-27?

(Amendment negated [*See Minutes of Proceedings*])

The Chair: We can do CPC-28 because CPC-27 wasn't adopted, so we didn't change that line.

On CPC-28, once again, it's more information to the candidates. They're suggesting that the number of ballot boxes or any changes in the ballot boxes be provided to the candidates.

Does anyone want to introduce this?

While you're doing this, I want to ask the committee a question. Does the committee have any objection to inviting Elections Canada? They might sit at the back and then, if we have technical questions that.... Are there any objections to that? Can we share the amendments with them? Is that okay with you?

Okay, we'll do that. That was a good point. On some of these things, they could say how it would work in reality.

● (0950)

Mr. David de Burgh Graham: They're probably listening online right now anyway.

The Chair: It is public.

Stephanie, do you want to introduce CPC-28?

Mrs. Stephanie Kusie: Sure. It's very similar in spirit to CPC-27. It's just about the candidates receiving this information about ballot boxes, and how many ballot boxes will be established at each station now that there is this new set-up. Again, it allows for better planning by candidates in terms of volunteer coordination, scrutineers, etc. Under this new system, it's uncertain how many ballot boxes will be established at each station, leading to uncertainty in candidates' planning.

I feel that this information would be advantageous for all candidates of all parties to have, and I'm not sure why we would obstruct ourselves from having this information for the opportunity to better plan.

The Chair: Is there any discussion on CPC-28?

(Amendment negated [*See Minutes of Proceedings*])

The Chair: Next is LIB-8. This one is suggesting that the information be also given to the candidates electronically.

David, do you want to introduce this?

Mr. David de Burgh Graham: Yes. It's pretty straightforward. It's to make sure that we get electronic maps. I think that's a useful thing to have, nothing like that big tube of maps that we all get at the start of a campaign.

A voice: I like those too, though.

Mr. David de Burgh Graham: They're great, too.

Mr. Nathan Cullen: Are we going to get both? That's my only question, because I love the tube of maps. I like them on the wall.

Mr. David de Burgh Graham: It says, "shall be made available in electronic form or in formats that include electronic form."

It's up to the CEO whether he does electronic or other, but it has to be at least electronic.

Mrs. Stephanie Kusie: We support this.

The Chair: Are you ready for—

Mr. Nathan Cullen: I have just one small thing.

So, this gives the discretion to Elections Canada to choose, but it must do the electronic.

Mr. David de Burgh Graham: That's correct.

Mr. Nathan Cullen: It doesn't have to do the paper?

Mr. David de Burgh Graham: That's my understanding, yes.

Mr. Nathan Cullen: I wish there was a way to amend this.

It might sound ridiculous, but a lot of the campaigns—I don't know about your guys—do prefer putting the maps up on the wall. If you only do them electronically, then you're going to say to all the campaigns, "You have to find a map printer", which is a three- to four-foot-wide printer.

I don't know if there is a... Maybe Mr. Morin can help us out here, because I would hate to see Elections Canada say, "We're out of the business of giving you any maps" and all the campaigns now having to go find printers to print them accurately.

Maybe I'm just old school, but we do like slapping the maps up on the wall and trying to figure out the riding.

Mr. Jean-François Morin: This amendment would only cover the maps provided to the parties, so that the parties don't get a stack of 338 maps.

Mr. Nathan Cullen: So it's not to the individual candidates.

Mr. Jean-François Morin: No. The candidates will—

Mr. Nathan Cullen: The candidates will continue to get the paper maps.

Mr. David de Burgh Graham: That's actually good, then, because I know that in my office I didn't have enough walls for all of my maps.

Mr. Nathan Cullen: Your riding is so huge.

Mr. David de Burgh Graham: It has so many insets.

The Chair: If this amendment passes, it also applies to LIB-16.

Mr. Nathan Cullen: Is it just an addition to it?

Can you explain that a bit, Mr. Chair, before we go to the vote on this one? If we're voting on two, it's good to know what...

Mr. David de Burgh-Graham: It's "buy one, get one free".

Mr. Nathan Cullen: It's a two-for-one.

The Chair: I had to stay at the emergency debate last night until midnight, so I didn't have time to get to the...

Mr. Nathan Cullen: Mr. Chair, it's a shame. Resign.

The Chair: It's on page 85 of your amendments.

Mr. Nathan Cullen: Is it just another amendment further on in the act that corresponds?

Mr. Jean-François Morin: Yes, it corresponds, but LIB-16 applies to advance polling stations.

Mr. Nathan Cullen: Oh, I see. Okay. Thank you.

The Chair: Are these still the ones that go to the parties?

Mr. Jean-François Morin: Yes.

The Chair: Okay.

Now we vote on LIB-8.

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

(Clause 87 as amended agreed to)

(Clauses 88 to 92 inclusive agreed to)

(On clause 93)

The Chair: Okay.

● (0955)

[*Translation*]

We have amendment BQ-1, the only amendment from the Bloc Québécois.

Mr. Luc Thériault: Thank you, Mr. Chair.

Let me quickly explain the principles underlying the legislative intent of this addition, which is to require face-to-face voting. This is a legitimate legislative intention and for which I have had a very clear mandate.

We live in a free and democratic society where there are freedoms and rights guaranteed by the Charter. Unlike a right, a freedom is not associated with responsibility. Everyone has freedom of expression automatically. The right to vote, on the other hand, is associated with a responsibility: that of demonstrating one's status as an elector. Unlike a freedom, a right is not automatically given.

A right may be infringed “within reasonable limits and demonstrably justified in a free and democratic society”; this is what the Charter says. We believe that it is reasonable to interfere with the right to vote if a person does not meet the conditions for demonstrating his or her eligibility as a voter.

In Quebec, we live in a society that has secularized its institutions. Some may have heard their grandfathers say that at one time, before the Quiet Revolution, the priests in the pulpit reminded them that hell was red and the sky was blue. This is called the time of the great darkness of Duplessis.

In a democratic host society, there are two moments when citizens seal their social contract. There are two essential symbolic moments that demonstrate a citizen's commitment to our democratic society and his willingness to integrate into our democracy. There is the oath, of course, and the right to vote, which we are discussing this morning.

For a host society, there is no better way to demonstrate its willingness to integrate a citizen than to grant him the right to vote. It is at this moment that a citizen signs his social contract. Similarly, there is no stronger time to demonstrate a willingness to embrace these democratic values than when citizens, in order to have the right to vote, comply with the law.

Everything always comes from concrete experiences. In 2007 in Quebec, in the middle of an election, the Chief Electoral Officer, wanting to be very inclusive, gave an administrative directive according to which he could even tolerate the full veil. I give this example because that was the problem at the time. This has resulted in unsightly acts by which people have violated the necessary decorum and the solemn moment that voting represents when you are a citizen. Everyone began to say that they would cover their faces when they went to vote—some people even arrived at the polling station with their faces covered—so the directive was removed. Nevertheless, this led to a debate that culminated in the creation of a special parliamentary committee, the Bouchard-Taylor Commission.

That being said, it seems quite reasonable to us that, in order to have the right to vote, citizens must have their faces exposed, since voter identification requires it. This is all the more true because in Quebec, in addition to having their voter card, people will already have taken out their photo ID.

● (1000)

We believe it is important that the values on which our democracy is based are respected at a time as important as the signing of the social contract, in other words, exercising the right to vote.

[English]

The Chair: Thank you.

Before I go to Mr. Graham, I want to ask you a question. Do people at the moment have to present photo ID?

Mr. Jean-François Morin: Not currently. There are several voting opportunities under the Canada Elections Act where electors don't have to present photo ID.

The Chair: Mr. Graham, go ahead.

[Translation]

Mr. David de Burgh Graham: If you don't need to present photo identification to vote, is this amendment useful?

Mr. Jean-François Morin: I would say that this is more of a political issue that I will leave in your hands.

[English]

The Chair: Is there further discussion on this amendment?

Ruby, go ahead.

Ms. Ruby Sahota: I think this goes contrary to freedom of religion. What you have just pointed out, Chair, makes it seem that we're adding an additional requirement for certain religions, which doesn't necessarily exist for any other religion because they don't need to show a piece of photo ID, so what are you comparing it to anyway?

I think in this circumstance I would be opposed to this amendment.

The Chair: Is there any further discussion?

(Amendment negated [See Minutes of Proceedings])

The Chair: Turning to CPC-29, the Chief Electoral Officer can authorize identification, but this would put in a caveat to that: "other than a notice of confirmation of registration". Do you want to explain this, Stephanie?

Mrs. Stephanie Kusie: Sure. This essentially just goes back to a voter information card not being an acceptable form of ID. Even with supplementary identification, we're very concerned that someone could just go and get a library card or a Costco card and use it as a supplementary form of identification. We just don't see it as acceptable that the voter information cards are used in addition to the examples from the media yesterday, which I brought up. I mean, the government seems to be against this safeguard entirely. I don't think there's anything I could say to persuade the members otherwise.

I think we've made it very clear that from the position of the official opposition we're very concerned about the legitimacy of the electorate. This piece is probably the most important piece relevant to what we see as safeguarding the legitimacy of the electorate.

That's all I have to say, Chair. As I said, I don't think there's anything that I or any of my colleagues could say at this point to sway the government away from what we see as perhaps an unsafe practice for democracy here in Canada.

I will leave it at that.

The Chair: Even though you don't think your colleagues can convince the Liberals, one of them is on the speakers list.

Before we go there, there are a number of amendments coming up that deal with this.

Mrs. Stephanie Kusie: Sure.

The Chair: Hopefully this discussion will resume when we get to those other ones and we won't discuss it all over again.

Mr. Nathan Cullen: They'll repeat it again and again.

The Chair: We'll go to Mr. Bittle and then Mr. Nater.

Mr. Chris Bittle: It's not just the government. It's the Chief Electoral Officer. We even brought in the Chief Electoral Officer of Ontario, and the Conservatives asked him about this practice. It's a perfectly valid practice.

What the Conservatives are looking to do is potentially disenfranchise about 130,000 people—I think that is the evidence we heard, what it worked out to be the last time under the Fair Elections Act—because there may possibly be electoral fraud, even though we have no confirmed cases. Witness after witness was asked to confirm to us a case of electoral fraud, and no one could bring forward a confirmed case.

The Conservative Party is looking for a solution without a problem. We want to make sure that those 130,000 Canadians who weren't given a chance to vote last time around are given a chance to vote. This is something that has been recommended by chief electoral officers across the country, and we will oppose the attempt to bring back the Fair Elections Act.

• (1005)

The Chair: You mean on this particular amendment.

Mr. Chris Bittle: Yes, it's on this particular amendment.

The Chair: Mr. Nater, go ahead.

Mr. John Nater: Here's just a follow-up to that 130,000 number. I would just note that the study actually showed that 7% more people who responded to that survey said they voted than actually voted in reality, so there's an ability to take that with a grain of salt.

I would just point out, though, regarding the voter information card in the last election, that more than 900,000 of those cards were sent out with inaccurate information. It's a question of accuracy and having the right information. That's why we don't feel it's appropriate as a form of identity.

The Chair: Mr. Cullen, go ahead.

Mr. Nathan Cullen: The evidence I was looking for was whether this was a problem of voters voting early and often and attempting to corrupt the system by using this piece of identification. The evidence we heard back was “no”. An inaccuracy could be the difference between “apartment 1A” and “apartment 1B”, and this is somehow pumped up to say that somebody is voting fraudulently, when that is clearly not the case.

I rely on our chief electoral officers across the country, and they've repeatedly told us that this is a practice that is used, and used well, particularly for low-income and transient Canadians. There are circumstances and times when this is the best and most available piece of identification, so we need to be able to trust it. If there are inaccuracies that are concerning, then we can certainly talk to Elections Canada about getting better at that.

We know that about 8%, 9%, 10% of the population moves every year, on average, and some parts of the population move a lot more frequently than others, so I wouldn't want to see anything that tells low-income or younger Canadians that we're not interested in their

voice come election time because they're not settled enough to have an ID with the right address on it.

There's a piece around using electricity bills and hydro bills and such, which also has some discriminatory effects, particularly against women. If they're in a relationship where their name is not on the bill, which has been a historical practice in this country and others, and people tell them to just bring in a bill, sometimes that doesn't satisfy either.

Why not use something that the federal government prepares and sends to every elector, something that electors can walk in with?

The Chair: Just for the record, you can't vote with just the voting card. You need another piece of ID.

Mr. Nathan Cullen: Right.

The Chair: Mrs. Kusie, go ahead.

Mrs. Stephanie Kusie: I wanted to add to Mr. Cullen's comments. I believe that in many cases there is no intent of fraud, but the reality is that new residents are receiving these cards allowing them to believe that they have the privilege to vote in the election, when in fact they do not. Regardless of whether or not there is fraudulent intention, these individuals are receiving these cards that give them what I think is the fair understanding that they have the right to vote, which is not the case. However, in signing them up on the voter registry, we are presenting them with the opportunity to do that.

While I don't necessarily believe that it is with fraudulent intentions, I do believe that it is happening nonetheless, as a result of these cards being distributed by Elections Canada, with the unintended consequence of these new Canadians, new residents to Canada, completing them and submitting them with the opportunity to vote as a result.

Thank you.

The Chair: Mr. Graham is next, then Mr. Bittle.

Mr. David de Burgh Graham: As I mentioned yesterday, the only piece of federal ID that doesn't cost anything and has your address on it is the VIC. It's the only one that exists. The only thing you get for free provincially is the health card. The only things every Canadian has for free is the VIC and the health card, which meet the requirements to vote.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: It's disappointing to see the Conservatives come back to the same argument from yesterday: “A journalist told us this”, the journalist being Candice Malcolm. Mr. Graham completely debunked that yesterday by reading the Elections Canada piece—that it's not supported and it comes from a place of fear. It's unfortunate to see this dog whistle politics play out through our democracy in an attempt to disenfranchise some of the most vulnerable people in Canada. It's just unfortunate and we can't support it.

• (1010)

The Chair: Mrs. Kusie, go ahead.

Mrs. Stephanie Kusie: I think the journalist who was mentioned wrote the article because she was contacted by not one but several members of Parliament who had received inquiries from concerned new Canadians in regard to having received these cards. This is not a journalist coming up with a story of her own accord. It was the result of her having received information from new residents to Canada about information they had received incorrectly and inappropriately from the Government of Canada. These are the straight facts. These people, who should not be on the voters list, received these cards in an attempt to get them to sign up on the voters list. That's just information that was provided to the journalist. It could have been any journalist. It was that journalist, but these actions did occur.

The Chair: Is there any further discussion? Are we ready for the vote on CPC-29?

(Amendment negated [*See Minutes of Proceedings*])

The Chair: On CPC-30, I have two comments. One is that it also applies to CPC-33, which is on page 57, if you're looking for it. The other is that if this happens to pass, CPC-31 cannot be moved, as they amend the same line.

I'll go to Stephanie in a minute.

It seems to eliminate the declaration vouching option, and I think there are a number of amendments related to this. As per the last discussion we just had, if we can fight this out now, when all the other ones come up, we can come to whatever conclusion we come out with on this one.

Mr. Nathan Cullen: These are excellent instructions to the jury, Chair.

The Chair: Mrs. Kusie, do you want to introduce this amendment?

Mrs. Stephanie Kusie: Sure. Essentially, this amendment is reverting to the status quo of no vouching, but with the attestation as to residence, as seen under the Fair Elections Act.

The Chair: Is there any discussion?

Mr. Cullen, go ahead.

Mr. Nathan Cullen: We had scenarios in the last election like the one in my constituency where an elector was coming in to a polling station with their aunt conducting their ID—not having ID and not being able to vote. Their cousin was the one who brought them in to the polling station. Clearly their identity was secure, but nobody could vouch for them.

This applies in many communities, but where I live it particularly hits first nations Canadians, some of the more rural and remote places, and some of the folks who are lower-income. They literally know everybody in the polling station and are related to half of them, and they can't vote.

With the relatively recent history of enfranchisement for indigenous Canadians, the shame of going into a polling station and being rejected is almost a guarantee that the person will never come back again, especially for older indigenous Canadians who maybe in their own lifetime—certainly in their parents' lifetimes—achieved the right to vote in the first place.

This was fought for three years here by a predecessor of mine from Skeena, actually, if we go back to our parliamentary history. Frank Howard filibustered for three years, every Friday, attempting to coerce the government into allowing voting for all Canadians. My point is that this was not easily achieved. Anything that would send a signal to push it back, when clearly nobody is fraudulently casting a vote....

In rural Canada, it's just nonsensical to tell people from your family, people you've known for decades, "I know you but you cannot vote" and send them back out the door. It's humiliating.

The Chair: We're ready for the vote.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: That also applies to CPC-33 on page 57.

Now we can go on to CPC-31. It seems to be a reduced version of the previous one.

• (1015)

Mrs. Stephanie Kusie: Yes, this is like the consolation prize. It's allowing a vouching of identity, established with one piece of ID. I'm not really feeling the will for it around the room, but I don't think I need to say any more, Chair. We can probably go to the vote.

The Chair: We are ready to vote.

(Amendment negated [*See Minutes of Proceedings*])

Mr. David de Burgh Graham: Larry, you should make them show an ID for the vote.

The Chair: We now have NDP-8. Just so you know, NDP-8 also applies to NDP-9 on page 67, NDP-11 on page 78, NDP-16 on page 114, and NDP-26 on page 352. It's to replace "electors for the same polling division" with "electors for the same electoral district".

Mr. Cullen, go ahead.

Mr. Nathan Cullen: We just think this is common sense. We just talked about vouching. We have circumstances in which the rules, if I'm understanding them right.... Our witnesses can correct me if I'm wrong. They have to be from within that same boundary; if they're not, they can't vouch. They can still be voters. They can still be verified. Why not allow them to vouch, especially if—again, not in our constituencies, Chair, but in ones that are much closer together—they can be friends who live in the neighbourhood, or one neighbourhood over? They're obviously citizens and can be verified as voters, so why not allow them to vouch for somebody who has come in?

It just seems like a strange discretion for us to say that you have to be within that very specific neighbourhood, when it can be one neighbourhood over, just as qualified. Oftentimes, again, with low-income folks, if they have a nursing aide or a careworker who is going to be doing the vouching for them, the chances of their living in the same part of Montreal, in the exact same district, are low to zero. If they're qualified to vouch, why not allow them to vouch for the person? If we believe in it as a principle, why not extend it?

The Chair: From what I remember, there are actually polling divisions where the street is divided down the middle.

Mr. Nathan Cullen: You could have neighbours across the street from each other.

The Chair: They can't vouch because they're not in the same polling division.

Mr. Nathan Cullen: They cannot vouch because they're in the wrong one.

As I read it again—and officials can correct me if I'm wrong—I think it's just a bit too arbitrary for us. If you believe in the principle, then it should be extended.

The Chair: Ruby, go ahead.

Ms. Ruby Sahota: I believe in the principle you're trying to get at, but I guess, logistically speaking, each polling division only has a list of electors for that polling division. In terms of still having veracity in the system, how would you verify who the voucher is if they're not on the list of electors already? I just feel like it's maybe a little too loose.

The Chair: Can we get any comments from the witnesses?

Mr. Jean-François Morin: It is right that the voucher needs to be from the same polling division. Bill C-76 in that regard would reinstate the situation that was prior to Bill C-23.

Mr. Nathan Cullen: The specific question is about the ability to verify the person coming in and vouching.

Mr. Jean-François Morin: The list of electors will now be prepared for the polling station, which could include more than one polling division.

Mr. Nathan Cullen: Right. That's the scenario we've just described. We come in. We have 10 stations established within one polling place. Somebody lives across the street where they can be verified because they're in the same room. They're on the list one over. But we say that you can't vouch for this person because they're at polling box one and you're at polling box three. You can't vouch.

Again, I don't imagine this happening an enormous amount, but still, the act of somebody wanting to be able to validate somebody on the list seems like a reasonable one. If they can be verified, which I understand they can, then what's the difference being across the street from somebody?

• (1020)

The Chair: Ms. May, go ahead.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): I appreciate, Mr. Chair, the chance to speak to support Nathan's amendment.

The reality is that people in real life don't necessarily know that they're living in the same district or have the same MP. They're voting in the same election but they're not necessarily in the same polling area. Certainly, Elections Canada officials have access to the database. They may not have a printed list in front of them of every elector in every poll, but they have access electronically to a voters list, and they can verify very quickly. I really hope we'll consider this amendment, and I hope the Liberals will vote for it.

This whole notion of carefully scrutinizing voters is new. It wasn't until 2007, I believe, that the Elections Act was changed to require a photo ID. This is a solution that's worse than the non-problem it addresses.

The problem in Canada has never been that people vote more than once; the problem in Canada is that people vote less than once. We

need to do everything possible so that when someone comes to a polling station with the intent of vouching, and they have their ID and they live nearby but might not be in the same polling station, they're not turned away.

Thank you.

The Chair: I just want to confirm with the witnesses. You suggested that every polling station in the country has access to a list of all the electors in that electoral district.

Mr. Jean-François Morin: No, not in the electoral district, but for the polling stations.... As we were saying earlier, the election officers at the polling station will have the list of all polling divisions that come under that station, but they wouldn't have ready access to the list of all the electoral districts.

The Chair: I would imagine that there are polling places in rural Canada that do not have Internet connections.

Stephanie, go ahead.

Mrs. Stephanie Kusie: I want to bring up our alternative solution, as outlined in CPC-32, which we feel would more appropriately address this. It would be for care home electors and residences....

A voice: It's later.

Mrs. Stephanie Kusie: I know it's later on, but I'm saying.... It's not a different topic, because it's an alternative to the vouching.

The Chair: There are four different amendments related to seniors homes that we'll be discussing, which is a very narrow, specific case. It's a good topic, for sure.

Mrs. Stephanie Kusie: I'll leave it for now.

The Chair: Mr. Genuis is next, and then Mr. Cullen.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Mr. Chair, this may be outside of the scope, but I wanted to follow up on a comment Ms. May made, because it may relate to other amendments. She was saying that the problem has never been about people voting more than once. I don't know that it is a problem, but just for the sake of argument, how would we be able to say definitively that it isn't a problem?

The Chair: Okay. Let's not get off on too much of a tangent here.

We'll go to Mr. Cullen.

Mr. Nathan Cullen: We've asked that question many times: Is voter fraud, people voting multiple times, a problem? We've asked that at the federal and provincial levels, and the evidence has come back overwhelmingly that voter fraud is not a problem in Canada. They do an audit at the end of every election.

That's why the fears around some of the changes that are being proposed in this bill are unwarranted, I would argue. There just isn't broad-scale multiple voting or fraudulent voting going on in Canada. That's one of the things that Elections Canada has to audit about the election: Are people voting in a valid way?

Again, let's come back to our witnesses. Somebody walks in.... I think we have to say that within an electoral district where there are multiple polling stations in a gym, the ability to verify that somebody who is also from that voting district is a qualified voter, to vouch for somebody at a different table, absolutely exists. I think it would be incorrect to say that they can't verify that the person who is also voting in that district is that person. Therefore, once they're verified, they can vouch for the next person over. That's a scenario that exists. Your second scenario, where they're spread apart.... I believe Elections Canada does have Internet as a requirement.

I guess it's about your orientation. Are we trying to help this person vote, or are we setting up a barrier, as Ruby talked about earlier? Folks coming forward without an ID who have secured somebody who is going to come with them and vouch have made an effort. I think we need to have a compensatory effort on our side to say that unless we fear that this is going to be abused or be a problem, or that people are going to cheat on elections somehow, we should be open to something that still requires verification of the voter before they can vouch for somebody else. If that means the returning officer has to make a phone call one district over or down the road, they're still in the same voting district. I just don't see that as a huge mountain to climb.

Let's say I have somebody in front of me. She says she's valid, her name is Ruby—not Dhalla—

Some hon. members: Oh, oh!

Mr. Nathan Cullen: —and she would like to vouch for David. With a small confirmation, that can happen. Now we have somebody who's had an experience where we've tried to help them vote, as opposed to saying that because of this technicality the person they brought with them.... People don't know this. As Elizabeth says, people don't know which proper polling station they're at. They just have their card and they go in and try. This just seems to be about the orientation of our effort. We've been trying, within reason, to be oriented toward helping people vote, as opposed to finding reasons for them not to vote.

Again, this does not apply to a great number of Canadians. If they've made that effort, I think we should meet them halfway. That's what this amendment tries to do.

●(1025)

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: Thank you.

I'd like to thank Mr. Cullen for the amendment. My opposition isn't a philosophical one. It becomes a practical one in terms of the actual lists that are there. Perhaps this is something that needs to be revisited when the digital poll books come into effect in the election after next.

Mr. Nathan Cullen: Again, I'm talking practically. If somebody comes into the polling station and says, "This is my voucher, but they're not at this box", the practical heavy lifting is the returning officer saying, "I'm going to need to validate this. Where do you vote?" They tell you where and you phone over, or walk over if you're in a gym with a bunch of boxes, and you validate the person on the list. I hear you that it would get easier, but it's not anywhere close to cumbersome right now.

Again, we just have to imagine the scenario where someone has brought their care provider or social worker or whomever, somebody who can vouch for them and knows them, and we say, "We understand you're trying to vote. We understand you're trying to exercise your right. But we deem it to be just a little too cumbersome, so please leave." They're not coming back, guys. You know that, right, after they go through that experience? They have their social worker with them. They say, "Hey, I'd like to vote in this election. I have an opinion." They go through the thing. They wait in line. We say, "Yes, you're probably you. That person beside you is probably a voter. But we're not going to bother verifying them. Please exit the polling station." There's no chance those folks are coming back.

We set people off on a pattern here, and then we ask why people don't vote. Well, it's because sometimes we tell them not to—for what are, I would argue, more technical reasons than philosophical ones, as Chris said.

Ms. Ruby Sahota: In order to comply, can it be changed here? We just heard that at the electoral division they do have the whole list. Instead of "electoral district", the "polling division"—

Mr. David de Burgh Graham: You want it at the "polling station".

Ms. Ruby Sahota: Yes.

That still widens it from—

Mr. Nathan Cullen: Does it? I think that's the status quo, isn't it?

Mr. Jean-François Morin: The smallest geographical area in the electoral law is the polling division. Then, under Bill C-76, several polling divisions will be regrouped into one single polling station. Above that, geographically, we have the advance polling district, and above that there is the electoral district as a whole.

This motion, NDP-8, proposes to extend it to the largest electoral geographical unit, which is the electoral district.

Mr. Nathan Cullen: Your suggested amendment, Ruby, is to take it to—

Ms. Ruby Sahota: It's the polling station.

That's what you would be able to comply with, at this point. Is that correct?

Mr. Jean-François Morin: The list of electors will be available for the polling station, yes.

Ms. Ruby Sahota: Right.

That still makes it larger than what we have had. It makes it a little bit better.

Mr. Nathan Cullen: Well, half a sandwich is always better than no sandwich at all.

Voices: Oh, oh!

Mr. Nathan Cullen: Can that amendment be made on the fly, Chair, through you to our clerks?

The Chair: So instead of "the same electoral district", it would say "the same polling station".

Mr. Nathan Cullen: Is that the accurate term, “polling station”?

Mr. Jean-François Morin: It is.

Mr. Nathan Cullen: It's one iteration up.

Ms. Ruby Sahota: Yes, it's something.

Mr. Nathan Cullen: It's something. I appreciate it.

We'll have to amend that.

The Chair: Okay.

Mr. Nathan Cullen: The change would be “polling station”.

The Chair: Right. We're changing the words “electoral district” to “polling station”.

This just allows someone to vouch for someone who can vote at the same station, and it can be from different divisions that are located at that station.

Mrs. Kusie, go ahead.

•(1030)

Mrs. Stephanie Kusie: Would a station ever have more than one riding in it? No? Okay.

Thank you.

The Chair: Because this one applies to five other ones, Philippe is looking up the ramifications.

Mr. Chris Bittle: Could we stand down for five minutes?

The Chair: Okay, we'll have a five-minute break.

We'll suspend.

• _____ (Pause) _____

•

•(1040)

[Translation]

The Chair: We're ready to resume the meeting.

[English]

We'll go back to NDP-8 and the proposed amendment. It does have some ramifications, but I won't bother going through them all, because they're fairly administrative until we decide what's happening on this one.

Mr. Nathan Cullen: Do you want me to get into Liberal-13 or just stick with NDP-8 for now?

The Chair: Just stay with NDP-8. You can mention Liberal-13 as a background.

Mr. Nathan Cullen: Okay. As I just mentioned to colleagues across the table, as we sort of cast ahead, Maria on my team pointed out that, when we get down to vouching in the case of a nurse or a nurse's aide, in the situation where we have electors in a long-term care facility, Liberal-13 does not require them to be in the same electoral district; they can be in an adjacent electoral district. We just have to figure out the consistencies within the law. If Liberal-13 is going to be supported and passed, which I imagine it is, that sets a practice here where we have somebody vouching outside of the electoral district. We have to be careful that there is consistency. The concern is that the voucher be an actual voter.

How would Elections Canada handle that to verify that the person—in this case the nurse or nurse's aide or whatever—is an elector, even if they're not in the same electoral district? I don't want to get into LIB-13, but I just want this to be consistent, or at least somewhat consistent, across the board.

•(1045)

The Chair: Is there any discussion?

Ms. Ruby Sahota: Can we have it when we get to LIB-13 maybe?

Mr. Nathan Cullen: Well, you see how they're connected. I appreciate the amendment on this to get something, some progress, in terms of vouching without the constraints that exist right now. I just anticipate that the arguments need to be consistent. They don't need to be, but they ought to be. It's nice when they are.

A voice: Nathan, where do you think we are?

Mr. Nathan Cullen: I don't know where we are. Sorry, I lost my —

The Chair: So, Mr. Cullen, we're talking about your amending this to “polling station” from “electoral district”.

Mr. Nathan Cullen: Yes. Again, LIB-13 is even broader than my original one, and we've shrunk my amendment to a smaller geographical destination. If we're going to go to Liberal-13, we're expanding it to an adjacent electoral district, not even just within the one zone.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: In terms of Liberal-13, we're dealing with a small category of individuals who have to be identified somehow. There will have to be a letter from management or identification of that individual, and they are working within that polling division. They are working within that group known to those particular individuals, and we know...

I do hear you, and again, when the digital poll books come into effect, I would like to see a broader scope in terms of vouching, but I believe the amendment brings us to a better place than we were before.

Mr. Nathan Cullen: Isn't that a procedural question then, Chair? We don't have Elections Canada with us yet, I assume. We've just made the invitation.

Then I guess I'll ask our witnesses now, just in terms of the practicality. We've asked about the practicality of NDP-8. Someone walks in, as my original one said, and they're in the same electoral district. What happens? What would Elections Canada have to do? Would they have to phone over to another polling station? That's what I'm hearing so far.

Is that right, Mr. Morin?

Mr. Jean-François Morin: If NDP-8 were to be passed as is, before the amendment, the election officers at the polling station would more than likely have to call the returning officer's office each time to confirm that the elector is on the list in the electoral district.

Mr. Nathan Cullen: And under Mr. Bittle's description, I'm not sure.... I hear your scenario about a letter or something, but I assume Elections Canada would have to do the same thing. If they're not in the same electoral district, somebody says, "I want to vouch for all these people" and they say, "You're not on our voters list."

Mr. Jean-François Morin: That's more than likely. However, the other amendment we're talking about, LIB-13, is for a very precise category of electors—

Mr. Nathan Cullen: That I understand.

Mr. Jean-François Morin: —so the magnitude of the change is not very....

Mr. Nathan Cullen: It's not about scale for me; it's about principle. If we say the principle is okay here but not there, and if the question is logistics but not the principle of it, then I kind of wish we had done up a clause on Bill C-76—not a sunset clause but a revisit clause—to say, go this far, and then expand it once we have the digital polling books. That's the future scenario we're imagining—that we get to the digital polling books. Is that correct? If somebody walks in from the same electoral district but not that polling station, it's simply a matter of typing into the laptop to find and confirm that the person is who they say they are. Is that right?

• (1050)

Mr. Jean-François Morin: I don't have any information on that. It would be—

Mr. Nathan Cullen: Let's write to Elections Canada, then.

Mr. Jean-François Morin: Absolutely.

Mr. Nathan Cullen: Gosh, I wish they were here. They'll get here.

The Chair: Nathan, in practice there actually is a sunset clause, because for every election, the Chief Electoral Officer makes a report to this committee.

Mr. Nathan Cullen: Oh, good.

The Chair: Mr. Cullen, I just want to confirm that we're discussing the amendment and we have changed the words "electoral district" to "polling station".

Mr. Graham, go ahead.

Mr. David de Burgh Graham: It's the polling location, yes.

The one point I want to make about LIB-13 is that those instances are generally covered by the itinerant polls, which is a whole other kettle of fish. The itinerant polls go around to.... They're the mobile polls. I just want to put it out there that it's a very different beast to work with itinerant polls versus the regular ones.

The Chair: We are voting on Ms. Sahota's subamendment to Mr. Cullen's amendment, which changes the words "electoral district" to "polling station".

(Subamendment agreed to)

(Amendment agreed to [See Minutes of Proceedings])

The Chair: I'll tell you the ramifications of that.

Mr. Nathan Cullen: Are you going to tell us now?

The Chair: Now I'm going to tell you.

It's easy to change NDP-9 and NDP-11, so when we get to those, they'll be considered passed, but with that change in those as well. NDP-16 and NDP-26, though, talk about a person living in an electoral district. You can't live in a polling station, so we will—

Some hon. members: Oh, oh!

The Chair: I know we have a housing shortage, but.... So we're going to put those back in for discussion when we get to them, because they're not dealt with consequentially.

We're going on to PV-4.

There are four amendments or four suggestions—from virtually all the parties, if not more than all the parties—about enfranchising seniors in homes. That's great. It's just a question of which ones we choose.

I know discussions have been had, but what did you discuss?

Ms. Elizabeth May: My amendment, as you said, Chair, is directly related to some of the concerns raised by our former Chief Electoral Officer, Marc Mayrand, that in seniors homes we might have a problem—and in fact we have had a problem—with staff who were not electors in that district vouching. Everybody wants to fix it.

I'm very fond of my amendment, but having discussed this with Bernadette, it seems to me that LIB-9, which comes up next, is close enough to mine that the simplest procedural thing for me to do is to withdraw my amendment. However, I'm not allowed to withdraw my amendment, because I'm not allowed to move my amendment because of the motion you all passed, which is why I'm here, but I still don't like it. That motion means that my amendment is deemed to have been tabled and deemed to have been moved.

I would like to request, on the advice of the clerk, that by unanimous consent my amendment be withdrawn.

The Chair: Do we have unanimous consent to withdraw? Okay.

Ms. Elizabeth May: There we go.

The Chair: It's withdrawn. Thank you very much to everyone for working together on this.

Ms. Elizabeth May: Go team.

The Chair: Now we'll go to LIB-9, which has roughly the same objective, but it also applies to LIB-11 on page 61, LIB-13 on page 70, LIB-15 on page 79, LIB-19 on page 113, and LIB-63 on page 353.

• (1055)

Mr. David de Burgh Graham: That's all?

The Chair: Does someone want to present LIB-9?

Mr. David de Burgh Graham: This is like what we discussed under LIB-13 just a second ago. This is pretty consequential. It's allowing multiple vouching for people in retirement homes or long-term care facilities.

The Chair: Is there any discussion?

Stephanie, go ahead.

Mrs. Stephanie Kusie: Now I would bring up that we have CPC-32 following as well, which we believe is a more effective solution to this, where the care home electors' residence—and they also do not live in polling stations, Mr. Cullen—is to be established by a list prepared by the home's administrator. That eliminates the need for the vouching, as the home provides the list of the residents.

We present that as a more bona fide alternative to the vouching system.

The Chair: To be flexible, I think it's okay if we discuss these two amendments together. Does anyone have comments on either one, how it would work or which would work best?

I don't know if the witnesses have any comments related to the ways of enfranchising seniors. You're welcome to comment. There are two different ways here.

Mr. Cullen, go ahead.

Mr. Nathan Cullen: It's vouching by another form, putting the vouching in the hands of the home care officials or administration. However, home care facilities will have a mix of residents, citizens and non-citizens, and I don't know how that's better than having the vouching process that is described in LIB-9, LIB-13 and some others.

If I had to pick between the two, putting it on the administration to provide the list and verify that the list is of only eligible voters, which is how I understand it.... I don't know if that's any better. In fact, it might be worse.

The Chair: Is there other input?

Please keep talking while Philippe talks to the witnesses. Someone say something.

Mr. Nathan Cullen: Normally, in a room full of politicians this wouldn't be a problem, Chair.

The Chair: Mr. Nater's going to speak, I'm sure, and Garnett has all his binders with him.

Mr. Nater, go ahead.

Mr. John Nater: Thank you, Chair.

Mr. Nathan Cullen: He's always willing to serve.

Mr. John Nater: To clarify the amendment the Conservatives are putting forward, this is simply a list confirming residence. There is no such list of citizenship that anyone would have access to in those types of facilities or elsewhere. Passing CPC-32 would provide an alternative for that proof of identification. Those within the home, who often won't have a driver's licence, won't have that type of identification.

One of the things that count as proof of residence is a pill bottle, a prescription. It's an acceptable form of ID. I just say that tangentially. I find that interesting, and a lot of seniors will have that.

The main point I want to make is that this is a proof of residence for those in the home. It's not a proof of citizenship. That simply doesn't exist in those contexts.

The Chair: Go ahead, Mr. Cullen.

Mr. Nathan Cullen: I'm wondering if these work together or if all it does is provide a list of people in a long-term care facility. I'm trying to see if it does more than that.

The Chair: Maybe we'll get Mr. Morin to come in.

Mr. Nathan Cullen: If it does just that, then in conjunction with LIB-9, why wouldn't that all...? It's just more information.

• (1100)

Mr. Jean-François Morin: Thank you, Mr. Chair.

Actually, the act already authorizes the Chief Electoral Officer to authorize pieces of ID that can be used at the polling stations. The Chief Electoral Officer has already authorized a letter issued by the management of such institutions to be recognized as a piece of identity.

However, my understanding is that the management or many directors of these organizations do not have time to issue these letters, so in fact the residents find themselves without the proof of address anyway.

Mr. Nathan Cullen: Again, my question was that if CPC-32 passes, which asks for the administration to make a list of residents, as John has said, that's not a validation of their citizenship. In combination with LIB-9, is there any reason they don't work together? That is my question. One provides a list, but the other one is about vouching and the ability of a care provider in a facility to vouch for someone. Would a list of residents be any kind of a problem for that?

Mr. John Nater: On that point, Chair, about a letter from a long-term care administrator, I've been on a board for long-term care before, so I know how busy they are. Making individual letters can be problematic. This is just simply hitting "Print" on the list of residents and you're done. It's not going to be an onerous process of writing letters for 84 or 112 or however many residents there are; it's just hitting "Print" on a list of residents and providing that to Elections Canada as proof of residence. I think it's common sense.

Ms. Ruby Sahota: But—

The Chair: Mr. Graham—okay, Ms. Sahota, ask your question.

Ms. Ruby Sahota: This list wouldn't verify, and doesn't have to verify, that they're eligible voters. You just want a list of who lives there.

Mr. John Nater: It provides confirmation of residence. A long-term care home is not going to have proof of citizenship. That's not their role, and there is no such list of citizenship that's provided to those types of facilities. It's simply providing that confirmation of residency to vote. We're looking for alternatives for proving residency for seniors. A list from a long-term care home is a pretty easy one to do, especially within a polling division where the poll is there at that location.

Ms. Ruby Sahota: I'm just trying to clarify the result of this proposal. Let's say that for some reason they did not do that and did not have time to even hit "Print" and make that list, and it's election day and the polling staff are there. Would the people who did not make it onto that list then still be able to vote because the nursing home didn't hit "Print" and didn't follow that obligation? Would it be a requirement in order to vote to have that list, or would it just be an additional bonus and they would still be able to vote, with LIB-9?

Mr. John Nater: Yes, as long as they qualified to vote, they can vote. It's not as though the only way they could vote is by hitting "Print". This is just one more option, one more way to allow proof of residency.

Ms. Ruby Sahota: Perfect.

The Chair: Go ahead, Mr. Graham.

Mr. David de Burgh Graham: Mr. Morin, is there anything that pre-empts or prevents the letter from an institution to include all the names in a single letter?

Mr. Jean-François Morin: No, I don't think so. I think it would be allowed, and the Chief Electoral Officer can already authorize that type of identification under subsection 143(2.1) of the act.

Mr. David de Burgh Graham: CPC-32 does not compel the creation of this list; it only says that you can, which is a power that they already have. Would it be fair to say that CPC-32 does not actually do anything?

Mr. Jean-François Morin: Well, I'll let you come to your own conclusions, but the Chief Electoral Officer already has the authority to authorize such a form of identification.

Mr. David de Burgh Graham: Thank you.

The Chair: Mr. Genuis is next.

Mr. Garnett Genuis: I think the CPC amendment is more clear in terms of a process that would happen in providing a list. It doesn't require the extra.... It's more specific.

I was going to comment on an earlier point. The way I understand this would function—and John can clarify for me if I'm misunderstanding it—is it effectively provides another option in terms of ID. For the vast majority of people, in addition to a prescription or some other form of ID, this provides another way of proving residency in addition to the vast number of other ways that are available.

•(1105)

Mr. David de Burgh Graham: Such as the VIC?

Mr. Garnett Genuis: You've had that debate already.

The Chair: Mr. Morin, you said some of the institutions didn't have time to push the button and print out the list of their residents. However, that would take less time than going around vouching for each person, wouldn't it?

Mr. Jean-François Morin: I'm just saying that while institutions have the power to issue such a letter right now, many do so and it facilitates their residents in voting, but some argue that they don't have time for that.

The Chair: Okay. Is there any further discussion?

Let's go to the vote on amendment LIB-9, which also applies to LIB-11, LIB-13, LIB-15, LIB-19 and LIB-63.

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

The Chair: That is passed, with a lot of consequential amendments.

We've discussed at length amendment CPC-32. Is there any further discussion?

Mrs. Stephanie Kusie: No, we'll withdraw it.

The Chair: Are you going to withdraw it because it can already be done by the Chief Electoral Officer?

Mrs. Stephanie Kusie: Yes.

The Chair: We don't need unanimous support to withdraw it because she hasn't moved it yet. You're just not going to move it.

Mrs. Stephanie Kusie: No.

The Chair: Okay. That makes things easy.

Mrs. Stephanie Kusie: That's what we're here to do.

The Chair: Yes, for the last two years.

(Clause 93 as amended agreed to on division)

The Chair: On clause 94, CPC-33 was defeated because of CPC-30.

(Clause 94 agreed to on division)

(Clauses 95 and 96 agreed to)

(On clause 97)

The Chair: Amendment CPC-34 adds that an election officer has the mandate to make sure that he adds the polling division on the ballot for the reason I explained earlier today to the Bloc. Now that all the polling divisions are mixed together, you still want to be able to tell the political parties who voted in what polling division. It's on the ballot now. There's a spot for it. This just adds the administrative thing that was missed, so that the election officer should make sure he fills that out on the ballot.

Stephanie, do you want to present this amendment?

Mrs. Stephanie Kusie: Yes. You're correct that it requires the election officer to write an elector's polling division in the space provided on the back of the ballot.

We believe it was just an oversight in the original draft. We believe that LIB-10 is in the same spirit as CPC-34. This is just a piece of information that is necessary on the ballot. As I said, we think it was an oversight, and this addresses that oversight. This oversight is also recognized by the government in amendment LIB-10.

The Chair: Okay. Is there any further discussion?

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

The Chair: The vote on amendment LIB-10 also applies to LIB-22, which is on page 127. Does someone want to introduce LIB-10?

There's a bit of overlap with CPC-34. Is it the same? Okay, so you're not going to move it, then.

•(1110)

Ms. Ruby Sahota: I would withdraw it. It should be ruled out.

Mr. David de Burgh Graham: Think of how many words you saved us.

The Chair: Philippe, does that mean that LIB-22...?

Mr. Philippe Méla (Legislative Clerk): No, it can be separate.

The Chair: We'll deal with that separately when we get to it. It's not consequential anymore.

(Clause 97 as amended agreed to [*See Minutes of Proceedings*])

(On clause 98)

The Chair: There's a CPC amendment suggesting that when the person is bringing the ballot back in the polling station, they bring it back to.... It just says "election officer" right now. The CPC amendment is suggesting they bring it back "to the election officer who provided it."

I'm wondering, if that election officer had gone off shift or something, who they would bring the ballot back to under the CPC amendment.

Mr. David de Burgh Graham: This is a language issue, not a substantive issue.

The Chair: Oh, right. It's matching it with the French. This is just a matching of the English and the French type of amendment.

Go ahead, Stephanie.

Mrs. Stephanie Kusie: Again, this is just another safeguard within the new system to ensure that the vote itself is returned to the same station at which it was issued.

You mentioned the possibility of the election officer who issued it...but we're talking about a 30-second process. We think it's a common sense safeguard to require the voter to return the ballot to the same election officer who issued it.

The Chair: Is there any further discussion on CPC-35?

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

(Clause 98 as amended agreed to) [*See Minutes of Proceedings*])

(Clauses 99 to 101 inclusive agreed to)

The Chair: We got to 100. Good progress, committee.

(On clause 102)

The Chair: This is the first of the new amendments that we're looking at today from the CPC. You're looking at the reference number at the top left-hand corner, which is 10008654.

Could that be presented?

Mrs. Stephanie Kusie: Essentially we are maintaining the requirements for interpreters to be affirmed. I think it's important to have the legitimacy of the interpretation to ensure the integrity of the voting process.

The Chair: The officials are welcome to comment on this too, because like the rest of us, they haven't seen this yet.

Anyone can comment. It's open for discussion.

Mr. Chris Bittle: This is backstopped by a number of offences that are already in the act and really wouldn't particularly add anything.

The Chair: You think it's already covered. Is that what you're saying?

Mr. Chris Bittle: Yes. It's covered in terms of the offences that already exist within the act on the secrecy of the ballot.

Mrs. Stephanie Kusie: Where?

Mr. Chris Bittle: It's in the offences section later on.

Mrs. Stephanie Kusie: Could the officials comment on that?

The Chair: Do we have any comments from the officials?

Mr. Jean-François Morin: Yes.

To answer Mr. Bittle's question, the secrecy of the vote and all the prohibitions associated with it are found in the proposed new part 11.1 of the bill.

The Chair: What section is that?

Mr. Jean-François Morin: It's new part 11.1.

The Chair: Thank you.

Is there any further discussion? All those in favour of CPC 10008654?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 102 agreed to on division)

(On clause 103)

The Chair: LIB-11 has passed as a result of LIB-9.

(Clause 103 as amended agreed to [*See Minutes of Proceedings*])

(On clause 104)

The Chair: We have another new CPC amendment, which is 10008541.

Would you like to present that, Stephanie?

• (1115)

Mrs. Stephanie Kusie: This is also CPC-36, Mr. Chair, I believe.

The Chair: Okay. Right.

It's not a new one. It's CPC-36.

Mrs. Stephanie Kusie: Okay.

Essentially, we are requiring transfer certificates to be issued by specially designated election officers when you are voting in a location that isn't your own. We believe that these transfer certificates should be issued by these specially designated election officers. Again, it's just another safeguard that we are attempting to implement in an effort to verify the legitimacy of the electorate.

The Chair: This comes up in several amendments. Right now, any election officer can provide this transfer certificate, but these amendments are saying it has to be a "designated" election officer. I imagine the officials would say that in the new liberalized regime where there are different things, this defeats that purpose.

Mr. Jean-François Morin: Yes and no.

I would like to correct you; sorry, Mr. Chair.

It would be untrue to say that any election officer can do something. I would refer you again to page 17 of the bill, line 34, in English.

[*Translation*]

In French, it's on line 40.

[English]

It says that returning officers have to designate election officers to perform certain duties in the act. Returning officers have to keep a registry of all the duties and functions they have assigned to each election officer.

Again, page 18 of the bill, on section 39 of the Canada Elections Act, reads:

An election officer shall exercise or perform, in accordance with the Chief Electoral Officer's instructions, any power or duty assigned to him or her by a returning officer.

The act already provides for that.

The Chair: Does the act allow the chief returning officer to designate someone?

Mr. Jean-François Morin: The act doesn't allow; the act requires a returning officer to designate specific functions to election officers, so no election officer can do anything without being specifically required by the returning officer to do it.

Mrs. Stephanie Kusie: It's not—

The Chair: Okay. Are people ready to vote?

(Amendment negated [See Minutes of Proceedings])

The Chair: We'll now move to LIB-12. This amendment suggests that if a person gets a transfer certificate because they're working at a poll different from where they vote, where they're going to vote has to be in the same electoral district for them to get that transfer certificate.

Does a Liberal want to present this amendment?

Go ahead, Mr. Graham.

Mr. David de Burgh Graham: It cleans up the consistency issue. Other parts of the act do specify that it's in the district. It's always been done implicitly, but this fixes the long-standing error.

The Chair: Do the election officials have any comments?

Mr. Jean-François Morin: I think I would say that this is only an oversight, because prior to Bill C-76 the election officers were required to reside in the electoral district, so of course if they were assigned to a polling station, it would be in the same electoral district. Now that we're allowing them to work in another electoral district—

• (1120)

The Chair: Adjacent.

Mr. Jean-François Morin: No, any electoral district.

Of course, electors can only vote in the electoral district in which they ordinarily reside, so this is a consequential amendment to that.

The Chair: Is there any further discussion?

All in favour of this amendment?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: Thank you.

Shall clause 104, as amended, carry?

(Clause 104 as amended agreed to)

(On clause 105)

The Chair: We're at clause 105.

Again, we're back to designating. Do you want to present it?

Mrs. Stephanie Kusie: No. I don't think there's any necessity for further discussion on it. We'll move it and vote.

The Chair: All in favour of CPC-37, please signify. All those opposed?

(Amendment negated [See Minutes of Proceedings])

(Clause 105 agreed to on division)

(Clause 106 agreed to)

(On clause 107)

The Chair: We have CPC-38. This is another one about removing the vouching system, so we could just go to a vote.

Mrs. Stephanie Kusie: Sure.

The Chair: This applies to CPC-40, which is on page 71. It's related by concept of identification.

(Amendment negated [See Minutes of Proceedings])

The Chair: It's defeated, as is CPC-40. We will go on to CPC-39.

Mrs. Stephanie Kusie: Again, I will just move it and go to the question.

The Chair: This is back to more identification.

(Amendment negated [See Minutes of Proceedings])

The Chair: NDP-9 was consequential to NDP-8, so that has been dealt with.

On NDP-10, this is the fourth one related to seniors homes. Are you going to present this, Mr. Cullen?

Mr. Nathan Cullen: I will rely on the advice of our analyst, through you, Chair. Remind me about the Liberal amendment on care providers, because I think they were permitted to be in a different electoral district, as we discussed. Was it the same, or was it adjacent? I ask because you just used that language about adjacency. Can someone remind me if the Liberal care provider had to be in an adjacent electoral district, or was it any district?

I believe NDP-10 allows for any electoral district. I'm trying to remember back to Liberal...

The Chair: Yes, it's an adjacent district.

Mr. Jean-François Morin: It's the same or adjacent.

Mr. Nathan Cullen: One could easily imagine a situation in which the care provider is two districts over, certainly in a city environment. It's a distinction without a difference, as we say. If we're okay with this in general, if we're okay that the care provider under a previous Liberal amendment can provide that vouching, but only under the adjacent riding, I don't get why the principle wouldn't also apply if they were one district over.

I'm imagining a Mississauga or a Brampton, or certainly the downtown area. The person may or may not live in the next electoral district over. They may live two or three over, but they are still the care provider. They still have a letter from the facility.

Why is adjacency important? That's my question. Is it relevant to their ability to vouch for the people they are caring for to cast a vote in the election? I don't see how it matters.

Maybe the officials can tell us. Elections Canada are still going to have to call or whatever they do to confirm the care provider's identity, whether they call one district over or two. Is adjacency important for a reason?

• (1125)

Mr. Jean-François Morin: I would like to cite the *Black's Law Dictionary* definition of "adjacent"—"Lying near or close to" but not necessarily touching, versus the definition of "adjoining", which is "touching" or sharing common boundaries.

Mr. Chris Bittle: That's the legal dictionary.

Mr. Nathan Cullen: It's nonsensical, then, is what you're saying. Okay, good.

Mr. Chris Bittle: Well, it makes sense to a segment of people.

Mr. Nathan Cullen: It's a very special segment of people we call lawyers.

Mr. Chris Bittle: My mom agrees with that.

Mr. Nathan Cullen: I'm glad she does.

Just to be clear on this, the legal interpretation that Elections Canada would take is that the districts would not have to necessarily be one beside the other.

Mr. Jean-François Morin: I cannot predict which interpretation Elections Canada will take.

Mr. Nathan Cullen: Well, we're going to need you to.

Mr. Jean-François Morin: All I'm saying is that "adjacent" doesn't necessarily mean "adjoining". The boundaries don't necessarily need to touch. It could be another electoral district that is close by.

Mr. Nathan Cullen: I know that we're not talking about a lot of circumstances, but again I just want to avoid somebody setting it up in the nursing home where they're going to validate and vouch for everybody, and then we find out that Elections Canada is going to interpret adjacency the way that I just did, as touching, and then say, "Wait, your care provider is two districts over."

The Chair: Where is that definition? Is it in the Canada Elections Act?

Mr. Jean-François Morin: No, it's in the *Black's Law Dictionary*.

Mr. Nathan Cullen: That is a highly suspicious text.

Mr. Jean-François Morin: The *Canadian Oxford Dictionary* and *Le Petit Robert*, in French, also define adjacent as near or...

Mr. Nathan Cullen: But not necessarily touching. I'll let it go, then. If we have the *Canadian Oxford Dictionary* onside, then I'm fine. This whole *Black's Law Dictionary* thing....

The Chair: I think the simplest thing is if you don't propose your amendment.

Mr. Nathan Cullen: I think we've covered it off, and every dictionary known to humankind is confirming this interpretation. That's the point of our amendment.

The Chair: Then this amendment is not being proposed.

LIB-13 was consequential to LIB-9.

Shall clause 107 carry as amended?

Mr. Nathan Cullen: Sorry, but have we moved LIB-13 yet?

The Chair: It was consequential.

(Clause 107 as amended agreed to [*See Minutes of Proceedings*])

The Chair: We had CPC-40, but it was consequential and was defeated with CPC-38.

(Clause 108 agreed to on division [*See Minutes of Proceedings*])

The Chair: There are no amendments in clauses 109 to 114. There was a new clause 114.1 by LIB-14, but it was withdrawn because LIB-1 passed.

(Clauses 109 to 114 inclusive agreed to [*See Minutes of Proceedings*])

(On clause 115)

The Chair: We have CPC-41. How I read this is that it says that when there are extra advance polls in rural ridings, there can't be more than one in one place on the same day. I'm wondering who cares, but....

Mr. Nathan Cullen: Did you just say "who cares"? Strike that from the record. I care.

The Chair: If there are more than one on the same day?

Mr. Nathan Cullen: Yes, I care deeply. I don't know why. I'll find a reason while we're talking.

The Chair: I was just wondering with regard to the officials.... Is it not covered in the lines in the original that say, "be at given ones of those premises on different days of advance polling"? Does that deal with the spirit of this amendment?

I'm just wondering if that was already covered, because I was reading from the original, and it says, "be at given ones of those premises on different days of advance polling".

While you're looking it up, maybe Stephanie can explain why you don't want two different advance polls on the same day in a rural riding.

• (1130)

Mrs. Stephanie Kusie: We think it provides clarity for the voters if it is in the one location for the one day.

I remember as a young child trying to follow the library bus around, and I would hate to see that same confusion extended to our voters.

Mr. David de Burgh Graham: I am confused.

The Chair: Go ahead, Mr. Cullen.

Mr. Nathan Cullen: In thinking of our rural ridings, I don't know why multiple advance polls would be problematic.

Mrs. Stephanie Kusie: No, one location.... It's one location per day per poll, not multiple.

Mr. John Nater: Could I maybe just clarify?

The Chair: Sure.

Mr. John Nater: This is trying to prevent a mobile poll from showing up from 10 a.m. until 3 p.m. and then picking up at 3 p.m. and going to 5 p.m. onwards for the rest of the day. This is clarifying that it's one location for that. It's not moving around throughout that day.

Mr. Nathan Cullen: You're saying that this one itinerant poll, the one mobile station, has to not be mobile all day?

Mr. John Nater: That's right. On multiple days it can be in different locations, but for a given day it's not picking up midway and going on to....

An hon. member: Correct.

Mr. Nathan Cullen: I guess I can kind of hear that. I just don't know if we want to get into that detail on the management of the Election Act. Maybe it's been a problem that's been identified by you folks, but I haven't seen it.

The Chair: Would your amendment.... In my riding, we have towns that are four hours or 300 miles apart. Would this prevent them from having their advance poll on the same day? As you know, Dawson City and Watson Lake are 300 miles and a 10-hour drive apart.

Mr. Nathan Cullen: No. They're saying that the same mobile polling station, if I understand it, would be in Watson Lake from 9 a.m. until 12 p.m. and then would pick up shop and be in Carcross from 2 p.m. until 5 p.m.

The Chair: You could still have two separate locations for advance polls.

An hon. member: Yes.

The Chair: Okay.

Mr. Graham is next, and then Ms. Dhalla.

Some hon. members: Oh, oh!

The Chair: Oh no, I'm sorry—Ms. Sahota.

Mr. David de Burgh Graham: I don't see any reason for this amendment at all—

Ms. Ruby Sahota: Now I'm starting to think that something is stirring....

The Chair: Mr. Graham, go ahead.

Mr. David de Burgh Graham: I don't see why we need this. In my riding at least, in my experience the itinerant polls can go to a location and everybody who wants to go there is taken care of in 30 minutes. There's no point in sticking around for the whole day. That exact same crew can go to the next town 20 kilometres or 30 kilometres away and do that one too.

I don't know why you would want to adopt this.

The Chair: Go ahead, Ruby.

Ms. Ruby Sahota: I just want to say that I have faith that Elections Canada would like to facilitate this and provide enough time for any given area to vote. In passing this amendment, I wouldn't want to limit their ability and their accessibility to get to other voters so that they can vote, essentially. That's the whole purpose. I want to leave it in their hands to make sure that as many people can vote as possible as they see fit.

Mr. Nathan Cullen: Yes, I can imagine some of the smaller communities having a nine-to-12 slot and then the next village down the road going from 1 p.m. to 5 p.m. and people.... I'd rather leave it to Elections Canada. Again, I haven't seen this as a problem.

The Chair: We can probably have one last intervention from Stephanie, and then we'll vote.

Did you have anything more you wanted to add?

Mrs. Stephanie Kusie: This is a new system, as I understand it, that is occurring in terms of the itinerant polls. I've never heard of that word. I wonder what other instances it is used in.

Anyway, I think we just wanted to provide some structure for this system in an effort to keep it as simple as possible and perhaps have more assured success with this new system.

• (1135)

The Chair: Okay. We will vote on CPC-41.

(Amendment negated [*See Minutes of Proceedings*])

(Clause 115 agreed to on division [*See Minutes of Proceedings*])

(On clause 116)

The Chair: On clause 116, we start with CPC-42. Again, it's the transfer certificate.

Mrs. Stephanie Kusie: Yes, CPC-42 and CPC-43 are the same. I'll move both, and we can go to the vote right away, because we've had the debates.

The Chair: Okay. We are voting on CPC-42.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: All in favour of CPC-43?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 116 agreed to on division [*See Minutes of Proceedings*])

(On clause 117)

The Chair: Just before we discuss clause 117, CPC-44 is, again, removing declaration of vouching, and this vote also applies to CPC-46 on page 80, as they are related by the concept of identification. We've sort of had a discussion on vouching.

Mrs. Stephanie Kusie: Yes, we have. Amendments CPC-44 through 46 are kind of a repeat performance.

The Chair: We will vote on CPC-44.

(Amendment negated: [*See Minutes of Proceedings*])

The Chair: CPC-46 is also then defeated.

CPC-45 is again on declaration, so we'll just go to the vote.

(Amendment negated: [*See Minutes of Proceedings*])

The Chair: NDP-11 was consequential to NDP-8. LIB-15 is consequential to LIB-9.

Shall clause 117 as amended pass?

(Clause 117 as amended agreed to on division [*See Minutes of Proceedings*])

(On clause 118)

The Chair: We had CPC-46, and the vote was applied to it.

(Clause 118 agreed to on division [*See Minutes of Proceedings*])

The Chair: We're at NDP-12, which was consequential to NDP-1, which was defeated.

(Clause 119 agreed to [*See Minutes of Proceedings*])

(On clause 120)

The Chair: NDP-13 was consequential to NDP-1.

Then we have CPC-47. This is about having to count the votes right away at each advance polling division.

Does someone want to present this?

Mr. John Nater: I think CPC-47 applies to providing notice of itinerant polls, the mobile polls.

Basically, it's the full notice of all mobile polls, the schedule to go with them. It's to provide that information in advance.

The Chair: Okay.

Mr. John Nater: It's so that voters will know when these mobile polls are happening and where they're happening and so on—the more information, the better.

• (1140)

The Chair: Do the officials have any comments on this amendment?

Mr. Jean-François Morin: No.

The Chair: It doesn't matter whether or not it passes?

Ms. Manon Paquet: The only thing we could say is that the Chief Electoral Officer or returning officers are already obliged to provide the information on all advance polls, and that would include mobile polls. They have to provide information for all advance polling stations, and since the mobile polls are advance polling stations, that information would need to be provided.

Mr. Nathan Cullen: If it's redundant, Chair...

I know my electors sometimes are unaware of things that are going on, but if we require Elections Canada to let people know when the mobile polls are happening, there's no harm in that. If it's redundant, then that's okay too. We'll have to let them know twice.

The Chair: Is there further discussion?

Mr. Chris Bittle: If it's redundant, it's not about letting people know, but about letting the candidates know, so I don't see the advantage to having this. We trust Elections Canada, and I don't think this amendment is necessary.

The Chair: Elections Canada is saying they have to give this information to everyone; this amendment is saying give it to the candidate. Is that what you're saying?

Go ahead, Mr. Morin.

Mr. Jean-François Morin: I also wish to bring to the attention of the committee that this motion will delete subparagraph 172(a)(iv).

The Chair: If you're eliminating those items, that will have some consequences.

What are you eliminating, Mr. Nater?

Mr. John Nater: I don't know.

The Chair: You don't know. Okay.

Mr. Jean-François Morin: It would eliminate the notice:

that the counting of the votes cast shall begin on polling day as soon after the close of the polling stations as possible, or, with the Chief Electoral Officer's prior approval, one hour before the close of the polling stations;

The Chair: Go ahead, Mr. Nater.

Mr. John Nater: I think that's an inaccurate reading. This is just simply replacing lines 5 and 6 with this. The remainder would stay, so it's not replacing the entire clause.

The Chair: Okay, I'm not sure this—

Mr. Jean-François Morin: You're correct. Sorry.

The Chair: Thanks for that clarification.

We are ready to vote on CPC-47.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: We're at CPC-48. It's again specific to each advance polling station. Does someone want to present this amendment?

Mrs. Stephanie Kusie: Sure.

These are technical corrections to the wording. Currently the wording indicates that you would have to inform the candidate as to the change of location. This just provides that the candidate has to be informed of multiple locations—not location, but locations.

The Chair: Is there any discussion?

Would the officials comment?

Mr. Nathan Cullen: Just because this particular amendment starts halfway through a sentence and finishes with another half-sentence, do we have some interpretation of its impact?

Mr. Jean-François Morin: Again, in the context where subsection 168(8) would apply, this is the kind of mobile advance polling station that we discussed a few minutes ago. This means that the candidate would need to be informed of the locations where that specific advance polling station will be going, but again, as my colleague Manon was saying a few minutes ago, this advance polling station would still be an advance polling station. My understanding is that this location would need to be disclosed to candidates already.

• (1145)

The Chair: The location would need to be disclosed to everyone, not just candidates, right?

Mr. Jean-François Morin: I think that this specific provision applies to notices sent to candidates.

The Chair: It's to candidates. Right.

Are we ready to vote?

Mr. Jean-François Morin: Oh, sorry, wait—it applies to everybody.

The Chair: We will now vote on CPC-48.

(Amendment negatived [*See Minutes of Proceedings*])

The Chair: LIB-16 was consequential to LIB-8.

(Clause 120 as amended agreed to)

The Chair: Clause 121 had no amendments.

(Clause 121 agreed to)

(On clause 122)

The Chair: We have CPC-49. The vote on this will apply to CPC-50 on page 87, CPC-51 on page 90 and CPC-144 on page 265, as they are related by the concept of handling ballot boxes.

This part of the amendment just says sections 174 and 175 are replaced by the following, and then what follows I think is in the subsequent amendment.

Go ahead, Stephanie.

Mrs. Stephanie Kusie: Essentially we are requesting that we maintain the existing provisions for advance poll closing procedures and the daily ballot box.

In the existing procedures, the ballot box is sealed at the end of the day. Under the new provisions, the ballot box would be reopened with the new votes would be cast into it. We're just concerned that the new provisions allow for the potential of more irregularities and give less control of the ballots.

We would suggest that if we maintain the existing provisions, there would be greater safeguards. Rather than reopening and closing the box, once the box is sealed, the box is sealed.

The Chair: Are there any comments from officials?

Mr. Jean-François Morin: The amendment described by Mrs. Kusie is clear. It would maintain the status quo with regard to the handling of ballot boxes at the end of advance polling days.

The Chair: Go ahead, Ms...Ruby.

Some hon. members: Oh, oh!

Ms. Ruby Sahota: The pause is now there forever.

This undoes the recommendation of the Chief Electoral Officer. We took his recommendations quite sincerely and made sure they were implemented in this bill, for the most part, and this undoes one of those. He or she should be the authority on how to conduct the election.

The Chair: Go ahead, Mrs. Kusie.

Mrs. Stephanie Kusie: We've stated our concern, and it's a legitimate concern. If you open something and keep opening and closing it, it does leave it more susceptible to inaccuracies.

The Chair: Is there any further discussion?

Voting on CPC-49 also applies to CPC-50, CPC-51, and CPC-144.

(Amendment negatived [*See Minutes of Proceedings*])

The Chair: We have a new CPC amendment, and it's reference number 10008543.

Go ahead, Mrs. Kusie.

• (1150)

Mrs. Stephanie Kusie: Thank you, Chair. This was rectified under LIB-11, LIB-9, or something like that, because again it's not in regard to the requirement that the new elections officer write an elector's advance polling district number in the space provided on the back of the ballot.

A voice: Is there any discrepancy?

Mrs. Stephanie Kusie: Yes, the difference here is that this would specify the advance polling number as apart from just the polling number.

The Chair: We voted on the Liberal one that said that on the regular poll day, the election officer has to make sure he writes the polling division on the ballot, and this is suggesting the same thing on the advance poll.

Is there any further discussion?

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

The Chair: CPC-50 was consequential to CPC-49.

(Clause 122 as amended agreed to on division)

The Chair: There was a new clause 122.1 in CPC-51, but it was defeated consequential to CPC-49.

We're going on to clause 123.

NDP-14 was defeated with NDP-1.

Shall clause 123 carry?

(Clause 123 agreed to on division)

The Chair: There was a new clause 123.1 in LIB-17, but it's withdrawn because LIB-1 passed.

There are no amendments to clauses 124 to 142.

Shall clauses 124 to 142 carry?

(Clauses 124 to 142 inclusive agreed to)

(On clause 143)

The Chair: We're going on to clause 143, and we will discuss CPC-52, which again is the voter registration card, so we could probably just vote on this.

Shall CPC-52 carry?

(Amendment negatived [*See Minutes of Proceedings*])

(Clause 143 agreed to on division)

The Chair: There are no amendments to clauses 144 to 150.

Shall clauses 144 to 150 carry?

Ms. Stephanie Kusie: Clauses 144 to 148 can carry, and clause 149 can carry on division, please.

(Clauses 144 to 148 inclusive agreed to)

(Clause 149 agreed to on division)

The Chair: Shall clause 150 carry?

Ms. Stephanie Kusie: On division, please.

• (1155)

The Chair: It carries on division.

(Clause 150 agreed to on division)

(On clause 151)

The Chair: We move on to clause 151. We're getting into foreign voters. Once again, there are a number of similar amendments related to a person returning to Canada, etc. Once we discuss this, hopefully we can apply that concept, the result of what we decide.

CPC-53 adds wording that these foreign electors reside “temporarily” outside of Canada, but, as you know, in the proposal in the bill, it doesn't have to be temporarily. There's no requirement for them to come back.

We kind of know where everyone stands on this, but, Mrs. Kusie, do you want to make any comments?

Mrs. Stephanie Kusie: Sure, I will.

I'm sorry; what was the clause again, please?

The Chair: It's CPC-53, and it's just saying that the elector resides “temporarily” out of Canada.

Mrs. Stephanie Kusie: Yes, sorry, but what is the clause? I apologize. I'm just trying to get to the right one.

The Chair: It's clause 151.

Mrs. Stephanie Kusie: Clearly we, the official opposition, want to revert to the status quo, which is a five-year maximum departure from Canada and an intention to return to Canada.

Again, we're very much committed to ensuring the legitimacy of the electorate, and we're concerned that the clause as it exists does not do so, so with that, we would like to see it revert to the status quo.

The Chair: Go ahead, Mr. Nater.

Mr. John Nater: Thank you, Chair.

To get some clarity from the officials, do you have any indication of how many potential electors could be added to the voter rolls based on Bill C-76? How many Canadians currently living abroad could be added, based on this change?

Mr. Jean-François Morin: The minister mentioned this in her opening notes yesterday, and the Chief Electoral Officer mentioned it when he appeared. There is an estimation that about one million electors could regain a right to vote under this provision.

Mr. John Nater: Just as a follow-up, are you aware if there are other Commonwealth countries that have similar prohibitions on a requirement to return back to their country within a certain number

of years? Are you aware of any other Commonwealth countries that have the requirement to return?

Mr. Jean-François Morin: There are various delays. I think that the United Kingdom has a 15-year time frame.

Mr. John Nater: Then there is somewhere where there is a requirement to return.

Mr. Jean-François Morin: Absolutely.

The Chair: Is there any further discussion?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 151 agreed to on division)

(On clause 152)

The Chair: We're on CPC-54, which is the same thing about residing outside of Canada and an intent to return Canada, and the vote on CPC-54 will apply to CPC-57 on page 99.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: We are on CPC-55. As we discuss this, it's the same thing—returning to Canada—but this also applies to CPC-58.

• (1200)

Mrs. Stephanie Kusie: Yes, this is the same consolation prize again. We're trying to instill other safeguards in regard to non-resident electors. This is maintaining the removal of the existing five-year requirement, but requiring the intention to return to Canada.

The Chair: Okay, so a vote on CPC-55 applies to CPC-58, which is on page 100, and CPC-60, which is on page 102, because they are related by concept of residence in Canada.

(Amendment negated [*See Minutes of Proceedings*])

(Clause 152 agreed to on division)

(On clause 153)

The Chair: We go on to clause 153. We will go on to CPC-56, which would require that foreign voters have proof of the elector's Canadian citizenship, which they don't have to do under the presently proposed regime.

Do you want to present this amendment?

Mrs. Stephanie Kusie: Sure. If that was the consolation prize, this is the prize you get for playing.

Mr. David de Burgh Graham: It sounds like a participation prize.

Mrs. Stephanie Kusie: Yes, that's right.

Essentially, it's that the Chief Electoral Officer does not have to ask for proof of citizenship, but that it is a requirement.

The Chair: Go ahead, Mr. Graham.

Mr. David de Burgh Graham: As I understand it, the Elections Act already requires you to demonstrate proof of citizenship. This would be redundant. Is that correct?

Mr. Jean-François Morin: I'm sorry?

Mr. David de Burgh Graham: The Canada Elections Act already requires proof of citizenship, so would this add anything?

Mr. Jean-François Morin: No, there is no requirement for proof of citizenship under the act. The act requires the Chief Electoral Officer to determine what is a sufficient proof of identity, and only identity in this case. As a matter of fact, for this section of part 11, the Chief Electoral Officer requires proof of passport to prove citizenship.

Mr. David de Burgh Graham: He already has the power to compel proof of citizenship.

Mr. Jean-François Morin: Yes.

Mr. David de Burgh Graham: Thank you.

Mr. Jean-François Morin: Well, in this case it's combined identity and citizenship through the passport.

The Chair: But this amendment is saying they have to do it every time, as opposed to having the ability to do it. Is that right, Stephanie?

Mrs. Stephanie Kusie: Yes, that's right. It would be required.

The Chair: Go ahead, Mr. Nater.

Mr. John Nater: If we're looking at potentially adding a million people to the voting rolls, it only makes common sense if people are mailing in ballots from Davos, Paris—

Mrs. Stephanie Kusie: Nairobi.

Mr. John Nater: —or wherever. There should be an assumption that there is proof of citizenship for those voting.

The Chair: You do understand that Elections Canada has said it does have the power to request it if it has a concern.

Is there any further discussion on CPC-56?

Mrs. Stephanie Kusie: Can we have a recorded vote?

The Chair: Yes.

(Amendment negatived: nays 6; yeas 3 [*See Minutes of Proceedings*])

The Chair: That's defeated. We will now go on to CPC-57, which is consequential to CPC-54, so that's defeated.

CPC-58 was consequential to CPC-55, so that's defeated.

CPC-59 is again about foreign persons providing some proof of residence. Is that proof of residence overseas or in Canada?

• (1205)

Mrs. Stephanie Kusie: It's proof of the last Canadian residential address if overseas.

The Chair: Okay, so describe your amendment.

Mrs. Stephanie Kusie: I don't even know what this prize is. I think it's very straightforward. It's to require proof of the last Canadian residential address. It's another attempt to safeguard the legitimacy of the electorate. I'll leave it at that, Mr. Chair.

The Chair: All in favour of amendment CPC-59?

(Amendment negatived [*See Minutes of Proceedings*])

(Clause 153 agreed to on division)

The Chair: We're on clause 154.

Amendment CPC-60 was defeated as a result of CPC-55.

(Clause 154 agreed to on division)

(On clause 155)

The Chair: We're on clause 155 now.

There's amendment CPC-60.1. Once again, it's providing for more identification for overseas voters.

(Amendment negatived [*See Minutes of Proceedings*])

The Chair: This also applies to amendment CPC-62.1, which is on page 107. They're related to the concept of proof of identification.

(Clause 155 agreed to on division)

The Chair: There's a proposed new clause, clause 155.1. This is one of the new amendments that were submitted yesterday.

Mrs. Stephanie Kusie: We can withdraw amendment 10016360.

The Chair: It just won't be presented. When we withdraw it, we just won't present it.

(Clause 156 agreed to on division)

(On clause 157)

The Chair: Now we go to clause 157. We have amendment CPC-61.

Do you want to present this, Stephanie?

Mrs. Stephanie Kusie: Essentially as it reads, it is to establish deadlines for the Chief Electoral Officer's decision to extend deadlines for special ballot applications. Basically a deadline should be established in an effort to have sort of decision as to the deadline for special ballot applications. The way it is right now, it's open-ended, and we feel that a deadline would just provide more clarity to the act.

The Chair: Go ahead, Mr. Nater.

Mr. John Nater: I think, just to clarify, this does not set the date itself, but requires that the CEO set a date by 17 days before that. That way there's certainty for all participants in the system. There's no uncertainty among those participants. We'd know that by 17 days before polling day, a date has been set by the CEO, and it would be well known to those participants in the system.

The Chair: Is there any discussion?

Do the officials have any comments?

Mr. Jean-François Morin: This would remove some discretion from the Chief Electoral Officer, and as this applies to applications for registration in the special ballots that are received after 6 p.m. on the sixth day before polling day, this could defeat the purpose.

• (1210)

Mr. Nathan Cullen: I don't doubt Jean-François. He can't take our amendments anymore. That's understandable.

The Chair: Leave it in those words.

All in favour of amendment CPC-61?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 157 agreed to on division)

The Chair: There are no amendments from clauses 158 to 162.

(Clauses 158 to 162 inclusive agreed to)

There's a new clause 162.1 proposed in amendment CPC-62.

Could you present that, Stephanie?

Mrs. Stephanie Kusie: It's clarifying that no polling division is to be written on the back of the ballot cast under the special ballot process. I think this is similar to the previous oversight that we identified.

The Chair: Go ahead, Mr. Nater.

Mr. John Nater: I'll expand a little more. This is a privacy issue as well. By adding a polling division on a special ballot, a person's identity could be ascertained. Given the relatively small number of people who would vote by special ballots, having the polling number could potentially identify how an individual elector voted in a lot of cases. This is a privacy issue. It's to ensure their votes are anonymous, as they ought to be.

The Chair: Go ahead, Mr. Graham.

Mr. David de Burgh Graham: Would that ballot ever be correlated back to its poll? There's a separate box for them in the end.

Mr. Jean-François Morin: No. It would never be reconciled. It would never be sent back to the ballot box used on polling day. These ballots are the ballots counted under division 4 of part 11. They would be reported on within the votes under the special voting rules.

Mr. David de Burgh Graham: It would be in aggregate.

Mr. Jean-François Morin: In aggregate, yes.

Mr. David de Burgh Graham: All right. Thank you.

The Chair: Do you have a comment on the privacy concern that Mr. Nater just raised?

Mr. Jean-François Morin: I think that is a valid concern.

The Chair: Go ahead, Mr. Cullen.

Mr. Nathan Cullen: That was my question as well.

The Chair: Is there any further discussion?

All in favour of CPC-62?

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

(Clauses 163 to 181 inclusive agreed to)

There was a new clause, 181.1, under NDP-15, but unfortunately it was lost with NDP-1.

We go on to clause 182. It had amendment CPC-62.1, but that was consequential to CPC-60.1, so it was negated.

(Clause 182 agreed to on division)

There is a new clause, 182.1, proposed in CPC-62.2.

Do you want to introduce this, Stephanie, please?

●(1215)

Mrs. Stephanie Kusie: It's requiring separate reporting of results in special ballots cast by non-residents. We're concerned about the possibility of irregularities within the special ballots cast by non-residents, so we would like to see a requirement that they be reported separately.

It's very clear which electors belong to which polling stations. This is not the case with non-residents and with special ballots, outside of being their own large conglomerate at a single polling station. We think that separate reporting adds another safeguard in terms of the ballots that are received, because there are two layers of specialness: They are special ballots, and they are cast by non-residents. Better and specific reporting, we think, is necessary.

The Chair: Do the officials have any comments on that?

Mr. Jean-François Morin: Yes, please.

As it currently stands, just for everybody's understanding, these are the divisions that are in the motion. Division 2 is for Canadian Forces electors. Division 3 is for electors residing outside Canada. Division 4 is for electors residing in Canada, and division 5 is for incarcerated electors. Currently, these results are disclosed by Elections Canada in groups. The results for division 4—electors residing in Canada—are disclosed under group 2, which at the last general election represented approximately 90% of the votes cast under the special voting rules.

As for divisions 2, 3 and 5, they are reported under group 1, which at the last election represented approximately 10% of the votes cast under the special voting rules. I would caution the committee against—again, for privacy reasons....

Of course, the provisions of Bill C-76 might have an effect on the number of votes cast under division 3; this number might increase. However, by grouping divisions 2 and 5 together—Canadian Forces electors and incarcerated electors.... Proportionally to the number of ballots cast, there is a very low number of electors voting under these divisions, and because they are released per electoral district, that's why I'm urging the committee to consider some privacy concerns. It could be easier to identify which elector in the division has voted for which specific party or candidate.

The Chair: So, if you had 10 of them and they all voted one way, you would know how some individuals voted.

Mr. Jean-François Morin: Exactly.

Mrs. Stephanie Kusie: We have to remember that we are considering the potential addition of a million voters, non-resident voters, given the new rules. I mean, 10% is a significant amount. I think there may be people around the table who won by 10% or less. Thank you, Jean. I think those things come into consideration as well. Certainly we want to respect the privacy of Canadians, but the main purpose of this bill, where this is concerned, should be to protect the legitimacy of the electorate.

●(1220)

The Chair: Mr. Graham, go ahead.

Mr. David de Burgh Graham: Yes, I agree with the privacy concerns expressed by the officials, and if we're going to single out.... How many foreign electors voted in the last election? Something like 12,000?

Mr. Jean-François Morin: As I said, we cannot know exactly how many foreign electors voted. The numbers I have here indicate that 60,000 electors voted under group 1—Canadian Forces electors, electors residing abroad, and incarcerated electors—and the numbers can be quite low. For example, in Prince Edward Island, the number was only 317, and in Yukon, it was only 97 electors.

So, if you remove group 3 from that, which is electors residing abroad, you end up with groups 2 and 5—Canadian Forces electors and incarcerated electors—that can be quite low.

The Chair: Thank you for referencing the Yukon.

Mr. David de Burgh Graham: My question is this: If we're going to split out the foreign electors, why wouldn't we separate the prisoners from the military, just to see how they're voting? I'd be curious as well.

I think the privacy issues are too important to do this. I cannot support this.

The Chair: Is there any further discussion on CPC-62.2?

(Amendment negated [*See Minutes of Proceedings*])

The Chair: There are no amendments to clauses 183 to 189.

(Clauses 183 to 189 inclusive agreed to)

The Chair: I apologize for carrying on so long without a break, but I think people would rather finish earlier in the week rather than later, so we'll do it. However, if someone needs to have a break, let me know.

CPC-62.3 proposes a new clause, 189.1. Stephanie, do you want to present this?

Mrs. Stephanie Kusie: I don't think there's anything more to state. It's very similar, if not identical, to CPC-62.2, the separate reporting of results of special ballots cast by electors...perhaps in the advance poll.

The Chair: Okay, so it's the same concept here. We'll vote again. It's on CPC-62.3, which proposes a new clause, 189.1.

(Amendment negated [*See Minutes of Proceedings*])

(On clause 190)

The Chair: There are about 15 amendments.

LIB-18 was first. That passed because it's consequential to LIB-1.

We'll go to CPC-63. Stephanie, could you present this one, please?

Mrs. Stephanie Kusie: This is in regard to requiring the election officers to write an elector's polling division in the space provided for it on the back of the ballot.

This is similar to the previous one, where we had a similar situation.... In fact, I'm struggling to see a difference.

Mr. John Nater: May I build on that, Chair?

The Chair: Go ahead.

Mr. John Nater: This has to do as well with destroying a ballot, defacing it, and altering what's been written on it. That's the added element of this. You don't want to be scrubbing out the polling

number after it's been written in by the elections official. This is a matter of defacing the ballot.

• (1225)

The Chair: Do the officials have any comments?

Mr. Jean-François Morin: That would actually complete the prohibition in a way that is consequential to the amendments that have been brought already. The number should or should not be added at the back of the ballot, depending on the situation.

The Chair: Are you saying it's a positive amendment?

Mr. Jean-François Morin: Yes.

The Chair: We'll leave it at that.

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

The Chair: CPC-64 cannot be presented because LIB-19 was adopted, and it is related to the same line.

The next amendment, LIB-19, is already adopted because it was consequential to LIB-9. Therefore, NDP-16, which deals with the same line as LIB-19, cannot be considered.

We go on to CPC-65.

Stephanie, go ahead.

Mrs. Stephanie Kusie: This is extending the prohibition on undue foreign influences to the pre-election period.

If we are truly trying as a government—and I say that in the little “g” sense, not the big “G” sense—then I think we have the obligation to put in every safeguard possible for Canadians, to absolutely make certain we do everything possible to ensure that these influences do not have the opportunity to enter our electoral processes. This amendment does that.

Why would the big “G” government be opposed? Why would they not want to extend this prohibition to the pre-election period?

• (1230)

The Chair: Mr. Nater, go ahead.

Mr. John Nater: Chair, could I get clarification from you on whether or not CPC-65 would conflict with CPC-67? If it does, then I would move a subamendment to ensure that they don't conflict.

The Chair: CPC-67 could not be moved if CPC-65 was adopted.

Mr. John Nater: I would then move a subamendment that amendment CPC-65 be amended by deleting paragraph (b). That way it wouldn't conflict with the same lines that are in CPC-67 and it would allow us to deal with both.

The Chair: I'll ask the legislative clerks: Does that mean we could then debate CPC-67? Okay.

(Subamendment agreed to)

The Chair: Now we can debate CPC-65 as amended.

Mr. Cullen, go ahead.

Mr. Nathan Cullen: I'm thinking of them together, and I'll speak to them together. Is the intention of CPC-67 and CPC-65 to prohibit businesses that are only established in Canada with the primary role of trying to influence voters, and then extending a prohibition to those business into the pre-election period in terms of spending? Is that what I understand?

Mr. John Nater: That's my understanding.

Mr. Nathan Cullen: Okay, that seems like a good idea. We are trying to get at the foreign influence question.

The Chair: Are there any comments from the officials or the government?

Mr. Bittle, go ahead.

Mr. Chris Bittle: We appreciate the spirit of the amendment coming forward. The problem or the concern is that once we move further away from election day, the risks under section 2 of the charter increase dramatically. That's our concern with this.

The Chair: Mr. Morin, go ahead.

Mr. Jean-François Morin: Thank you, Mr. Chair.

I would also like to note that the prohibition found at proposed subsection 282.4(1) is related to “influenc[ing] an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at the election”.

This specific prohibition was crafted to apply only during an election period. It's only from day one of the election period that an elector can actually cast a ballot. This motion would potentially create an enforcement problem with regard to the pre-election period, because electors don't have an ability to vote during that period.

The Chair: Mr. Nater is next, then Mr. Cullen.

Mr. John Nater: Just as a corollary to that, if it's impossible to influence a vote, I'm curious as to why there are pre-writ spending limits for political parties? If it's impossible to influence a vote during the pre-writ period, why do we have limits for political parties in those pre-writ periods? It just seems to be at odds there. We have one but not the other. If it's impossible to influence them, why are we preventing that?

•(1235)

Mr. Nathan Cullen: What are we doing? Is this an existential question?

Mr. John Nater: It is, yes. It's not rhetorical.

Mr. Jean-François Morin: The spending limit that would be applicable during the pre-election period is only on partisan advertising for registered parties, and partisan advertising, partisan activities and election surveys for third parties. It's not on the entire scope of expenses.

The Chair: Mr. Cullen, go ahead.

Mr. Nathan Cullen: First, to Mr. Bittle's concern, the pre-election spending limits, which have been struck down in B.C., at least, were for Canadian and Canadian-based outfits. I don't know if we've taken it to the Supreme Court yet, if it's been tested there. What I understand is that the attempt here is to seek to limit the influence during the pre-election period of businesses that are

established within Canada only for the purpose of trying to influence electors.

It holds with what John said. If we put restrictions on political parties and third parties in the pre-election period, clearly there are votes at play, whether the ballots have been issued or not. I assume that's why the Liberals created the pre-election period at all—to recognize when the election truly starts. It's not when the writ drops.

If I'm reading the language correctly, this restriction here is on businesses whose primary purpose in Canada during an election period is to influence electors during that period. If there is any contemplation of foreign influence playing a role in our elections—which there ought to be, considering recent examples in the U.K., the U.S. and others—I suppose this one falls within the scope of “Try it”.

Someone may attempt to strike it down in court, but the intention seems pretty straightforward. We've already essentially broken the seal on the pre-election notion with this whole bill. Voters are at play in the pre-writ period. Why not restrict businesses whose sole purpose in the country—again, back to the legislative amendment line—is to try to influence voters? Those would be the ones I'd want to limit the most, frankly.

The Chair: Mr. Morin, are you saying there would be an enforcement problem with it?

Mr. Jean-François Morin: Yes, the enforcement problem is related to the fact that the prohibition really is on unduly influencing an elector to vote or refrain from voting, or vote or refrain from voting for a particular candidate at the election.

I'm just saying that during the pre-election period, the writs have not been issued and it would be difficult to interpret the change in the context of this prohibition during the pre-election period.

Mr. Nathan Cullen: To go back to my point, though, if an attack comes from wherever saying, “Don't vote for Mr. Bittle; he's going to be on the ballot”, we would see that as an attempt to influence before the ballot has been issued. What's the difference?

In terms of enforcement, if this were law and someone tried to do that, then we would prohibit that action. I don't see the enforcement problem. Just because we're not in the writ period, if somebody is trying to influence a voter to vote for or against a certain candidate.... That is the pre-writ period. It's exactly what's happening.

The Chair: Mr. Nater, go ahead.

Mr. John Nater: I'll just follow up on the concern about a charter challenge that Mr. Bittle was talking about.

I'm not a lawyer, so I don't admit to knowing exactly how this works, but in proposed section 282.4 undue influence refers to “an individual who is not a Canadian citizen or a permanent resident... and who does not reside in Canada”; a corporation that does not operate in Canada; “a trade union that does not hold bargaining rights...in Canada”; “a foreign political party”; or “a foreign government or an agent or mandatary of a foreign government”.

My understanding is that these foreign entities don't hold charter rights, so I'm not sure how that would be considered a challenge under the charter.

Could our officials comment on whether that would be a challenge to the charter?

Mr. Jean-François Morin: Sorry, could you repeat that specific question?

Mr. John Nater: The section on undue influence talks about foreign governments, foreign political parties. Would they hold charter rights within Canada and would they be able to challenge this under the charter?

Mr. Jean-François Morin: I won't answer that question. That would be a question for the Department of Justice.

• (1240)

Ms. Ruby Sahota: What if they have a presence in Canada?

Mr. Jean-François Morin: The question of the extraterritoriality of application of the charter is quite debatable. Of course, a person, including a company, who has a presence in Canada would have charter rights. But for a company or a person who is outside Canada and doesn't have activities in Canada, the charter rights could be more volatile.

Mr. John Nater: Proposed section 282 refers specifically to those that do not operate within Canada, such as a foreign entity that does not have a presence.

The Chair: Is there further discussion?

We'll have a recorded vote on CPC-65 as amended.

(Amendment as amended negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: Now we'll go on to CPC-66.

Mrs. Kusie, go ahead.

Mrs. Stephanie Kusie: Essentially, this amendment attempts to treat as foreign third parties entities that are incorporated in Canada but with foreign direction, and whose primary purpose is political activity.

I don't think it's any secret that we had a number of these types of entities in the 2015 election. These entities were operating in Canada and may or may not have claimed to be Canadian entities. In reality, they were actually foreign entities, because their direction was external to Canada. Their primary purpose was political activity. This wasn't in regard to some other type of advocacy. It wasn't in regard to corporate activity. It wasn't in regard to charitable activity. These were external organizations that specifically operated in Canada with political purposes, which is essentially, I would say, both foreign influence and foreign interference.

With that, we propose this amendment in an effort to ensure that this type of possible activity is absolutely eliminated going forward. I would really urge the government to consider supporting this in an effort to show Canadians that it is committed to only Canadian political activity within Canada.

The Chair: Mr. Nater, go ahead.

Mr. John Nater: Thank you, Chair. I have a question for our officials.

Would it be possible for a foreign entity to simply incorporate within Canada and then be considered as a third party within a Canadian election, if this amendment were not in place?

Mr. Jean-François Morin: I am not an expert in incorporation law, so I won't answer that portion of your question, just because I don't know.

That being said, we were just discussing the application of the charter a few minutes ago. I would point out that a corporation that is present in Canada would also have freedom of speech rights in Canada. There could be a risk associated with such an amendment.

The Chair: Okay. Is there any discussion? Are we ready for the vote?

Stephanie, go ahead.

• (1245)

Mrs. Stephanie Kusie: I would like a response from the government as to why they are not in support of this amendment. There have been some instances where we've made amendments similar in spirit to Liberal amendments, but it appears that's not the case this time.

Why is the government opposed to this?

The Chair: Ruby, go ahead.

Ms. Ruby Sahota: As was mentioned, it's very similar to the last one, but this one clarifies even more that this company has a presence in Canada. Therefore, we wouldn't want to go outside of election periods to limit their freedom of expression.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: That's fine.

Mrs. Stephanie Kusie: It's foreign expression with the intent and purpose of political activity. It's not Canadian expression, because it's being directed from somewhere external to Canada. So even if it is freedom of expression, it's not Canadian expression. It's foreign expression. I don't understand why we wouldn't attempt to prohibit that.

The Chair: Mr. Nater, go ahead.

Mr. John Nater: I'll just go back to proposed section 282. We're talking about a foreign entity whose only activity in Canada is the political influence. That's in proposed paragraph 282.4(1)(b). We're talking about the only purpose being that of influencing an election. I think that's where the real concern is. There's a gaping loophole here through which you could drive a Mack truck with this influence.

Mrs. Stephanie Kusie: It's the two together.

Mr. John Nater: It's a foreign entity. Absolutely the only purpose it's become incorporated is to influence an election. I think that's a pretty big loophole.

Mrs. Stephanie Kusie: I have nothing else to add.

The Chair: Mr. Morin, go ahead.

Mr. Jean-François Morin: While we're not in this part of the act, I would like to point out that such a company or such an entity would be considered a third party under part 17 of the act. Part 17 of the act includes amendments from both the Liberals and the Conservatives to restrict foreign funding for third parties. I would just like to point out that even if that corporation were present in Canada, as a third party it would be subject to amendments to come and it wouldn't be able to use foreign money to fund its activities here in Canada. This is part of a greater scheme that includes part 17.

Mrs. Stephanie Kusie: The problem goes further than that. We don't have the safeguards in place to ensure that with absolute certainty, in terms of the specific bank accounts or reporting. I don't think there is certainty even with those clauses, Mr. Morin.

Mr. Jean-François Morin: I don't have any further comment on that.

Mrs. Stephanie Kusie: Yes, of course. Thank you.

The Chair: When you said that the third party thing applies, does that apply through the writ period, the pre-writ period and the rest of the year?

Mr. Jean-François Morin: The proposed subsection we're talking about, 282.4(1), applies only during the writ period. Part 17 of the act includes a period during the pre-writ period and the writ period, and one Liberal amendment contemplates adding a new division that would cover periods that are neither election periods nor pre-election periods.

The Chair: So, in effect, because it wouldn't have any money, the foreign body couldn't do anything all year round, if the Liberal amendment you just talked about was passed.

Mr. Jean-François Morin: It could have activities in Canada, but it could not fund these activities with foreign funds. It would need to get money from a Canadian source for partisan activities.

The Chair: Stephanie, I think Ruby wants to talk to you.

● (1250)

Ms. Ruby Sahota: It's such a broad definition of what could be seen as interference. Take, for instance, the emergency debate we had yesterday on climate change. A UN report gets put out. Do we see acts like that as maybe interference in elections when there are issues that maybe certain parties side with and other parties do not? I worry that we may be limiting organizations' ability to express their points of view on issues. It's a risk, too, if we go too far.

I do understand the other risk, when it's done in a malicious way with false evidence and statements—although you can't call it “evidence”—false information put out to sway actors. However, if it's just information that happens to influence, then are we going too far?

Mrs. Stephanie Kusie: I have no other comments.

The Chair: Are we ready to vote?

Mrs. Stephanie Kusie: I'd like a recorded vote, please.

The Chair: We'll have a recorded vote on CPC-66.

(Amendment negatived: nays 5; yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll go on to CPC-67.

Mrs. Kusie, go ahead.

Mrs. Stephanie Kusie: Actually, this is in a similar vein, but not entirely. It's in a similar spirit, in a very broad sense, of increasing the threshold for foreign entities to establish bona fide Canadian connections. It is making sure that third parties are Canadian entities, and that the proper thresholds are put in place in an effort to establish them as Canadian players and not those who are external.

The Chair: Mr. Graham, go ahead.

Mr. David de Burgh Graham: Is the objective of the amendment to change it from “only activity” to “primary purpose”? That addresses the problem you were complaining about earlier, and it's quite supportable.

The Chair: Is there any further discussion on CPC-67?

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

The Chair: We have a couple more amendments on this clause, so if we could finish this clause before we break, that would be great.

We'll now go on to LIB-20. If LIB-20 is adopted, CPC-67.1 cannot be moved as it amends the same line.

Could someone present LIB-20?

Ms. Sahota, go ahead.

Ms. Ruby Sahota: I'll present in support of this amendment, since I proposed it.

This is basically to remove the redundancy and ambiguity, and to move the foreign entity stuff and lump it in together. The Commissioner of Canada Elections had indicated to PROC that, in his view, proposed paragraph 282.4(2)(b) is redundant, since a foreign entity could already be charged for breach of either proposed section 91 or proposed paragraph 282.4(2)(c).

Bill C-76 would move the content of section 331 of the Canada Elections Act, which prohibits foreign interference in Canadian elections, to a comprehensive provision, which is in proposed section 282.4, setting out exactly what constitutes undue influence by a foreigner. It just makes it neater, and you know where to find all of those provisions.

● (1255)

The Chair: Do the officials have any comments?

Mr. Jean-François Morin: This amendment actually implements the recommendation of the Commissioner of Canada Elections exactly in the way that Ms. Sahota explained it. Someone making a false statement that is prohibited could be charged with the offence associated with proposed section 91, and could also be charged under the provision at proposed section 282.4 with reference to (2)(c), which would now become (2)(b).

The Chair: Is there further discussion?

I think Mr. Nater might have something to say.

Mr. John Nater: No. It's the only time, Chair.

The Chair: Is there any further discussion on Liberal-20?

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

The Chair: CPC-67.1 cannot be discussed because it amends the same line.

We have two more. Next is CPC-68.

Stephanie, go ahead.

Mrs. Stephanie Kusie: This amendment attempts to address the narrow broadcasting exception for foreign interference in elections.

The Chair: Is there any discussion?

Mr. Nater, go ahead.

Mr. John Nater: Mr. Chair, I just have a bit of information here.

We don't want to see normal courses of action, such as letters to the editor, captured within this. That's obviously within the act. Specifically, this amendment is looking to capture foreign programming and foreign influence where the purpose of that program or publication is specifically to influence the election. We're talking about specific instances. We're not talking about the Canadian example. We're talking about foreign examples, where programming and publications are specifically intended to influence an election, including the way in which an elector votes. That's what we're really getting at here—foreign publications influencing a Canadian election.

The Chair: Mr. Bittle, go ahead.

Mr. Chris Bittle: I'd like to ask the officials what effect the amendment would have. I don't think it will do much to change how the provision operates.

Mr. Jean-François Morin: Thank you, Mr. Bittle.

The exception that is provided at proposed paragraph 282.4(3)(c) is for the transmission of programs, or print such as an editorial, a debate, a speech, an interview, a column, a letter, etc. This language has been used for a long time in the Canada Elections Act as an exception to the definition of election advertising, so there is a history to that kind of exception in the act.

I'm not sure that a program or a publication whose primary purpose is to influence an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or party, would actually be recognized within that existing exception. Of course, that would be for the courts to interpret eventually, but I would be suspicious about whether a partisan program would be recognized within this recognized exception.

• (1300)

The Chair: Mr. Nater, go ahead.

Mr. John Nater: Maybe I'll ask our officials by using an example. Let's say a late night talk show host in New York or L.A. dedicates an entire episode during the writ period to how great a Canadian leader is. Whoever that leader might be, and whatever talk show that might be, would that be captured? We're all thinking of Jagmeet Singh.

Would that be captured?

Mr. Jean-François Morin: I don't think it's within the spirit of the exception, but of course it would depend on the context. It would depend on what was said and the amount of time that was devoted to that specific topic, etc.

Mr. John Nater: Would it be appropriate to say that this amendment would give further direction to the courts on how to interpret that?

Mr. Jean-François Morin: Of course.

The Chair: We'll vote on CPC-68.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: The last thing before we break for QP is Liberal-21.

Could someone present that?

Mr. David de Burgh Graham: The Commissioner of Canada Elections was concerned that the wording of this provision was unnecessarily complex and could cause some enforcement problems.

The behaviour intended to be prohibited is simply the selling of advertising space to a foreign person or entity to allow them to transmit election advertising. The amendment would implement the commissioner's recommendation to simplify the wording of the provision. It's a recommendation from the commissioner to simplify some complex wording.

I think it's eminently supportable.

The Chair: Is there any discussion?

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

(Clause 190 as amended agreed to on division)

The Chair: To the members, first of all, thank you for your great co-operation and respect for everyone. It was excellent work.

I would ask everyone to leave quickly, though, because the Subcommittee on Private Members' Business is meeting here in one minute.

Mr. David de Burgh Graham: Some of us have to stay for that.

The Chair: Those who are on that committee can stay.

The meeting is adjourned.

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