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Chair

Mr. Joe Preston

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● (1900)

[*English*]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): Okay, team, let's get started so that at some time this evening we'll actually get finished.

We suggested when we left here this afternoon that we were still on amendment PV-13, but I don't see Ms. May. We had also deferred NDP-1 and a group there, so we could go to it, and I'll come back to PV-13.

We are back to what was called NDP-1.

Mr. Scott, are you prepared to resume at that point?

Mr. Craig Scott (Toronto—Danforth, NDP): Yes.

The Chair: Okay.

Mr. Craig Scott: Just as a point of order, Mr. Chair, if Ms. May doesn't return, does that matter? Is it still on the table?

The Chair: We would then go back to PV-13. She has already spoken to it, but I'm going to give her the time to go through this, and then, before I go back to it.... But if at that point she's not here, we'll just do it as if the independent amendments have been moved.

Mr. Craig Scott: Okay, good.

We started out on what looked like a very picky, almost semantic, point with NDP-1 and NDP-2, where there was an amendment that I moved to clean up the definition of “leadership campaign expenses” and “nomination campaign expenses”.

Circulating now is something that I missed. I always knew there was a definition of “monetary contribution”, but I had forgotten that “non-monetary contribution”, which we were stuck on in terms of what it could actually mean, is actually defined in the Canada Elections Act. What's circulating is the definition in subsection 2(1) in French and English; it's in the middle box. The non-monetary contribution language in this amendment would mean exactly the same thing. It means “the commercial value of a service, other than volunteer labour, or of property or of the use of property or money to the extent that they are provided without charge or at less than their commercial value”.

There's a further provision in subsection 2(2) of the Canada Elections Act that says if property is worth $200 or less, it's given nil value. The reason this is important is that the definition already covers the volunteer issue that we were worried about, and the $200 or less covers the apple pie, cherry pie....

Voices: Oh, oh!

Mr. Craig Scott: Maybe not in your riding, where maybe some of these go for $300 or $400 a pop, but at least where I'm from, a cherry pie is about $100. Okay?

Without belabouring it anymore, I think we have a clear legal reference point for what “non-monetary contribution” means. I'd like to ask the folks from the Privy Council whether or not that would be how they would read the language too.

Mr. Marc Chénier (Senior Officer and Counsel, Privy Council Office): Non-monetary contributions are defined as excluding volunteer labour, and the definition of volunteer labour excludes as volunteer labour those that are provided by a person who is in the business of providing the good or the service.

Mr. Craig Scott: It includes that, too.

Mr. Marc Chénier: Pardon me?

Mr. Craig Scott: It includes that—

Mr. Marc Chénier: It excludes from volunteer labour—

Mr. Craig Scott: All right. So somebody who's in the business of giving accounting services couldn't volunteer that labour. They could volunteer for something else.

● (1905)

Mr. Marc Chénier: That's correct.

Mr. Craig Scott: Okay. That goes back to Scott's example.

My bottom line would be that this is the existing act, and this is cleaning it up in the way the Chief Electoral Officer wants by using the exact inclusion he wanted, and it's very clear what the definition is. I would like us to move on and vote for it. Everybody vote yes and then....

Dave, like I said, I'm going to get you to vote once for us.

The Chair: Okay.

Is there further discussion on NDP-1 and the group that's involved with it?

Mr. Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): One of the suggestions I brought out earlier was to exclude the word “any”. What I was saying was that when you use the word “any”, you have to consider everything, whereas if you take out the word “any”, if you look at expenses as defined in section 478, as well as non-monetary contributions—and thank you, we now know what that is. Also, it gives them a discretion to use, I think, if you take out the word “any”, so I would humbly suggest that we do that as well.

The Chair: If you're suggesting an amendment to the amendment, I would again need you to....

Mr. Scott Simms: It's dangerous territory.

The Chair: I know.

An hon. member: [*Inaudible—Editor*]

Mr. Scott Simms: All right.

The Chair: Let's have the discussion while that happens as if it's happened.

Is there further discussion on NDP-1?

Seeing none, let's call the question on the amendment to the amendment that would remove the word “any”.

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

The Chair: It appears that we like the word “any”.

We will now move to the motion as written.

An hon. member: Could we have a recorded vote?

The Chair: Let's do that.

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

The Chair: As we know, a number of them were attached to it, or similar, or parts of the same conversation, so they all have now been defeated.

Mr. Craig Scott: Mr. Chair, just in formal terms, does that mean we've dealt with NDP-2 on the same basis? It's about nomination campaign expenses.

The Chair: I have all of these in the same group: LIB-1, PV-1, NDP-2, LIB-2, and PV-2.

I'll check to see if that's correct.

Although it is in a different spot, it is different. We'll go to PV-1. PV-1, although it is written...it's amending something different than what we just changed.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Exactly.

The Chair: Right. So maybe I just gave the explanation, but again, congratulations on your private member's bill tonight.

Ms. Elizabeth May: Thank you, Mr. Chair. Thank you to all members around the table for support. I appreciate it enormously.

To go back to PV-1, it's different wording, as you say, but substantially the same as the NDP-1 amendment in terms of accepting the advice from the Chief Electoral Officer and expanding leadership contest expenses to include non-monetary contributions and provisions of good or services.

I imagine it will meet with the same fate as NDP-1, but I appreciate the chance to present it.

● (1910)

The Chair: Thank you.

Is there any discussion on PV-1?

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

The Chair: We'll now move to NDP-2.

An hon. member: Are they not applied?

An hon. member: They're not applied.

The Chair: One amendment changes lines 31 to 33 and the other changes lines 43 to 45.

Mr. Scott.

Mr. Craig Scott: I'd like to move this. I won't spend any time on it, because it's preordained what the vote will be. I regret having spent time finding this, because it doesn't seem to have had any impact on my colleagues across the way, or at least the framework within which they're working.

I think everybody should know that as a result of the vote on NDP-1, and now with what will happen on NDP-2, non-monetary contributions are not included in expenses in these two contexts. That's a fairly major addition to what one can spend in nomination and leadership campaigns.

I won't say anything more.

The Chair: Okay, I'll call the question on it, then.

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

The Chair: That's defeated, so did that also defeat LIB-2 and PV-2?

A voice: No...[*Inaudible—Editor*]

The Chair: Okay. We can go to PV-2. It's the same line but has different wording.

Ms. Elizabeth May: Mr. Chair, yes, it is different language, but it is to the same effect. This time it is taken outside of the leadership contest situation into a nomination contestant situation again to expand and to ensure that we are controlling non-monetary contributions and provisions of goods and services.

Just to refresh the memory of committee members, this was contained as a specific recommendation in Elections Canada's proposed amendments presented as of April 8, 2014.

I would hope but at this point would not have great hopes that this could meet with approval in order to ensure that we are fully assessing the scope of spending to include those contributions which are other than cash, but which are normally regulated by Elections Canada, as Craig Scott has pointed out.

The Chair: Mr. Scott.

Mr. Craig Scott: I'll just point out to my colleague from Saanich—Gulf Islands, don't hold your breath, because NDP-2 really was this too.

Ms. Elizabeth May: It was, but this one is differently worded.

The Chair: We'll vote on PV-2 with its fancy new wording.

An hon. member: A recorded vote, Mr. Chair.

The Chair: We'll have a recorded vote on PV-2.

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

The Chair: It is defeated. That brings us back to the present day. We're on PV-13.

A voice: We have to deal with clause 2.

The Chair: I'm sorry. We have to do clause 2, which all that was part of.

Shall clause 2 carry?

An hon. member: A recorded vote, Mr. Chair.

The Chair: Certainly.

(Clause 2 agreed to: yeas 5; nays 4 [See *Minutes of Proceedings*])

(On clause 5)

The Chair: We can move on to PV-13.

You did give us a brief summary before we left this afternoon, Ms. May, but we'll have a very quick refresher on that, please.

● (1915)

Ms. Elizabeth May: Yes, I'll give a very quick refresher. This is, as far as I know, unique in the pile of amendments. There aren't any similar to it, but it is reflecting advice the committee received in the testimony, which committee members will recall, of Professor Emeritus Paul Thomas, specifically—I'll make it very brief—mandating that the Minister for Democratic Reform must always in future consult with the Chief Electoral Officer of Elections Canada with respect to any proposed amendments to this act, including its regulations.

The Chair: Thank you.

I believe we had a speakers list in some way. We have Mr. Christopherson, Mr. Simms, and Mr. Lukiwski.

Mr. David Christopherson (Hamilton Centre, NDP): Actually, I think it was the other way.

The Chair: Mr. Simms.

Mr. Scott Simms: Thank you very much. You're a very nice gentleman.

To me, this seems like something that is more of a convention, a practice of good governance for any minister to do when you're doing something this substantial. I would take it as something that's granted in the responsibility of a minister of the crown. It's a shame that we have to ensconce this within legislation, but the past six months have proven that we have to do this in order to explicitly state that in the future a minister has to do his or her job with a great deal of due diligence. I think that is what this covers, enshrined in this legislation.

The Chair: Mr. Christopherson.

Mr. David Christopherson: Chair, I just need to underscore my colleague's point. A big part of why there's so much commotion over this bill has been the lack of consultation with the obvious people.

It just can't be stated enough—because it's so hard to believe—but there was no consultation with the Chief Electoral Officer, no consultation with the elections commissioner, and no consultation with the Director of Public Prosecutions, all of whose areas are having major changes. It's just unfathomable. Students reading the history books are going to be saying, "Really? This is a joke, right? This is some kind of test by the teacher to see if we're paying any attention, because what government in its right mind, really, would think about changing the election laws as significantly as this government is, without even talking to the Chief Electoral Officer?"

It's crazy. It's just so crazy. This is a shame. I agree totally with Mr. Simms' approach to this, that it really is a shame that in a modern democracy like Canada's we would actually have to put in a clause that guarantees us Canadians that our minister of the day responsible for the election laws would actually set up a meeting and consult the Chief Electoral Officer before making any changes. It really is a shame.

It is a low mark for the government when the opposition feels that this is so important but it can be overlooked by a majority government. It certainly didn't do this kind of thing when it was in minority, I'll tell you, but in majority, the government would bring in these changes, and yet we have to put that in here.

It's almost as though the minister should get up in the morning, have a coffee, get showered—no Chair, I can speak for as long as I like—and then—I have the floor, sir—he's going to eat, and then we should remind him—I do—

The Chair: When I as chair interrupt you, I have the floor.

Mr. David Christopherson: What are you going to interrupt me with?

The Chair: It's just to let you know that. Now, could you very shortly finish the rest.

Mr. David Christopherson: Chair, you've been hanging around with these guys too long. That kind of thinking is not the old Joe. That's not the old Joe I know.

Some hon. members: Oh, oh!

The Chair: Let's not slow Mr. Christopherson down.

Mr. David Christopherson: My point is that it's almost that silly. It's almost as silly as having to say to the minister, "Say two sentences and then breathe. Make sure you eat during the day so you don't die." I mean, really.

I realize I'm sounding silly, but the whole thing is silly, and it's a shame that we actually have to go out of our way—and what would be interesting is to see whether the government votes for it or not. I'm really anxious to see whether they're going to back away—

● (1920)

The Chair: I think we should call a vote.

Mr. David Christopherson: No, no, no.

You can tell we've been drinking a lot of coffee today.

I would just point out that this will be a fascinating vote. Is the government going to realize that this can never happen again, and that it's made a huge mistake, and therefore will agree to it? Or is it not only going to have to defend the fact that it didn't consult the Chief Electoral Officer but that it refused to put in legislation that future ministers have to, which really should start to scare people in terms of this government getting another majority, because if it gets away with taking one whack at our election laws, it's going to get away with most of it. Big pieces are being looked at here. There are all kinds of clauses we haven't even addressed yet that are equally damaging to our democracy.

It will be interesting to see whether the government decides, even if it's in opposition, that it would be okay for another party in majority to do the same thing, because by refusing to put this in the law, it's basically saying that we consider it okay for any Canadian government to do as it did, to bring in major reforms to the election laws, and not to talk to the people that Canadians have hired to be the referees. It will be very interesting to see how this vote goes.

Thanks, Chair.

The Chair: You're very welcome.

Mr. Lukiwski, on the same amendment, PV-13.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): I think Mr. Christopherson has just demonstrated quite aptly why we shouldn't allow television cameras into meetings like this at the House of Commons.

Mr. David Christopherson: You feel that way about all committees.

Voices: Oh, oh!

Mr. Tom Lukiwski: Look. The one thing I do agree with in what Scott was saying is that this should be a convention and certainly shouldn't be something that is ensconced in this.

Despite the protestations of my learned colleagues opposite, there was an awful lot of research and information sought by the minister before bringing forward the bill. Whether it would be through Monsieur Mayrand's appearances, previous appearances at this committee, recommendations he's made, the numerous reports that they had presented, including the Neufeld report, plus conversations.... Even though Monsieur Mayrand did not consider that to be consultations, he will admit that there were conversations. He did not consider them to be consultations, but he did say that they had conversations.

The minister gleaned from all of those elements the information that he thought was sufficient to present a bill. Now, clearly we have heard testimony and we have offered recommendations for change vis-à-vis amendments, which proves obviously that the government and the minister himself were listening.

To try to ensconce in legislation a requirement that any minister on any bill must be required to do this, this, or this before presenting legislation is simply not on. It should never be that way. Therefore, just based on that principle, we'll be opposing this.

The Chair: Thank you, Mr. Lukiwski.

I'll go to Mr. Reid, then Madam Latendresse, then Mr. Scott.

Let's try to keep some brevity here, folks. We're on our second one. Let's see if we can get there.

Sorry, Mr. Reid, that's not specifically to you; that's to the whole group.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): No doubt that was referring to previous speakers and not to me. My reputation for laconic statements is by this time the stuff of legend.

I just want to say that I think there is a problem with this particular proposal in that the Chief Electoral Officer is an officer of Parliament. He reports to Parliament. He reports specifically to this committee as his avenue to Parliament. This ought to be the spot to which he makes his recommendations. He is in fact by statute required to make recommendations regarding his views as to what changes ought to be made. He is in no position to make independent recommendations to the ministry, even if asked, other than those that he has made to this committee.

As I said before in this committee when this issue of consultation was raised, I would have been very upset with the minister if he had disclosed anything about what he was considering to the CEO. After all, ministers are supposed to first reveal the legislation to the House. I would have been upset with the CEO had he made recommendations to the minister other than those he'd made to the committee. If asked, he ought to have said, "You can find out what my recommendations are by consulting my report to the House of Commons on proposed legislation; for that matter, if you want to find out what the House thinks about it, you can read their response to my report."

I actually think that's exactly what did happen. The minister did consult that report.

● (1925)

The Chair: Thank you.

Madam Latendresse.

[*Translation*]

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

I just want to clarify a few things. This recommendation is not that strong. We are talking about consultations. We are not saying that the Chief Electoral Officer should approve any changes the minister would like to make. The minister is free to make changes not recommended by the Chief Electoral Officer or not to follow a recommendation from Elections Canada. The only obligation the minister has is to consult that agency. The Chief Electoral Officer's main role is to enforce the Canada Elections Act. He is this country's foremost expert on elections legislation. So he can see first-hand what the current issues with the legislation are and can recommend what changes should be made to enhance it as much as possible. That's his job, his main role. I don't see why we couldn't include in the legislation—as is the case in the United Kingdom and a number of Commonwealth countries—a provision that would ensure that election laws would not be changed without consultation with the person this issue affects the most.

I think it's unfortunate the government is unwilling to accept this amendment. As my colleagues were saying earlier, this is something that goes without saying. We shouldn't have to put this provision on paper. It's unfortunate that we have to use an amendment, so that the government would accept it. I think there's really a problem if we cannot ensure that no amendments to the Canada Elections Act will be made without consultation with the Chief Electoral Officer.

[*English*]

The Chair: Thank you.

Mr. Scott.

Mr. Craig Scott: I think it's important to take a step back. We can have a very spirited debate on whether this minister did or didn't engage in consultations. To me it's absolutely clear as day that he largely didn't, outside of a very narrow circle, and that, at a minimum, if there were consultations, they certainly didn't produce a sense of what was needed, given the fact that there has been so much reflective and reasoned resistance to much of the bill as we saw in the evidence period.

We had 72 witnesses, 69 or 70 of whom found problems with much of the bill or with specific parts. The convention, which is actually in the Elections Act context, is that the government, through the minister, would actively consult with opposition parties and any interested MPs, particularly, I guess, independents. I think that would probably pass the test if it were ever looked at judicially as a convention, even it couldn't be enforced. That was in no way respected here.

I would like to move an amendment that would keep the spirit of this but that would say that Bill C-23 in clause 5 be amended by replacing the first two lines in amendment PV-13— I'm not quite sure if that's the way to go—but where it says, “The minister shall engage in extensive consultations with the Chief Electoral Officer”, it would now say, “The minister shall engage in good faith consultations with the Chief Electoral Officer, opposition parties in the House of Commons, and independent MPs with respect to any proposed amendments to the act”. It continues in the last two lines.

I'm not sure if that's a friendly amendment.

The Chair: It is or it isn't, but we will now be on the amendment.

I have Mr. Christopherson next on the list. If you like it, you can have it.

Mr. David Christopherson: Rather than have you parsing whether I'm on the amendment to the amendment or the amendment, I'll just hold off and speak to the amendment after the vote on the amendment to the amendment. We'll see how it goes.

The Chair: We're on the amendment to amendment PV-13.

Are there any further speakers on that?

Ms. May, please keep it very short, because it is yours.

● (1930)

Ms. Elizabeth May: I have no objection to the amendment, but I do feel compelled in the interest of full disclosure to make sure committee members know that the minister did consult with me. I was asked to submit a letter. I was asked on December 23 to have a response in by January 4. I don't know if the Green Party was the only party asked to do that, but we submitted a letter. Then I had a lengthy and interesting phone call with the minister, and I made many points, none of which is reflected in the bill.

Thank you.

The Chair: You're very welcome.

We're voting on the amendment to amendment PV-13, which is what Mr. Scott read.

An hon. member: Could we have a recorded vote?

The Chair: We'll have a recorded vote.

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

The Chair: The subamendment has been defeated. We're back to amendment PV-13 as written. We've assembled it again and it's now amendment PV-13.

Again, Mr. Christopherson, you're on it. Try to plough new ground here.

Mr. David Christopherson: The rule of repetition is that I can't repeat myself, not that I can't repeat anybody else.

The Chair: You've already spoken to it.

Mr. David Christopherson: I have, but I have all new stuff. I'm here to make you happy, Chair.

The Chair: Okay.

Mr. David Christopherson: That's why I get up every day.

First off, it was interesting to hear from the government that we don't need to put this in legislation because we have a long-standing convention, but the long-standing convention still didn't make them consult.

What kind of an answer is that? I mean, if you could point to the fact that there was a convention and it was being honoured and respected by the government, fair enough, but they didn't. That's why the amendment is there, and that's why we feel foolish actually having to debate this simple straightforward thing. This argument that we don't need it because there's convention doesn't wash because the convention doesn't work. That's why the amendment is here.

By the way, it looks like they're working up a head of steam to vote against it, so they're quite comfortable with it. The government needs to take note of what they are saying is okay in a Canadian democracy. Keep in mind the kind of precedent they're setting and how dangerous it is.

It's also interesting that one of the government members said he was pleased that the minister didn't share his recommendations with the Chief Electoral Officer. I have to say I found that to be a rather bizarre point of view. It's one that the member is entitled to take, but it's entirely bizarre in my opinion. That is what they should be doing, talking about the business at hand. One is the minister of the day and the other one is an officer of Parliament. They should be talking, and they should be talking about improving things.

To say that the conversation should not include talking about the recommendations is a bit difficult when the minister himself is the one who tried to stand up and spin that his meet and greet was consultation. I believe if you check the record he used the word “consultation”.

We have a government member saying it would be inappropriate for the minister to actually consult with the Chief Electoral Officer on any proposals, any discussions, that didn't happen right here and here only and therefore that consultation ought not take place. Yet we have the minister defending the fact that his original meet and greet and how-de-do meeting was actually consultation. Which is it? Was that meeting the total sum of consultation? That's the answer the minister gives. When we say, “You didn't consult”, the minister says, “Yes, I did. I had this one-hour meet and greet. That was my consultation.”

Yet the government members are now making the argument tonight that there shouldn't be such...and that they were glad that those discussions didn't take place.

So which is it? Did they take place and were they real consultations, or were they not? The government is on both sides of this one, again.

The last thing I want to mention, Chair, is that I can't believe the lead on the government side had the audacity, when we talk about lack of consultation, to refer to the Neufeld report. That has been used to beat them up more badly than they have ever had anything out of it. They started using it selectively, and the author said that they were misusing his quotes. For the government to point to that as their best form of consultation, along with discussions with the minister that maybe happened or didn't happen, that certainly wasn't any form of consultation by any definition that we're using here.

In summary, Chair, it's unfortunate that we have to do this. I can't believe the government is actually going to acknowledge that the convention doesn't work—because they did it—and they're going to vote against the amendment that would ensure that this could never happen again. That's where we are.

Thanks, Mr. Chair.

● (1935)

The Chair: Thank you.

The question is on PV-13.

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

The Chair: We will move on to G-3. What clause is that?

Sorry, Mr. Scott, you did have NDP-7.2, NDP-7.3, and NDP-7.4.

Mr. Craig Scott: I thought Mr. Lukiwski's G-3 had precedence.

The Chair: Are we there now?

Mr. Craig Scott: We're there, but would mine have precedence over G-3?

The Chair: I'm told that it's ahead of G-3.

Mr. Craig Scott: Okay. This is to flesh out what we've been attempting to do with several amendments before now, not with much success, it seems.

On the whole scheme of interpretations, guidelines, and opinions in proposed sections 16.1 to 16.4, we remain concerned about the potential for logjams, for burdensome workloads for Elections Canada without some safety valve. The government has extended the timeline for Elections Canada by 15 days by taking 15 days off the consultation period with parties, but that really still isn't dealing with one of the issues that the Chief Electoral Officer mentioned and that I neglected to put in.

The Chair: Maybe you need to move this and maybe even read it.

Mr. Craig Scott: Okay. I'll move it. This was preliminary to my moving it.

Does everybody have it?

The Chair: So far the preliminary is good.

Mr. Craig Scott: Thank you.

It's just makes it easier if people have it.

It's to add proposed section 16.5 after proposed section 16.4. That effectively gives the Chief Electoral Officer the option of saying that the time doesn't start to run on his deadline if he doesn't have all the information he needs to begin preparing the opinion or the interpretation.

The Chair: This is on the opinion piece, then.

Mr. Craig Scott: It's for all of them. It will cover all three. If it's more than 30 days extra, he can't do it. It's capped at 30 days unless the applicant gives consent.

If the Conservative Party has asked him for an opinion and he says that it's going to take ages and he needs to get some information together, and he knows it's going to be more than 30 days, he goes to them and says, “Will you consent to it being 40 days?” If they say no, he has no choice.

All right?

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Chair, I want to let you know that we just received a document only in English. I assume this committee's rules are the same as across Parliament. The member's amendment has been distributed to us only in English. I don't think a document can be distributed in only one official language. I'm not protesting against you.

[*English*]

The Chair: If it's an amendment done on the fly, it can be done in one language, the language of the person making the amendment.

[*Translation*]

Mr. André Bellavance: It's because the document was submitted. So I am protesting, but I understand that you are accepting this.

● (1940)

[*English*]

The Chair: As a courtesy, Mr. Scott provided copies to try to make us move a little quicker. It's a courtesy. He does not have to do so, and he can do it verbally. He has to write it out if he wants...if it's a change to another amendment, but when it's an amendment.... I mean, that's how it goes when you're doing these things on the fly.

Mr. Craig Scott: Just so we're clear, just so you know, I could be reading it without circulating it, but I did circulate it to make it easier.

The Chair: He circulated it to help us move along. I recognize that it may not be perfect.

[*Translation*]

Mr. André Bellavance: Mr. Chair, I will be brief.

I understand perfectly well what is happening, as I have been in Parliament for 10 years. I understand what Scott is doing, but they made an effort to print the document and to prepare it. So it should have been drafted in both official languages.

[*English*]

The Chair: He could have done so. Okay.

[*Translation*]

Mr. Craig Scott: Yes, I wrote it a few minutes ago.

[*English*]

It's now in front of people but I will read it: The Chief Electoral Officer shall inform the applicant of and indicate on her or his Internet site the date on which she or he has all the information necessary to write an opinion or to issue a guideline or interpretation note—so it covers all of these three beasts—and it shall be that date on which the time periods in sections 16.1(6) and 16.2(4) begin to run.

After the amendment of Mr. Lukiwski those are 60-day periods.

This continues, in subsection (2): In no case may publication under 16.1(6) or s.16.2(4) occur more than 30 days longer than those 60 days stipulated in those sections, unless the Chief Electoral Officer requests and receives the written consent of the applicant for a specified extension.

The Chair: Of the applicant?

Mr. Craig Scott: Yes, of the applicant.

It's an attempt to give a little wiggle room to the Chief Electoral Officer. That would be capped at 30 days. Consent would be required for it to be longer. I think we should be able to trust an officer of Parliament to not be doing this regularly, but only when he really needs that time to gather the information on complex applications.

The Chair: On NDP-7.2, is there any further discussion?

Seeing none, we will vote on it.

An hon. member: A recorded vote.

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

The Chair: We're on NDP-7.3.

Mr. Scott.

Mr. Craig Scott: That's later.

The Chair: That's later? It's not here. It's prepared for us, so are we on to G-3 or 7.4? G-3 is on clause 5. I should do these clauses as we go, before we forget. They're just not there when we print. Clause 5, all those in favour?

Mr. Tom Lukiwski: Just a minute, where are we now? Did you say we're on G-3?

The Chair: This is a new clause. It'll be clause 5.1, a different clause. All right, I'm there.

We're on clause 5, as we have amended it.

Mr. Tom Lukiwski: Sorry, Chair, I was engaged in another side conversation. Clause 5?

The Chair: I don't believe we did amend it though, did we?

Mr. Tom Lukiwski: I don't recall any amendment. I'm not sure what we're discussing. Are we talking about G-3, G-2?

The Chair: We'll check. That was in a previous clause, I think.

Mr. Tom Lukiwski: Thank you.

The Chair: G-3 has not been voted on yet, so that has an amended 5.

An hon. member: G-2 was on clause 5.

The Chair: G-2 was on clause 5.

Mr. Lukiwski, G-2 was on clause 5.

All we're doing is voting on clause 5, folks. You like it or you don't.

An hon. member: On division.

(Clause 5 agreed to on division)

The Chair: We're now on G-3. I heard someone else say it was okay, and I went with that.

● (1945)

Mr. Tom Lukiwski: I would move that, Mr. Chair.

The Chair: Mr. Lukiwski has moved G-3. Tell us about it.

Mr. Tom Lukiwski: Thank you very much.

This is one of the more contentious issues that we heard during testimony, and it's one of the government amendments that's received a fair amount of attention. As you will recall, there was some suggestion that there needs to be more assurances that the communications between the Chief Electoral Officer and the Commissioner of Canada Elections be entrenched and be preserved. This clause does that.

I also hearken back to the testimony by former auditor general Sheila Fraser who said that she wasn't necessarily opposed to the removal of the Commissioner of Canada Elections from under the auspices of Elections Canada and moving over to the DPP's office, but she felt that there had to be assurances that there would be ample and free communication between the Chief Electoral Officer and the Commissioner of Canada Elections. That's what this clause does.

This is an amendment that the government has brought in that says that the Chief Electoral Officer may disclose to the commissioner any document or information that he has obtained under the act that he considers useful to the commissioner. Also, on the request of the commissioner, conversely he can request any document or information that the Chief Electoral Officer may have with respect to any investigation that the Commissioner of Canada Elections is undertaking.

That quite simply ensures that free flow of information between the two offices is preserved.

The Chair: Thank you, Mr. Lukiwski.

Mr. Scott.

Mr. Craig Scott: We appreciate this. It's fine as far as it goes. Later we have NDP-71. We put a provision in the commissioner section that mirrors this a little. So this is a signal that there are one or two things in there that might be additional to this, but these two things on their own are fine and helpful. I'm glad this was something that the government listened to, and we'll support it.

The Chair: Super.

Mr. Simms, you're okay? Good.

We'll vote on amendment G-3.

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

The Chair: It looks like that passes. Let's make them all like that.

(On clause 6)

An hon. member: Can we have a recorded vote?

The Chair: We'll have a recorded vote on clause 6.

(Clause 6 agreed to [See *Minutes of Proceedings*])

(On clause 7)

The Chair: We're now on NDP-8, which is to delete clause 7.

We're suggesting that in terms of this amendment, you'd be better off voting against clause 7 than trying to entertain an amendment that deletes clause 7.

Mr. Craig Scott: Is that another polite way of saying it's inadmissible?

An hon. member: Yes.

The Chair: Yes, okay, or let's vote on it, one or the other.

Mr. Craig Scott: If I could take just 30 seconds, the purpose of this would be to get rid of the current new section on communications for the Chief Electoral Officer. The result would be that the existing section in the Canada Elections Act would spring back into place.

Ultimately, we don't think this is needed. What's in the existing act is good. The fact is, though, that now that it's inadmissible, we'll be trying to make amendments to achieve a similar end.

● (1950)

The Chair: Ms. May, you have something similar that does exactly the same thing. I'll give you a short time to tell us the same thing, I think.

Ms. Elizabeth May: I'll try to make it interesting, something like that old joke about Liz Taylor and the seventh husband, but anyway....

This is a very important amendment, because section 18 of the existing act is important. Bill C-23 would eliminate the positive proactive measures the Chief Electoral Officer takes to assist in educating particularly those groups that might not be sufficiently familiar with this. We've certainly seen members in Parliament point out the various easy ways that they know how to vote, but we know there are disadvantaged groups in society who often don't have easy access to that information.

I strongly urge my friends on the Conservative side of the committee to consider the benefits of leaving section 18 of the act as it is, leaving it alone, by accepting this amendment.

The Chair: Okay. Let's do this.

Oh, sorry, Mr. Christopherson; you're up.

Mr. David Christopherson: That's all right.

Can I have one second here? You'll be glad I took that second.

I'm good with dealing with what I want to on items coming up. I'm good here.

The Chair: All right.

On both of those, we'll move on to other articles in clause 7. We'll vote on clause 7 at the end of it. If we're going to add some stuff, and you want to delete it....

At the end of it we'll vote on clause 7.

I'll move to your amendment NDP-7.3, Mr. Scott.

Mr. Craig Scott: Are you absolutely sure I can move that now?

The Chair: I just get told and go.

Mr. Scott, it's your turn.

Mr. Craig Scott: I can read it in English and then you have a copy. It's the same difference.

The Chair: Read it then.

Mr. Craig Scott: My only question, Mr. Chair, is that this was submitted only now and—

The Chair: This is where it is. It's on clause 7, and that's where we are.

Mr. Craig Scott: Yes, but in terms of it coming in ahead of Conservative amendment G-4—

The Chair: I can only go with what I was just told. This is coming in ahead of that one because of where the line is, I guess.

Mr. Craig Scott: Let me do that then. What's being called amendment NDP-7.2 I'd like to move, and it's with the chair. It's very short and I'll read it. The amendment would add a subclause to section 18, which now has three subsections. It would add proposed subsection (4), which says:

> (4) For greater certainty, the Chief Electoral Officer may communicate with Parliament or the public on any matter that she or he considers to be relevant to her or his mandate using any media or other means that she or he considers appropriate.

I'm hoping that in doing it this way we can get early agreement on something that was of great concern to the Chief Electoral Officer. It's only one of the many concerns with respect to section 18. The way clause 7 dealing with section 18 is currently written—it's important to know this in order to know why this amendment is needed—proposed section 18 is written in the way that says:

> 18(1) The Chief Electoral Officer may provide the public, both inside and outside Canada, with information on the following topics only:

"May only" ends up creating the danger that this can be interpreted and indeed ultimately may be enforced in the courts as prohibiting the Chief Electoral Officer from communicating with the public, providing the public with information outside of that closed list.

As such, the Chief Electoral Officer presented his concerns about that.

The minister said on Friday—and he said this before—that there's nothing in the original section 18, even before the government amendments that we're going to see, that's intended to prohibit the Chief Electoral Officer from speaking, communicating publicly as he sees fit. In fact, the minister on Friday said that in terms of the Chief Electoral Officer's ability to speak publicly, he can say "anything he wants". In light of the concern, and indeed in light of even how the amendment about to be proposed by the government goes, I just want to have the clarity that what the minister said on Friday is exactly what everybody understands. That's why I'm framing it. It's for greater certainty.

Let me read it again because in the end we are circulating it.

● (1955)

[*Translation*]

Sorry, but I wrote the document just before the meeting. So I didn't have time to have it translated.

[*English*]

Again, it reads:

> (4) For greater certainty, the Chief Electoral Officer may communicate with Parliament or the public on any matter that she or he considers to be relevant to her or his mandate using any media or other means that she or he considers appropriate.

I am hoping this is completely non-controversial. Given what the minister said quite early on whenever he reacted to the Chief Electoral Officer's concerns that he would be muzzled by saying, no, that's not the intention, that's not the effect, the minister has confirmed that in the statement on Friday that I just read to you, and so therefore, I simply want, for the sake of the institution and the sake of clarity, to have this "for greater certainty" clause.

The Chair: Thank you.

Mr. Scott, it says in your amendment to change line 8. Is that correct?

Mr. Craig Scott: No, it's line 7.

The Chair: It's really after line 14. Is that correct? I just want to make sure you agree with the change.

Mr. Craig Scott: Yes, sorry. It's line 14. It's left over from the last one.

The Chair: We'll have a recorded vote on amendment NDP-7.3.

(Amendment negatived: nays 5; yeas 4)

The Chair: Next is amendment NDP-7.4.

Mr. Craig Scott: This is the same thing, although a little more narrowly expressed. May I please remind everybody that the minister on Friday said that in terms of the Chief Electoral Officer's ability to speak publicly, he can say whatever he wants. This clause would read:

> For greater certainty, the Chief Electoral Officer may communicate publicly on whatever subject she or he considers appropriate.

I can't think of a more direct expression of what the minister has said. Basically he wants people to understand that the Chief Electoral Officer is in no way muzzled by any wording that appears in section 18; therefore, this "for greater certainty" clause is just to confirm that.

If the government votes this one down as well as the second one, I think everybody is going to wonder what the minister meant, and what the minister's word is worth.

● (2000)

The Chair: All right. That was NDP-7.4.

Are there further speakers?

Madam Latendresse, then Mr. Christopherson.

[*Translation*]

Ms. Alexandrine Latendresse: I think the wording used in the bill is fairly clear. In fact, section 18 states the following: "The Chief Electoral Officer may provide the public, both inside and outside Canada, with information on the following topics only [...]".

So I think it's very legitimate to feel that the Chief Electoral Officer is being muzzled and that the government wants to make sure he can no longer communicate with the public on any topics other than those set out in the bill.

In addition, as my colleague just pointed out, the minister told us that this was not at all what the bill contained. Therefore, if the minister is saying so, I have a hard time understanding why the Conservatives are refusing an amendment that only clarifies things so as to remove any risk of the Chief Electoral Officer being muzzled. I think this is one of the most dangerous provisions of the bill. A steady line of witnesses have told us how important it was to give the Chief Electoral Officer the power to speak about any topics he deems appropriate. Even Preston Manning said that section 18 should be removed. I am having difficulty understanding how someone can vote against an amendment that simply confirms the minister's statement to the effect that this was untrue and that the bill was doing no such thing. Why not confirm that? Why not set it out, in black and white, to eliminate any doubts?

If we consider the government members' general comments about the Chief Electoral Officer, I think it's normal to have serious doubts about that party's intentions. There really seems to an element of vengeance against the Chief Electoral Officer. I think we definitely need to ensure that the bill's wording is clear and specific, so that the Chief Electoral Officer cannot be muzzled like he currently is under Bill C-23. That's why I will vote in favour of this amendment.

[*English*]

The Chair: Mr. Christopherson.

Mr. David Christopherson: Mr. Chair, I agree with my colleague Mr. Scott. The minister's original intention was to handcuff the Chief Electoral Officer in terms of who he could talk to and what sorts of things he could talk about. The minister, in responding to some of the public backlash to this bill, identified this as an area in which he was going to make improvements so his terrific bill could be even more terrific.

The minister said in public that in terms of the CEO's ability to speak publicly he can "say whatever he wants". Those are the minister's words. The minister's word is supposed to mean something. Ministers have lost their ministerial positions because they've misled. The amendment before us would make the bill consistent with the public commitment of the minister. Again, the minister said that in terms of the CEO's ability to speak publicly, he can "say whatever he wants".

The amendment states:

> For greater certainty, the Chief Electoral Officer may communicate publicly on whatever subject she or he considers appropriate.

Now, I notice that the government is not yet on the speakers list, Mr. Chair.

Mr. Tom Lukiwski: I'm on there now.

Mr. Christopherson: Good. That's what I want to hear.

There should be a great, "We agree with you. That's a great idea, and we certainly want to honour the minister's commitment, so we can't wait to vote in favour of this", but I will hold judgment until I hear what the member has to say.

Thank you, Chair.

Put me back on the list.

● (2005)

The Chair: I love your anticipation, Mr. Christopherson.

Mr. Lukiwski.

Mr. Tom Lukiwski: Mr. Chair, the bill, the fair elections act—and we're coming up to amendment G-4—clarifies that the Chief Electoral Officer now will be able to implement public education information programs, for example, within civics classes. That was a bone of contention. We made an amendment to allow him to do that. The only other clause deals with advertising and what the Chief Electoral Officer can do. It does not prevent him from transmitting or causing to be transmitted advertising messages for any other purpose relating to his or her mandate. That's just on advertising. There's nothing in the act that prevents the Chief Electoral Officer from talking to the general public on any other subject. This is quite unnecessary. There is nothing in here that restricts Monsieur Mayrand from communicating with the public.

The Chair: Mr. Christopherson, and then Mr. Simms.

Mr. David Christopherson: I'm going to defer to Mr. Scott to respond first, and I'd like to still remain on the list, please.

The Chair: Are you okay with that?

A voice: He wants you to go first.

Mr. David Christopherson: Either Scott first name or Scott last name, whichever is appropriate, can go.

The Chair: One of the Scotts is going to speak. I'll figure that out in a second.

Mr. David Christopherson: One of the Scotts can, and then I'll talk.

The Chair: Okay, Mr. Reid, go ahead. No, I'm just kidding.

Mr. Simms, you're up.

Mr. Scott Simms: You're a sweetheart.

On a point of clarification, what you've just mentioned was from amendment G-4. We're getting to that next. Is that correct?

The Chair: Yes.

Mr. Scott Simms: Maybe I should save my comments for that, then.

Mr. Craig Scott: Mr. Chair, on a point of order, I'm wondering if we can stand this discussion until after we deal with amendment G-4, partly because it was intended to be left until the very end, until we were clear on what had happened with amendment G-4 and what amendment G-4 included.

The Chair: I'm happy to leave amendment NDP-7.4 and go to amendment G-4 and then we can go right back to amendment NDP-7.4, if that's the case.

An hon. member: I think that would be helpful.

An hon. member: I agree.

The Chair: Okay.

I now have amendment G-4, and speaking on behalf of amendment G-4 is Mr. Lukiwski.

Mr. Tom Lukiwski: So moved, Mr. Chair.

The Chair: Thank you.

Mr. Tom Lukiwski: As I was saying just a few moments ago, the purpose of amendment G-4 is to clarify that the Chief Electoral Officer may implement public education and information programs to make the electoral process better known to students at the primary and secondary levels. There are quite a number of intervenors who mentioned that they had some concerns with the bill before we introduced this amendment, because it would prevent that type of cooperation between the Chief Electoral Officer and Elections Canada and student organizations. This clarifies that. This is in response to things such as Student Vote, civics. It gives certainty that the Chief Electoral Officer may continue with the same public education and information programs that he had been engaged in during previous years.

Also, and this just deals with the advertising, we still contend that the focus of Elections Canada advertising should be on the where, when, and how to vote. We have consistently seen and heard evidence that the voter turnout across Canada, and most alarmingly among young people, has been declining steadily over the last number of elections, all the time that Elections Canada was advertising why a person should actually get out and exercise their franchise, why they should get out and vote.

My purpose, as I've stated many times when we listened to our intervenors, was that in effect, if the advertising was focused on telling electors where to vote, when to vote, and how to vote, and what kind of identification is required, that would be the salient information that prospective voters need. Survey after survey has indicated that many times the reasons people didn't vote is they didn't have that basic information. The added benefit is that by merely advertising the basics, you are in effect promoting voter turnout because you're constantly telling people there's an election coming up, and here's what they need to know in order to cast their ballot.

We have in this country an excellent system, both within our schools and our political parties, within society as a whole, of engaging Canadians as to the rights and privileges of voting and why it is important to get out and vote. We do not think it is necessary for Elections Canada to continue spending advertising dollars on that focus when, in fact, they should be focusing their efforts on convincing people and telling them the information they need to get out and cast a ballot. That's what this clause does.

So we add:

> (1.1) For greater certainty, subsection (1) does not prevent the Chief Electoral Officer from transmitting or causing to be transmitted advertising messages for any other purpose relating to his or her mandate.

We're saying the focus should be on the where, when, and how, but it does not cause any difficulty for the Chief Electoral Officer or his staff in transmitting any other advertising messages relating to his mandate. It opens it up. It does not prevent the Chief Electoral Officer from speaking to the public. This simply talks about advertising campaigns relating to student votes, and what the focus of Elections Canada should be with respect to formal advertising.

There's nothing in this bill that says the Chief Electoral Officer cannot speak to the general public. The minister made that quite clear in his comments, which were quoted extensively by my friends opposite last Friday.

Amendment G-4 clarifies, to the government's satisfaction at least, what the focus of advertising campaigns should be on behalf of Elections Canada. It certainly includes the very important provisions with respect to public education, student votes, and student involvement.

● (2010)

The Chair: Thank you, Mr. Lukiwski.

Mr. Simms.

Mr. Scott Simms: Mr. Lukiwski, some time ago I had the honour of joining the Governor General when he went to China and Mongolia. In both of those countries, there are many reasons they love our country. One of the reasons is Elections Canada. It isn't so much the size of Elections Canada, or how they are able to conduct elections in a country this size; it simply is the independence. Every young democracy, and this country, praises us for its independence.

In the testimony we received here, time and time again witnesses praised the civics program, which you're doing as well, but each witness never said that the prescription to this bill was not to save this program; the prescription was to save the independence of the office, to allow it to invest in a program like civics. It gives them that freedom to do that.

What you have done here in your amendment is not something to give them freedom. You've cherry-picked something that you think you like, which is a good program. But by saying, “We'll give you independence,” in other words, choose a card from this deck of cards, the problem is that the deck only has one card. You're being way too prescriptive in the independence that you want to give.

Despite the fact that you keep focusing on the method of which voting...which is noble, which is what they want to do, but let these people decide how it is they will make democracy more effective.

In this particular amendment, at the end you say the following:

> (1.1) For greater certainty, subsection (1) does not prevent the Chief Electoral Officer from transmitting or causing to be transmitted advertising messages for any other purpose relating to his or her mandate.

Well, the mandate was set by you, not by them. That's where the problem lies in all of this.

I don't accept this for several reasons. I think what you have done is you have curbed the independence and are pretending, and you're doing this by cherry-picking particular positives in this group.

The Chair: Thank you, Mr. Simms.

Madame Latendresse.

[*Translation*]

Ms. Alexandrine Latendresse: My comments are also a question, and I hope someone on the other side is willing to answer it.

I would like to know why, on the topic of public education and information programs, the amendment specifies, "to students at the primary and secondary levels". Why include such a small and restrictive specification?

I don't think anyone listened to my question. So I don't think I will obtain an answer to it.

Is there a reason for this?

A voice: No, no.

Ms. Alexandrine Latendresse: Okay.

I think this is a problem. We were told that many other groups were benefiting from those public education programs, such as aboriginals or university and college students. The programs can also be used to encourage young people who are not in school to vote. Elections Canada could target many people in the past. Programs were in place to try to encourage them to participate in elections.

I am wondering whether such a provision, which clearly specifies that the programs are intended for students at the primary and secondary levels, will mean that the Chief Electoral Officer will no longer be able to develop a new program targeting other groups. That's my question. I am very curious to know what the reason is.

● (2015)

[*English*]

The Chair: Thank you.

Mr. Scott.

Mr. Craig Scott: This is not going in the order I wanted it to go. We need to get some clarity on what these changes mean before turning to what was my previous amendment with "for greater certainty", which I still worry is necessary, but maybe not to the same extent as under the previous wording.

We're looking at all of amendment G-4, not just the subsections, right?

The Chair: It's all of amendment G-4.

Mr. Craig Scott: The first thing is, you should all know that current subsection 18(1) reads:

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

The current law allows Elections Canada, through the Chief Electoral Officer, or vice versa, to engage in public education outreach information programs across the board with there being this kind of purpose of gloss that is for those most disadvantaged or most likely to need this kind of education.

The government has essentially taken that exact idea, struck out the clause on all "those persons and groups most likely to experience difficulties", and substituted "students at the primary and secondary levels".

Just as my colleague Mr. Simms said, the government has indeed cherry-picked. After all of the days of hearings that we had with 70-plus witnesses, they were not.... In no way was there an outpouring of people saying that all they wanted kept is civics and Student Vote or like programs. There is all kinds of information about how Elections Canada engages in public education outreach to groups, Canadians in general, and how it should have every right—and this is Scott's point, I know—to expand as it makes sense.

We had testimony from the president of the Ethiopian Association in Toronto, and I honestly think his testimony could stand in for many new immigrant groups. He talked about how new Canadians in particular benefit from information programs of this public education sort that aren't limited to the who, what, and where list that's in the government's bill. He gave really good reasons why a lot of new Canadians benefit in particular from this kind of public education, including coming from systems and contexts where the very idea of an efficacious vote, the very idea of voting as a civic virtue and a responsibility is something that's laughed at as opposed to being part of one's life.

The kinds of work that we know through Mr. Kingsley and then Mr. Mayrand, the kinds of outreach public education work that would have fallen within this provision that exists now with respect to aboriginal Canadians and aboriginal reserve communities are no longer permitted by this because the list is a list of one: students at primary and secondary levels.

Also university students, we know, apart from those in school.... University level is where it can all end. If first-time university or college students have the vote and don't vote, then do that one more time, we've almost lost them for good as voters. Public education and information programs to make the electoral process better known to all those parts of the public have not been reinstated in the government's amendment. It is extremely important to keep that in mind.

Quite obviously, we have amendments coming up that attempt to broaden this to the general provision that we had before, but please, everybody listening here or outside, do not think that this is simply implementing either what we heard in committee or reflecting what the current law is. It isn't. It's coming back to a very truncated slice, however important, of the public who can benefit from public education.

● (2020)

The next thing is the current clause, before Mr. Lukiwski's G-4 amendment, starts out very worryingly. That's why we got into this discussion about what might be precluded. The current provision says that the Chief Electoral Officer may provide the public "with information on the following topics only".

To provide information is a very general provision. The word "only" is very limiting. It gave rise to the concerns by the Chief Electoral Officer that his generally speaking out might be an issue, but he also said that wording caused him concern with respect to a severe limit on the ability of the Chief Electoral Officer to communicate with the public. He mentioned that it could include publication of research in areas that aren't in that list, online recruitment of election officers, publication of reports that aren't specifically mandated to Parliament, issuing news releases, a press conference, whatever.

The word "advertising" never appeared in this until.... The minister kept talking about how this is only about advertising, and the wording didn't reflect that.

Now we have Mr. Lukiwski's amendment saying this is only about advertising, and on the side he's saying, as I believe I'm hearing, that it can't therefore have the same effect that the Chief Electoral Officer worried about in the past. It can't have a muzzling effect because it doesn't occupy the space in the same way: it's not so general; it's only about advertising. I'd like to say that's a much more comforting argument. I'd still want to be fighting for a "for greater certainty" clause, given how all this started, but it seems much more plausible than it did under the old wording.

That said, I'm really confused by the "for greater certainty" clause, and I'm wondering if I can ask the folks from the Privy Council to help me. Just so that everybody knows, what this provision now says is:

> The Chief Electoral Officer may transmit or cause to be transmitted advertising messages, both inside and outside Canada, to inform electors about the exercise of their democratic rights.

That's a general category or idea. It goes on to say:

> Such advertising messages shall only address

Then it's the same list, the targeted list idea.

The "for greater certainty" clause then says that the subsection I just read doesn't prevent the Chief Electoral Officer from transmitting or causing to be transmitted advertising messages for any other purpose relating to his or her mandate.

On first blush, when I read the savings clause, I thought what's the point, because the first part says you can only do this, and the second part says you can do any other advertising you want. That clearly seems to be a conflict. I'm wondering if that is because the *chapeau*, proposed subsection 18(1), refers to informing electors about the exercise of their democratic rights.

What the savings clause refers to is anything other than that. Is that correct?

Mr. Marc Chénier: Yes, that's correct. The first part is the restrictions on the topics that he can advertise on with respect to advertising messages to inform electors about the exercise of their democratic rights, and the "for greater certainty" clause allows him to advertise for any other purposes in his mandate. For instance, just as one example, if he's holding a competition to fill a returning officer position, then he would be allowed to advertise for the purposes of that competition.

● (2025)

Mr. Craig Scott: That's quite important. It's a little bit confusing to read.

Just so that everybody understands what I think I've just understood, this general provision that says that for greater certainty, he may advertise for any other purpose, that's any other purpose but informing electors about the exercise of their democratic rights. On that purpose, he may advertise only in those terms, correct?

Mr. Marc Chénier: That's correct.

Mr. Craig Scott: What's important to know here is that the government hasn't gone back to any general right for the Chief Electoral Officer to communicate by any means, including advertising, to encourage people to vote. It's about the mechanisms of voting. As long as people listening don't think that this "for greater certainty" clause has miraculously come in and allowed the Chief Electoral Officer to start doing what he did before, it won't, so that's clear.

That's something I really regret, because I thought on this clause this is where we were going to get a real coming together of the minister's perspective and civil society's and the opposition's perspective.

I said from the beginning, from the very first day, March 10—I think it was March 10 when the minister was here—can't we have these two things sitting side by side? Can't we have the old section 18 with the general mandate and the new section 18 with this very specific focus sitting side by side?

Unfortunately, the choice still has been made not to do that, with the limited exception of students in schools for a program and a general idea that you can advertise, but you can't do it on something called the exercise of democratic rights. Good luck to the courts figuring out that line on purposes.

Those are my real concerns.

I would ask the Privy Council guests one other question. This is definitely for the record. If a court ever were to look, I would hope that it would look at your answer.

In your view, is what Mr. Lukiwski said accurate in the sense of exactly the way the minister also said nothing in this affects the right of the Chief Electoral Officer to communicate about anything else? He can produce research and publish it. He can have press conferences. He can have news releases. Nothing in this will affect that. Is that correct?

Mr. Marc Chénier: The restrictions in the clause are with respect to advertising, specifically advertising for the purpose of informing electors about the exercise of their democratic rights.

Mr. Craig Scott: So any of the confusion that was caused by the start of the old 18(1) has been clarified by saying this is only on advertising now and that it's not intended and does not affect the Chief Electoral Officer's right to communicate more generally.

Mr. Marc Chénier: That's correct.

Mr. Craig Scott: Okay. These are important clarifications, I think, for everybody to know we're on the same page.

I think I'll stop for the moment, but I'm really concerned that we've only gone this far.

The Chair: Thank you, Mr. Scott.

Mr. Christopherson.

Mr. David Christopherson: Chair, I want to make sure that I've got this completely right.

The current section18 restricts the.... Right now the Chief Electoral Officer, under the current law, can talk to anybody he wants about anything he wants, encourage people to vote.

The government brought—

Mr. Craig Scott: Any kinds of programs.

Mr. David Christopherson: Any kinds of programs, anything he wanted to do in partnership that would help encourage people to vote.

Proposed section 18 in the tabled bill restricted that massively.

Then the minister came out, and I bring that quote back into play, when everybody reacted and said, “Wait a minute. You're going to handcuff the Chief Electoral Officer that way. You're going to deny him the right to do an important part of his job, which is to motivate Canadians to vote and explain to them why it's important.” All that came up. Then the minister said in terms of the CEO's ability to speak publicly, he can say “anything he wants”.

The amendment speaks to public education and information programs to make the electoral process better known to students at the primary and secondary levels.

I just need to be clear with this. My question, through you, Chair, would be this. Does that limit all their public pronouncements about encouraging people to vote and giving motivation and all those things? Are all those activities limited to just elementary and high school students as opposed to right now they can speak to everybody any time?

● (2030)

Mr. Marc Chénier: I think the purpose of proposed section 17.1 is to allow the Chief Electoral Officer to implement civic education programs and specifically with respect to students at the primary and secondary levels.

Mr. David Christopherson: Yes. My question went a little further than that, sir.

Right now, my understanding is—I'm a layperson, so I'll use layperson's language—that the Chief Electoral Officer can partner with any group in Canada and can initiate any program that's directed to any segment of the population or the general population with the sole purpose of trying to instill in people why it's important to vote. That's my understanding of the current law. Bill C-23 as tabled all but eliminated that.

The amendment the government is bringing in, which I would think is supposed to honour the commitment that the minister made publicly, only releases the CEO. He's got everything right now, and in the current bill practically nothing, and now proposed section 17.1 would open it up and allow the Chief Electoral Officer to do these information and education programs, providing they're only targeted to primary students and secondary students.

Is that correct?

Mr. Marc Chénier: That's correct.

Mr. David Christopherson: All right.

It's hard, Mr. Chair, to extrapolate from 17.1 as presented and as defined by our staff and the minister's commitment that he could say whatever he wants. I see the member shaking his head and I'm willing to listen when we get that chance. I asked rather methodical questions. He has the power to do this now with the general public but Bill C-23 all but shuts it down completely, and 17.1 pries it open, but only to the extent of primary and secondary students. They still can't do partnership programs with other community groups that target other populations that are not in secondary school or in primary school.

Is that correct? If you need to further refine that, I'm listening.

Ms. Natasha Kim (Director, Democratic Reform, Privy Council Office): There would be a distinction between public education and information programs that would be developed and implemented and speaking publicly on other topics. There's also advertising, which is limited in the bill. There are different layers to it, but in terms of public education and information programs, that's what's limited to primary and secondary.

Mr. David Christopherson: Are you able to give me an example of something that qualifies as education and information programs that is not geared to primary or secondary students that currently works with the Chief Electoral Officer?

Ms. Natasha Kim: I'm not personally aware of any. Student Vote is the most popular one.

Mr. David Christopherson: Right, and that was one of the squeaky wheels. Good on them for being able to make that case, enough so that we have what's in front of us here, but it doesn't go anywhere near far enough, certainly not by the standard that the minister set out in what he said.

I'd like, Chair, for the record—and no, this is not the beginning of a redux—to note that the Native Women's Association of Canada came before us, and I want to very briefly quote their comments that relate directly to this:

> I also want to talk quickly about NWAC's working with Elections Canada. Basically the changes we see happening to the current section 18 of the Canada Elections Act, which provides a broad mandate for Elections Canada with respect to public information and engaging with electors, would limit the ability of the Chief Electoral Officer to communicate with electors to provide information through unsolicited calls. We had hoped in the future to deliver the guidebook we're developing for aboriginal women and girls about voting and to [do] work with our provincial and territorial member associations in a way that could be described as similar to this. This would prevent us from doing that work.

I haven't seen anything here that says they would now be able to re-engage with that.

Next is Mr. Jean-Pierre Kingsley, former chief electoral officer, who came here as an individual. He said:

> The Chief Electoral Officer must retain the authority to reach out to all Canadians, to speak to them about our electoral democracy, the importance of our constitutional right to vote, and the methods and the values at the core of our electoral system. He speaks without regard to partisanship. Candidates and parties do so typically in a partisan manner with the legitimate purpose of obtaining their vote, which is not a problem.

He also said:

> The Chief Electoral Officer must be able to sustain important endeavours by academia such as the Canada election study, and by NGOs such as Student Vote and Apathy is Boring.

If I might parenthetically say so, Chair, the Student Vote one, to the best of my knowledge, would be captured by proposed section 17.1, but on the comments from Apathy is Boring and the concerns they've raised, they would still be shut out from having educational partnerships with the Chief Electoral Officer, which they now do.

To continue, he also said:

> In total disclosure, I chair the latter's advisory council. We have a major problem of participation in our elections. Less than 40% of young people between 18 and 24 actually vote in this country right now.

Again, if I may stop and just point this out, this bill, the amendment to the bill, the prying open of the ability of the Chief Electoral Officer to communicate with Canadians, would still not deal with young people between 18 and 24 years, except those who are still in high school.

To continue, he said:

> The Chief Electoral Officer must retain the authority to provide the information requested by the media, and to share any information he deems pertinent with Canadians at any time. His overarching concern is the integrity of our electoral system. Any concern by a political party can be raised at the proposed advisory committee of political parties for consultation. It can also be raised at this very committee at any time.
>
> Let me be clear. Absent the rescinding—

Note, Chair, that he didn't say “amend”. He said:

> Let me be clear. Absent the rescinding of the proposed section 18 in Bill C-23, Canadians will lose their trust and their confidence in our elections. That is not acceptable.

The government has not respected those views. They're not reflected in this amendment. Once again, the government is trying a little shell game. They're trying to leave the impression that they've understood how wrong...although it's hard to believe they made a mistake since the bill was so terrific. They've acknowledged that it's wrong. But this doesn't do the trick. It's a very small part, very, very small.

● (2035)

Last on this page—

The Chair: Mr. Christopherson—

Mr. David Christopherson: I said on this page. You have to listen.

The Chair: How many pages might there be?

Mr. David Christopherson: There are sufficient, but no more.

I want to also reference a letter signed by 160 Canadian academics, and in it they said this:

> Bizarrely, the Bill forbids Elections Canada from promoting democratic participation and voting through “get out the vote” campaigns.... This gag on Elections Canada would make Canada an outlier among liberal democracies, instead of the global leader it is now.

If I might, Mr. Chair, I have one more item, and then I will have finished.

During the course of hearing our witnesses, colleagues will recall that this card was handed out. Some of you will recall it. It was a card that was given out actually during the Quebec election. Just to try to jog memories, this card, put out by a number of partners, says:

> Top 5 reasons to vote in the Quebec election:
>
> 1. Your vote is your voice. Use it. Loud and strong.
>
> 2. 98 371 Aboriginal people live in Quebec - our numbers add up on ballots.

They go through the list, ending with the fifth point:

> 5. Aboriginal youth voter turnout is only 50% of the Canadian average. Our voice should be much louder.

That was this card. We were all quite impressed with it. In fact, I just happen to have the Hansard from that day, and it's interesting. My colleague Mr. Reid said:

> But I really wanted to ask you about this card you handed out. This is really good. I followed, as everybody did, the Quebec election. I had not seen this until today....
>
> On the other hand, I look at what you have here—and I gather this was done with the CEO's cooperation? It was a joint effort?

The answer was, “Yes”.

Mr. Reid went on to say:

> I can't determine what accuracy this has, but I'm really impressed. I wonder if you could tell us more about this effort, which, as far as I know, is not being replicated at the federal level and perhaps should be.

Mr. Cormier answered:

> So my goal, eventually, is to get this out.

He meant the card.

> Obviously for the federal elections in 2015, we're going to go big. We've shown that it actually works really well. What's interesting with this particular version is that it was done in cooperation with the National Association of Friendship Centres, and it was targeted to aboriginal youth in Quebec, who are known to have a very low voter turnout.

I offer to government members to say I'm wrong, but to the best of my knowledge, this couldn't be done, because this would have the CEO involved in education and information programs in partnership with a group that is not targeting primary school and secondary school.

Having said all that, Chair, is Mr. Lukiwski on the list? Are you going to speak, Tom? We have lots of time.

I only ask because I did pose a scenario and said if I have this wrong about this card, I'd like to hear that from the government, but that's not going to happen if they're not going to speak, which means the answer is no, and it means that I'm right that this program couldn't be done at the federal level because proposed section 17.1 would limit the Chief Electoral Officer to implementing public education information programs to make the electoral process better known to students at the primary and secondary levels.

I already asked the experts whether or not under this bill all the things the CEO is currently doing he couldn't do except this, and they said yes. So I'm pointing to this information program that we were all so impressed with, particularly the government members, who thought it was a terrific idea, to use their favourite word, and yet, the amendment made would deny the Chief Electoral Officer partnership in this program.

Again, the Parliamentary Secretary to the Leader of the Government in the House of Commons shakes his head and says no, and if I'm factually wrong, I expect to be set right. I would never try to make a debate on something that's not what I believe to be factual or correct. I'm still not hearing that they're going to take the floor and correct it or say, “Give us a chance, Dave, and we'll show how wrong you are”. So I have to assume that the fact is that under the existing legislation this partnership can happen. The government members, as well as the opposition members, said it was a good outreach tool to encourage people to vote, in this case, aboriginal people.

● (2040)

Government, through the minister said, “We're going to let the CEO talk to anybody, say anything he wants, totally unencumbered.”

When we look at 17.1, this can't be done under the amendment, so either the government now starts reflecting, in amendments and votes, the word of their minister, or Canadians need to know that the muzzling of the CEO, except for a tiny itsy-bitsy little crack in the door, is still shut down, and that all the quotes that I read in the beginning about the damage to our democracy and the damage to the ability of Canadians to be encouraged to vote are all accurate, and the damage is there and this amendment does not fix it at all.

Thank you, Chair.

● (2045)

The Chair: Thank you.

Madam Latendresse, I can't believe that your colleague hasn't said everything, but please—

Mr. Tom Lukiwski: Chair, when do we get on the list?

Mr. Scott Reid: I don't know what the secret is to getting on the list here, but last time Madam Latendresse was talking, I waved and she said, do you want me? I said, no, I'm trying to get the clerk's attention to get on the list.

The Chair: I apologize.

Mr. Scott Reid: It is mathematically impossible for her to be on the list again unless you can pre-subscribe for multiple occasions, which is maybe what Mr. Christopherson does.

The Chair: I do remember sometime in my lifetime you waving at me, Mr. Reid. I just can't remember at all when it was.

Madam Latendresse, would you allow Mr. Reid to go before you since you have spoken once on this?

[*Translation*]

Ms. Alexandrine Latendresse: Yes, of course.

[*English*]

The Chair: You're a good person.

Ms. Alexandrine Latendresse: Of course, I am.

The Chair: I had no doubts. I just wanted to announce it to the world.

Mr. Reid.

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

This issue goes back to a frustration that I've had with the administration of the advertising budget of Elections Canada for some length of time, that is, it put a tremendous effort into telling us why we should vote, why our voice is important, and so on, but inadequate attention, and indeed in some cases it seems to me no attention, on the practicalities of how to get out and vote.

As I pointed out numerous times in the course of the hearings, the survey done by the CEO post the last election as to why youth had not voted indicated that when they divided youth up into five subgroups, they found that three of those five subgroups weren't voting in large measure because they didn't know where to vote. In many cases it was because they didn't have voter information cards, which indicates that the CEO had not managed to locate them.

This may not be a specific youth problem. I suspect that it relates simply to people whose addresses had changed recently. The point is that people whose addresses have changed recently are the most likely not to be on the list, as indicated by the fact that they aren't getting a voter information card, so how to get a voter information card, how to get on the list of voters, how to become a candidate, how to vote when you are disabled.... As we saw from our witnesses, there are numerous forms of disabilities. Someone who is visually impaired does not suffer from the same problems of access to voting —the same in principle perhaps, but not in practice—as someone who suffers from a mobility issue.

The CEO has, in my view, paid inadequate attention on this very important issue, so fewer people have voted than ought to have been voting in these categories because they didn't know where to turn and how to find out that information. It seems to me that the CEO ought to devote more energy to this task, but it is really hard to design legislation to ensure that an officer of Parliament will actually do something proactively, so the whole effort in section 18, the changes to section 18 that are reflected in this section of the fair elections act, are designed to push the CEO in the direction of doing this kind of advertising. That is the entire purpose of it.

He took a view that he wouldn't be allowed to do certain other things. A number of the witnesses indicated their own fear that this would make it impossible for youth to vote and that kind of thing designed to start the process of educating young people about their right to vote. That particular problem is now being corrected as well. He made it very clear that the restrictions relate to advertising and advertising only, which is the point that Professor Scott clarified with the folks from the Privy Council Office.

That's the point. Advertising really should be about how to exercise your franchise in a country where people who are marginalized, that 15% of the population who don't have a driver's licence, or the people who have just moved, the people who are students or aboriginal or homeless or seniors, or those who care for them and want to ensure their right is exercised.... They were being neglected. They were being unjustly neglected. Hopefully, as a result of this legislation they won't be. I think that is a cause to celebrate, quite frankly.

The Chair: Thank you, Mr. Reid.

Madam Latendresse, thank you for allowing that, and you're up next.

● (2050)

[*Translation*]

Ms. Alexandrine Latendresse: I'm glad to be taking the floor after Mr. Reid because I have a few questions related to what he just said.

I would really like him to explain how the Chief Electoral Officer can continue to develop education and information programs for any groups other than students at the primary and secondary levels if the amendment he proposed to section 17.1 is adopted. Considering what is set out in section 17.1, I don't see how that would be possible. I would really like him to explain this to me.

I also have a technical question about the French version of the amendment. I would like to know why paragraphs (d) and (e) were changed.

Mr. Marc Chénier: It's just a simple correction. The bill uses the expression “les renseignements communiqués en vertu du paragraphe”—I don't remember the exact subsection—while the drafting convention dictates that the words “au titre de” be used. So they took advantage of the fact that amendments were being made to the section to make those two technical changes.

Ms. Alexandrine Latendresse: Thank you.

Now I can come back to the issue with section 17.1.

I understand that the government continues to come back to the example of the survey conducted by Elections Canada, according to which one of the main reasons young people did not vote was a lack of information.

Committee members have heard testimony on that topic. Most youth group representatives told us the following. Many young people say they did not vote because they did not know where to go, but they may also have been somewhat ashamed because they had no legitimate reason. They simply didn't feel like voting that day or they weren't too sure of what was happening. It is easier to say they didn't know where to go then to provide justification or explain that they are not very interested in politics, that they are not very familiar with the issues, or something like that. All youth group representatives told us that we should not put too much stock in those answers because people did not always give the real reason.

It's possible to tell Elections Canada to focus on that issue without preventing the agency from developing other participation programs. I don't understand why the government continues to see those measures as completely incompatible. It's as if an absolute choice had to be made between that measure and a free for all, where nothing would happen. I don't understand why we cannot simply have both. It seems to me we could specify what we want the focus to be on without having to prevent Elections Canada from talking about other considerations.

I would really like to know how public education and information programs aimed at groups other than students at the primary and secondary levels will be able to exist.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

Mr. Scott.

Mr. Craig Scott: This is the second time, I think, that my colleague has asked whether anybody on the government benches is —

The Chair: I have another one up after you.

Mr. Craig Scott: Okay.

I think the bottom line here is, this is a provision that is now better than the proposed section 18 that was tabled in the bill, but it still has the major limitations that we've been setting out. It's deeply, deeply disappointing and disturbing, including to go back to my colleague Scott Simms' image of cherry-picking.

What rationale, other than some soft spot for civic education, is there for restoring public education and information programs only to one sector? If you look at groups like aboriginal people in our society, new Canadians, university students, there's an indirect, an implicit kind of backing away from the same education that's valued for students. If it's valued for students, why isn't it valued for those groups? And if it's valued for students because one hopes it's going to lead to their being engaged, active, voting citizens, then is the inverse that...? Whether the hope is there, I'm not going to say, but the effect has to be that we don't care that the other groups are not going to be subject to the same encouragement and therefore may be less inclined to vote. So let's just call that indirect, maybe not intended, but unfortunate and clear in its effects, voter suppression. That's what it is. That's how it ends up.

Tom, that's how it ends up. When you ratchet back what already existed, when you ratchet back all the programs and the ability to run these programs that already exist and you only select one group, and by selecting the one group, you say that this is a valuable thing to do to encourage them to vote, but everybody else is now cut out. You don't worry. I'm saying in the effect that's what it does.

Just so everybody's clear, because it took a little bit of back and forth, the advertising thing now means that the distinction is between the exercise of democratic rights, and then there's the list, a limited list, and any other purpose can still be advertised for as long as it's different from the exercise of democratic rights. That's an unfortunate distinction in terms of potentially narrowing the Chief Electoral Officer's ability to advertise as it makes sense to him, and so that's also a limitation.

That said, when we do come to vote on this, I'll be voting for it, because as an amendment, it's better than proposed section 18 was, but I'm very disappointed.

● (2055)

The Chair: Thank you, Mr. Scott.

We'll go to Mr. Lukiwski.

Mr. Tom Lukiwski: To steal an opening line from Mr. Simms, I'll be short.

Mr. Scott Simms: I'm right here.

Mr. Tom Lukiwski: There was a pitcher of water in front of you. My apologies, Scotty knows I love him.

I have two quick points.

Number one, I take great issue with Mr. Scott who was saying in effect that this would be voter suppression of other demographics. How in the world could you be suppressing the vote when we're saying that Elections Canada should be extensively advertising, telling people how, where, and when to vote? That's telling them to get out and vote and here's how to do it. How in the world could you consider that to be voter suppression?

The other point I'll make very briefly is this. I take great issue with Mr. Christopherson's continued mischaracterization of the fact that he believes, or at least he contends, that Bill C-23 muzzles the Chief Electoral Officer. It does nothing of the sort. This clause only deals with advertising. If Monsieur Mayrand wants to go out and appear on one of the political panels here in Ottawa, he can do so. If he wants to hold a news conference, he can do so. If he wants to go and speak at a university, he can do so. He is not being muzzled and that is apparent. So at the very least, at the very least, Mr. Christopherson is being extremely disingenuous. This bill does not attempt in any way, shape, or form to muzzle the Chief Electoral Officer.

Thank you.

The Chair: I have both Madame Latendresse and Mr. Christopherson.

I'll go to Madame Latendresse, because I did see her first.

[*Translation*]

Ms. Alexandrine Latendresse: I would just like to say....

[*English*]

The Chair: I have three times on the same clause, so let's keep this one a little tighter.

[*Translation*]

Ms. Alexandrine Latendresse: That's exactly the point I want to raise, Mr. Chair.

I am putting my question to the government for a third time because they have still not answered it.

I would like to know how Elections Canada can continue to implement public education and information programs intended for groups other than students at the primary and secondary levels. Can I get an answer to that question?

[*English*]

The Chair: It will be right after Mr. Christopherson gets to speak, I guess.

Mr. David Christopherson: You can have the floor if you want, Tom.

Mr. Tom Lukiwski: Sure.

How in the world will going out and extensively advertising and telling people that there is an election coming up, and here is how they vote, here is where they vote, and here is when they vote possibly be repressing or suppressing the vote? It does not. That has the same impact.

In fact, I would suggest that it has a greater impact because all the studies that the electoral office itself has conducted show that their attempts to motivate people to get out to vote have actually ended up with a decrease in voter turnout. This in effect will be promoting the fact that they need the information to go out and cast a ballot. Elections Canada will be providing that. This does not suppress the vote. It does just the opposite.

The Chair: We're going to go around in circles one more time.

● (2100)

Ms. Alexandrine Latendresse: Okay, I'm going to try in English. Maybe it will be easier.

My question has nothing to do with what you just said, Tom. I'm serious. I'm asking a fair question. I'm really asking a question I want to know the answer to.

After this amendment passes, under proposed section 17.1, how would the Chief Electoral Officer be able to do a public education and information program for groups other than students at the primary level or secondary level?

This is my question. I'm genuinely asking that question. I want to know the answer.

The Chair: Quickly, Mr. Lukiwski. I think I got it, but go ahead.

Mr. Tom Lukiwski: Okay. If the Chief Electoral Officer wants to go out to address a university class and tell them exactly why he believes an individual should get out and vote, and he tries to motivate them, he can do so. If he wants to go on television at any point in time, or hold a news conference to tell people he believes... he can do so.

Ms. Alexandrine Latendresse: Can he put public education and information programs at the university level? Can he?

Mr. Tom Lukiwski: I just answered that.

Ms. Alexandrine Latendresse: Really?

The Chair: Mr. Christopherson.

Mr. David Christopherson: It's too bad the cameras didn't catch all of that going on because at one point, at the last question, Mr. Lukiwski said, “I don't really know”, and that's the whole point.

I'm going to be very brief.

The Chair: Mr. Christopherson, let's not characterize others.

Mr. Tom Lukiwski: I never said that.

On a point of order, Mr. Chair, I hate it when Mr. Christopherson tries to put words in my mouth. I did not say that.

Mr. David Christopherson: All right, then, answer the question. Put your words in your mouth. Go ahead, talk.

The Chair: I believe he said that he already answered it.

Mr. David Christopherson: Well, point made....

The Chair: Okay, he said he'd already answered it.

Mr. Christopherson, move on, please.

Mr. David Christopherson: I will, Chair.

First of all, on the question of whether or not it's suppression, the argument from the government doesn't wash. Currently he can talk to anybody about everything. They were shutting that down. Based on public backlash, the government opened it up a bit and said, “Yes, you know what, there would be a benefit to doing that with primary students and secondary students”, but they're not extending that to everybody else that there were programs with.

It's my understanding—I haven't yet heard a government member say that I'm wrong—that this card in its current format could not be done in partnership with the Chief Electoral Officer under the new law even as amended, even though it could originally.

Since the people who were in partnership with this said that it helped increase the turnout, it's a fair argument to say that if you remove it, the converse is true, and fewer people will vote. That is voter suppression.

Thanks, Chair.

The Chair: All right, we're done. Let's go to the vote on amendment G-4.

(Amendment agreed to)

The Chair: Sorry, I should have said this beforehand, but that negates BQ-1 and LIB-5.

There is a line conflict when we do G-4, and the next two that are on the list.

We're about halfway. We'll suspend for about five minutes, please.

● (2100)

(Pause)

● (2105)

The Chair: I'm now calling NDP-9.

● (2110)

Mr. Craig Scott: I will move it.

The Chair: Please give your best summary of it, and summary means summary.

Mr. Craig Scott: Actually, I choose not to move that one.

The Chair: That moves us on to NDP-10.

Mr. Craig Scott: I will move that.

Proposed subsection 18(1) lists five things that the Chief Electoral Officer can advertise on under the purpose of informing electors about the exercise of their democratic rights. I'd simply like to add a paragraph (f), which makes it a sixth item. It is seeking clarity. If the government votes against this, then it means it's not part of the exercise of democratic rights. It would read:

> (f) Canada's electoral process and the democratic right to vote.

The Chair: You are adding a paragraph (f).

Mr. Craig Scott: Yes. Just to make it clear, I'm adding this especially now. I was thinking about withdrawing it, but because of the insertion in the government's amendment of the purpose now being advertising about the exercise of their democratic rights, this seems to me to potentially qualify as that. If the government agrees, but if they don't, then I'll understand it's part of another purpose.

The Chair: On NDP-10, is there any further discussion?

Mr. Richards

Mr. Blake Richards (Wild Rose, CPC): I guess it's more of a point of order than anything. I'm trying to sort this out. There are a couple of amendments here that I think we may be—

The Chair: NDP-9?

Mr. Blake Richards: Yes.

The Chair: Well, BQ-1 and LIB-5 because of G-3 were covered because the same clauses were changed.

Mr. Blake Richards: I just wanted to be clear.

The Chair: NDP-9 was the next one in your book and it was not moved by Mr. Scott, so we went to NDP-10, and that's where we are.

Mr. Blake Richards: I probably missed something.

The Chair: He has now given a quick summary of it and I see no other conversation on it, so we'll vote on NDP-10.

(Amendment negatived)

The Chair: Next is NDP-11.

Mr. Craig Scott: I'd like to move it and request in advance, in case the gavel is particularly quick, a recorded vote on this one.

This again is an attempt to add a sixth item that can be part of the advertising about the exercise of democratic rights and to rephrase proposed subsection 18(1). The amendment states:

> (f) the content of public education and information programs implemented by the Chief Electoral Officer—

That's probably going to end up being the Student Vote stuff, but it's maybe more general:

—to make the electoral process better known to the public and increase voter participation.

I think it's important that everybody in the room and others following this proceeding know that this is an amendment suggested by Mr. Preston Manning. In his testimony here, this was the wording he suggested that would cover off the problem he saw in the functional list that appears in proposed subsection18(1), the kind of how, when, and where items that the government feels advertising by Elections Canada should be limited to when it comes to the exercise of democratic rights.

Again, Preston Manning suggested adding this in order to effectively empower Elections Canada to more broadly reach out than the list the government has, the content of public education and information programs implemented by the Chief Electoral Officer to make the electoral process better known to the public and increase voter participation.

● (2115)

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Mr. Chair, with the indulgence of the committee, I'm not using this opportunity to speak directly to NDP-11, but to clarify the motion that I put on notice earlier, particularly for our friends in the media who may be watching as well, so that everyone fully understands.

There has been some question as to when I would be asking that the motion be debated. I know members of the media were very much wanting to know when that debate would occur. I want to give notice to this committee and others who are paying attention that I will not be asking for that motion to be debated this week. I will be calling it forward for debate on the following Tuesday, a week from today.

The Chair: The sixth, or whatever that is.

Mr. Tom Lukiwski: Whatever that date is, yes.

The Chair: Mr. Richards.

Mr. Blake Richards: Mr. Chair, the idea behind this particular section in the bill is to be more clear about what exactly the Chief Electoral Officer would communicate with. Obviously the goal here is to try to encourage better turnout and participation at the polls, based on communicating the how, the where, and the when. That's based on some of the research that was done by Elections Canada particularly looking at young voters.

I mentioned this a number of times during the hearings we had. Young people indicated that some of the concerns they had were about knowing where to vote, when to vote, how to vote. Obviously by adding another thing, it waters down the work that would be expected there that we think would be better to help increase the turnout. To add something to the list would water that down, and I think that would be a concern.

That's why I would be opposed to this, Mr. Chair.

The Chair: Mr. Scott.

Mr. Craig Scott: Yes.

It's only that I guess we can leave it at the fact that Mr. Manning is going to be watered down. He spent his entire time telling us that this was a mistake, and this was the language he suggested. It's unfortunate that somebody who spends all of his time promoting democratic participation in Canadian society has suggested something which in the wisdom of the government side is watering down our democracy. So here we are.

The Chair: There is no one else on my speakers list.

We'll go to the vote on NDP-11. There was a request for a recorded vote.

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

The Chair: We'll go to LIB-6.

Mr. Scott Simms.

Mr. Scott Simms: Mr. Chair, I was beginning to think you were ignoring me.

Quite frankly, I come to this with generally the same themes, of course. What we're proposing here, paragraphs (g) and (h), if you'll notice, it's “Canada's electoral process”, and “the content of public education and information programs to make the electoral process better known to the public”.

These are all themes that we've touched on before, and quite eloquently in many cases, I might add.

The first one, though, is “possible or actual electoral irregularities”. One of the things that was brought about in discussions and through debate and testimony was some of the things that went awry. These were things that raised suspicion to the general public. It would be great if Elections Canada could communicate how they're dealing with that, why it happened, and how Canadians can avoid this in the future. The constant talk was about voting irregularities. People may have been disenfranchised, for example, and as a result of all of that, people are wondering.

For instance, I mentioned today in the media about voter identification cards. Well, they're causing irregularities apparently, according to the government, to the point where it would be great if the Chief Electoral Officer could address this with the public. Right now they're shackled in a way that they can't. That's the one exception I'm looking at that should come up, and it would be nice if the Chief Electoral Officer could communicate this.

I hope that this amendment will be in addition to what they proposed through G-4.

● (2120)

The Chair: If there is no further discussion on amendment LIB-6, we will vote on it.

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

The Chair: We go to amendment PV-15. Is that where I am?

Ms. May.

Ms. Elizabeth May: That's where I am.

As we know, the current version of Bill C-23 lists specific measures as the only measures that the Chief Electoral Officer may communicate directly with the public about. It says "with information on the following topics only".

My amendment offers a new paragraph 18(1)(f) to extend that new subsection 18(1). It would now be paragraphs (a) to (f), and the (f) would make it, as previous motions from other parties have attempted to do, that the Chief Electoral Officer may also provide the public, both inside and outside of Canada, with:

> any other information that the Chief Electoral Officer considers necessary for increasing the participation, in the election and in the political process generally, of any segments of the Canadian public that have been historically under-represented.

Again, looking over Preston Manning's testimony and that of many other groups, whether indigenous groups, low-income groups, it is strongly supported across Canadian society that the Chief Electoral Officer should have this catchphrase at the end of this list of things that he is specifically entitled to use for educational purposes for those groups that are historically under-represented in the political process.

It doesn't do any significant damage to Bill C-23 in terms of structure. I hope the Conservatives opposite will give it a fair consideration because it would certainly, I think—I can't speak for the official opposition or any other party, obviously—just make the overall reception of this act....

I do want to say on the record that I'm pleased with the government amendments. It's great to have the voices of so many critics and the public in general heard on this matter. It's important for Canadians to know that when they raised their voices and organized demonstrations and did all kinds of things to get the attention of the Minister of State for Democratic Reform, they were heard.

They were heard, and the door opened a crack. Let's open it all the way.

The Chair: Thank you.

Mr. Simms, on amendment PV-15.

Mr. Scott Simms: This may be a point of contention to a great degree, and I may be mistaken here, but I think Ms. May does bring up a very good aspect in regard to those who are historically under-represented in this process.

My riding had the second lowest turnout of all ridings across the country in the last election.

An hon. member: It's not your fault.

Mr. Scott Simms: Thanks for that.

The worst was northern Alberta, up in Fort McMurray.

It was a 44% turnout. One of the reasons for that is we have a lot of people who work abroad. It is a transient community. I suspect by having this here.... I would like to see the CEO be able to reach out to people who are in a circumstance like this, whether they are as listed by Ms. May, or transient workers, people who work all over the world. For example, they can go to the office of the returning officer to vote at any point. A lot of them don't know that.

I understand they want to talk about their exclusive to how and when they want to vote, but I'm really worried about citizen engagement, because you have to reach out to a portion of the population that is under-represented, which takes a little bit of imagination. Unfortunately, they're being too prescriptive, to the point where I don't think they can do that outreach.

I hope I've done some justice to what Ms. May is saying. I think she has a valid point.

The Chair: Thank you, Mr. Simms.

Mr. Christopherson.

Mr. David Christopherson: Chair, briefly, in reading this, I just wanted to underscore how troubling it is that the mandate of the Chief Electoral Officer is being limited from what it is now, bearing in mind that the Chief Electoral Officer is an officer of Parliament, not like any other bureaucrat or staff who ultimately answers to the government of the day. The Chief Electoral Officer answers to all members of Parliament as a single entity, yet one subset, meaning one party, the Conservative Party, that happens to have a majority, is changing the mandate.

I want to underscore how undemocratic and totally unacceptable the process was, where there was no consultation with the opposition parties at all. Yet the government feels that it's quite legitimate for them to use their majority, recognizing that they only got 39% of the some 60-odd per cent who turned out, and here they are unilaterally forcing the change to the Chief Electoral Officer's mandate when the hiring and firing of an officer of Parliament is the purview of Parliament and Parliament alone. Only Parliament can hire, and only Parliament can fire, yet the government feels it's legitimate for them to use their partisan majority to change the mandate of the Chief Electoral Officer.

I would just say this, Chair. They wouldn't dare do that to the Auditor General, but they think they can get away with it with the Chief Electoral Officer, and they are getting away with it. Both are officers of Parliament. This is so shameful.

● (2125)

The Chair: I am calling the question on PV-15.

(Amendment negatived)

The Chair: We'll move on to amendment BQ-2.

Mr. Bellavance, this is your chance for a short summary of your amendment.

[*Translation*]

Mr. André Bellavance: Thank you, Mr. Chair.

I listened carefully to my colleagues' comments on section 18. The government responded to concerns and even criticisms raised about this provision by moving amendments. The government put a great deal of emphasis on advertisement, but there is still some work to be done here.

That's why my colleagues and I put forward much more substantial amendments that help the Chief Electoral Officer regain his powers. We want the Chief Electoral Officer to be able to implement information programs and thereby communicate to the public any information he deems necessary to ensure that elections are conducted properly and that people participate in them.

As for the amendment I am now talking about, I heard Mr. Scott add a paragraph (*f*). We did something very similar. We want the wording to be the following:

> (1.1) the Chief Electoral Officer may
>
> (*a*) implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their right to vote.

We are also adding to that section another paragraph, which I will refer to as (*b*):

> devise and test, in cooperation with the committees of the Senate and House of Commons that normally consider electoral matters—including studies respecting alternative voting means—an electronic voting process for future use in a general election or a by-election.

Let's be daring, let's be modern and help as many people as possible vote.

In closing, I would like to present an important point of view, that of the Chief Electoral Officer, Marc Mayrand. What he told us is actually very much in line with everyone's concerns. He said the following:

> I am unaware of any democracy in which such limitations are imposed on the electoral agency, and I strongly feel that an amendment in this regard is essential.

We are responding to that statement by putting forward this amendment.

As this is probably the only amendment I will discuss this evening, I would like to hear my colleagues' opinion. So I am calling for a recorded division on this issue.

[*English*]

The Chair: Is there further discussion on BQ-2?

Mr. Lukiwski.

Mr. Tom Lukiwski: Yes, very briefly. I know Craig wants to comment on this as well.

I don't think this is the appropriate spot for that. We've had discussions before when Monsieur Mayrand has appeared before the procedure and House affairs committee on the possibility of having electronic voting in a test situation. I think the appropriate method in which to proceed, should we want to proceed, is to have Monsieur Mayrand come, make a distinct proposal to this committee giving detailed information as to how he wishes to conduct the test, and when and where. Then this committee can give it its due consideration and make a decision at that time.

● (2130)

The Chair: Mr. Scott.

Mr. Craig Scott: I'll speak very briefly on the second paragraph from Monsieur Bellavance. The Senate does line up with proposed section 18.1 that's coming up, NDP-14, where we're actually trying to get to the same point that Mr. Bellavance is, that the committees of the House of Commons and the Senate should have the same authority over e-voting tests as any other test.

I see this as consistent, although I understand Mr. Lukiwski's point about being a little bit of an odd fit, but the goal is exactly the same. We don't believe it was an acceptable change that this bill has that on this one area of tests or pilot projects for voting that e-voting should now be subject to the full House of Commons' and the full Senate's approval before it can go ahead.

I'd certainly want to vote for this as a way of signalling that we'll make that other change.

The Chair: I have nobody else on my speaking list. We wanted a recorded vote on BQ-2.

(Amendment negatived: nays 5; yeas 4)

The Chair: We'll go to NDP-12.

You get to start off, Mr. Scott.

Mr. Craig Scott: I'll be very brief and up front about what this is doing. It's effectively—

Mr. Tom Lukiwski: Point of order, Chair.

Again, this is so picky, but I mean....

Mr. Craig Scott: I'm going to move it. I'm sorry. I'd like to say it's getting late and I forget these things, but of course, I—

The Chair: The Chair did too, so I'm not going to.... I'm on your side. Go ahead.

Mr. Craig Scott: I kind of forget them every time.

I would like to move NDP-12.

Effectively what it's doing is what I asked in the House at the time of the first speeches and what I asked the minister when he appeared here.

I continue to say we are open to knitting together the existing section 18 and the government's proposal, getting the best of both worlds. There's absolutely no reason why the targeted information campaigns the government believes will be effective and the more general power of Elections Canada to implement public education information programs in the way they have always had the right to do, not just at schools, cannot sit together.

This is what this is doing. I won't make any bones about it. It's bringing back some of the provisions of current section 18.

The Chair: If there is no further discussion on NDP-12, we'll go to a recorded vote.

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

The Chair: We will now return to an oldie but goodie, NDP-7.4.

Mr. Craig Scott: Just to remind everybody, this is restarted and probably came up earlier than it should have, so we stood it. It's to add a final subsection to section 18 that would be another “for greater certainty” clause. The government has one. The amendment states:

> For greater certainty, the Chief Electoral Officer may communicate publicly on whatever subject she or he considers appropriate.

There are two things. The record is very clear from the government's side that this is unnecessary, and what the minister had to say on Friday is the case, and this doesn't need to be said. At the same time I'm a firm believer in “for greater certainty” clauses when there has been a controversy and there have been concerns.

I would still move it even though I believe I now agree with the government that the power to communicate publicly as he considers appropriate has not been touched.

● (2135)

The Chair: We have had some discussion on this already so I'll entertain more speakers if there are any, but other than that I would call the vote on this. It will be a recorded vote on this also.

(Amendment negatived: nays 5; yeas 4)

The Chair: That finishes clause 7. We'll have a recorded vote.

(Clause 7 agreed to: yeas 5; nays 4)

(On clause 8)

The Chair: We're on clause 8 and amendment NDP-13.

Mr. Craig Scott: This would modify the proposed new section 18.01. I think it will be helpful if I read what proposed section 18.01 of Bill C-23 says. It's very short:

> The Chief Electoral Officer may, at the Governor in Council's request, provide assistance and cooperation in electoral matters to electoral agencies in other countries or to international organizations.

We heard testimony from the CEO of the Northwest Territories, who actually expressed in quite eloquent terms considerable concern about this, because his view was that, as written it looks to any external agency as though Elections Canada is a foreign policy arm of the Canadian government when it interacts with foreign election commissions or with international organizations' elections operations. The practice tends to be—but I'm not sure it really needs to be stuck in a bill—that the Chief Electoral Officer doesn't go and interact and do missions without having sounded that out and having obtained approval from cabinet.

I think it is a big mistake to include it in the bill, because doing so sends a signal of a compromised independence. For that reason my amendment would delete the words "at the Governor in Council's request" and simply would give him that authority, which he already has.

The Chair: Okay, that was amendment NDP-13.

Mr. Lukiwski.

Mr. Tom Lukiwski: I appreciate where Craig is coming from on this one, but again, just to be clear, the Chief Electoral Officer is an officer of Parliament, and while he has independence to a point, he still needs approval from Parliament on many things. This is particularly one for which he should seek approval from Parliament as opposed to having independent and arbitrary authority, so our position is that we will be voting against the amendment.

The Chair: Mr. Scott, I saw a light bulb.

Mr. Craig Scott: Very briefly, it is very important to know that the Governor in Council is not Parliament. It is effectively the cabinet, the government, the executive branch. I am not saying that is conceptually the wrong thing, because it is largely the executive branch that is responsible for foreign policy.

My concern is that it is an unnecessary textual signal that the Chief Electoral Officer, when he or she goes abroad, could be viewed as going there only at the request—literally as the envoy—of the government of the day, and I just don't think that's wise.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Just to clarify, Craig, and thank you, you are right. When I said "Parliament", I misspoke. However, I still think there would be a requirement to have some approval from the government before any such undertaking would occur. We could have a debate, one which I don't wish us to engage in right now, as to whether or not the international impression would be that it is an arm of, say, the Foreign Affairs department, but I would suggest that if you believe that to be the case, even if the Chief Electoral Officer made these decisions to enter into a program of assistance internationally on his own without approval by government, he would still be viewed, I believe, by many internationally as being an arm of Foreign Affairs.

I just think it's the appropriate course of action for a government of the day to approve any such international foray by an officer of Parliament rather than giving that officer of Parliament free rein in determining where and when and what he does.

● (2140)

The Chair: Mr. Christopherson.

Mr. David Christopherson: Chair, I appreciate Mr. Lukiwski's acknowledging that the Governor in Council is not Parliament, but it has to be understood and underscored that the reason we have officers of Parliament is to avoid exactly this kind of scenario, in that they are independent of the government. It doesn't mean they are independent of any accountability, or that they are omnipotent in terms of their authority and power, but it does mean, at least in my view, that any curtailment of their authority would be Parliament's action, not the government's.

Remember, the government isn't even honourable members of the government caucuses, although I'm sure they frame themselves that way. The actual government is the cabinet. That's the government. That's why there's a difference between deputy ministers, department heads, and others who report to the government as opposed to the Chief Electoral Officer who reports to Parliament. If one assumes, and I'm not agreeing with it, but for the sake of argument, let's say there is some kind of touchstone that has to happen with Parliament vis-à-vis international involvement, then why aren't we looking at putting in a regime that provides a process for the Chief Electoral Officer to do just that, to have representatives from each of the caucuses meet with the Chief Electoral Officer if there needs to be some discussion? I'll tell you, I get the idea that you don't want somebody sort of going off rogue, going to an event that no one in Canada would go to, but quite frankly, if that's the case, we have a much bigger problem than simply attending one event. We have a huge crisis on our hands with an officer of Parliament. So let's assume that that's not really what we're talking about.

With the greatest of respect, Chair, it's hard not to be overly sensitive about control matters when it comes from this government and the Prime Minister. That's their cornerstone—control. So you can appreciate, I would hope, why we're very concerned that any of the authority of the Chief Electoral Officer would be fenced in by the government, which means that the rest of Parliament may not even know what marching orders he or she has been given or not given, where there's nothing to guarantee the rest of Parliament is to be told. Given the way the current government is trying to muzzle the CEO, I would bet that we wouldn't know about it, so there's a real reason to be concerned about this.

This is my last point, Chair. The government continues to disrespect the status of an officer of Parliament. I'd like to hear the government answer why they think that since this is an officer of Parliament, they should get any special say as the government in the activities of the CEO when the accountability mechanism is not back to the government, but it's back to Parliament, which is all 308 members and the other place.

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: In response to the two points raised by David, once again I point out that the Chief Electoral Officer is not being muzzled. We've demonstrated that earlier tonight, and even concurred in by Mr. Scott. He is free to speak on any subject at any time, any place he wishes. He's not being muzzled. With respect to this particular provision, the mandate of Elections Canada and in effect the CEO is to administer Canadian elections. While I'm certainly not against, from time to time, Elections Canada responding to a request internationally for assistance, I'm merely saying that in those cases they should receive prior approval.

Mr. David Christopherson: Why?

● (2145)

The Chair: Would you like the floor again? We can do it that way, but across is not the right way.

Mr. David Christopherson: I would, Chair.

I would simply respond with why. If there has to be some kind of authority, why isn't it Parliament? Why is it the government? This is a power grab. There's no two ways about it. If the government is sincere about what they're saying, then they would allow Parliament to have this authority, because it's Parliament that hires this person and only Parliament can fire this person. Where does the government get off thinking it can restrict the mandate, using its majority, as opposed to Parliament agreeing with any kind of approval that needs to be given? I guarantee that most Canadians watching, if they're asked the question, "Do you trust the government on this one?", will say they don't.

The Chair: If there is no further discussion on NDP-13, we'll go to a recorded vote.

(Amendment negatived: nays 5; yeas 4)

The Chair: We'll go to NDP-13.1

Mr. Craig Scott: Mr. Chair, I will move this amendment.

Again, I have to say that in light of the consensus that has been put on record, I don't think there should be any worries that the right of the Chief Electoral Officer to communicate publicly as he wishes would know any borders, but nonetheless, again, for greater certainty, which means it's not as if this is necessary, but it helps assuage any concerns, this would say:

> For greater certainty, the Chief Electoral Officer may give lectures and speak at conferences both inside and outside Canada without government permission.

It's somewhat necessary because proposed section 18.01 raises some ambiguity when it refers to "assistance and cooperation in electoral matters".

It's not unusual for government or quasi-government or parliamentary bodies and institutions to themselves hold seminars and conferences. It's not just the preserve of the private sector or the academic sector. I just want to make sure there's absolutely no question that the Chief Electoral Officer doesn't have to get the Governor in Council's approval to go and give a lecture to the chief electoral body in France, or whatever it is. That, I think, would be so beyond the pale of the need that Mr. Lukiwski referred to that I hope we can have agreement on this amendment.

The Chair: Mr. Lukiwski, what do you say on this one?

Mr. Tom Lukiwski: At the risk of sounding repetitive, because I know you don't like that, Mr. Chair, this clause is unnecessary. We've gone over this. We've approved government amendment G-4. The minister, as quoted by Mr. Christopherson, has stated that he's not muzzling the Chief Electoral Officer. I have stated several times already this evening that he is free to speak publicly.

This amendment is totally unnecessary.

The Chair: Mr. Christopherson.

Mr. David Christopherson: I just wanted to ask Mr. Lukiwski if that also applies to attending international conferences. Does that freedom extend to international activities?

Mr. Tom Lukiwski: There's nothing that prevents the Chief Electoral Officer from speaking publicly any time, any place.

Mr. David Christopherson: I'm asking specifically, does that apply to speaking outside of Canada's borders?

Mr. Tom Lukiwski: As far as I'm concerned, yes, if he is invited. I mean, I don't know what the budget of the Chief Electoral Officer is, frankly, in terms of travel and that type of thing, but I reiterate that there's nothing that prevents the CEO from speaking publicly to any group.

Mr. David Christopherson: Well, I wish you'd say the word "international" too, but I can't make you.

● (2150)

Mr. Craig Scott: I appreciate again Mr. Lukiwski clarifying that the amendment is unnecessary from the government's perspective. Again, maybe it's my legislative style. I would much prefer the certainty, but I think the record will show that there should be no problem in the future for the Chief Electoral Officer for this kind of activity.

Nonetheless, could we have a recorded vote?

The Chair: Certainly. On NDP-13.1, we'll have a recorded vote.

(Amendment negatived: nays 5; yeas 4)

The Chair: We'll turn to NDP-14.

Mr. Craig Scott: I will move this, Mr. Chair.

The Chair: Those are the key words I was looking for.

Mr. Craig Scott: Yes. This goes back to Monsieur Bellavance's earlier amendment that I foreshadowed in my comments.

So that everybody knows, effectively, at the moment, the Canada Elections Act allows for the Chief Electoral Officer to carry out studies on voting that include alternative voting processes. It could be different ways to organize polls, it could be.... You can imagine what that might mean. It also would include e-voting, electronic voting, as a test or an alternative process.

At the moment, this committee and an equivalent or a parallel Senate committee are the only ones that have to give permission for such tests. What the government has done in Bill C-23 is it has taken one alternative process out of all the others, that's e-voting, and made it subject to the plenary approval, that is, the entire House of Commons and the entire Senate. It's no longer within this kind of committee structure.

Now, e-voting is not just of interest to the younger generation and the Internet-connected generation; it's of interest to anybody who believes that at some point in time the combination of security, efficiency, and encouraging people to vote is going to require us to at least have e-voting as one feature of our system, and we want to be ready. To me, this signals a structural reluctance to even test it. It's also, in some sense, I have to say—I'm speaking clearly as an NDPer here—offensive to add to the authority of the Senate in testing on something that's involving electoral process. Symbolically, it's nuts. I honestly do not see the logic here beyond wanting to create extra hurdles for this one process.

In committee, we had an interesting perspective. I think some of you might remember my saying to the witness, “I hadn't thought about that.” It was disability rights witnesses. In particular, the Canadian National Institute for the Blind, if I'm not mistaken, were specifically expressing real concern about this. That also probably involves people with mobility disabilities too; it's less likely for them to easily get out to vote. They basically said that this is a provision that doesn't just affect students, but it's the kind of provision that affects them, because it's through e-voting that they can imagine they would be more included in the electoral process.

I'll end there and simply appeal to the government to let it go back to the way it was and not have this extra hurdle that involves not just us in plenary session, but the Senate.

The Chair: Thank you, Mr. Scott.

Mr. Christopherson.

Mr. David Christopherson: Chair, I just wondered if the government would be good enough to give us a rationale why we're switching from just a committee of the House of Commons and a committee of the Senate to the full-blown houses. Can they give us what the rationale is for that change, Chair?

The Chair: I see no one on the speaking list, Mr. Christopherson.

A voice: Privy Council.

Mr. David Christopherson: Privy Council.

Any...?

Mr. Marc Chénier: We'll defer to the government members.

Mr. David Christopherson: That's all.... You wonder why we wanted to do this publicly. It really wasn't all the grandstanding. That can happen anywhere. Here we are. Here's a prime example. The current process for going into the future requires the approval of a committee of the House of Commons and a committee of the Senate. If they both agree, then we can go ahead and have the experiment, the trial, the test. The change now says that it has to be the whole House that votes and the whole Senate.

We respectfully, and I believe politely, asked why, and they won't give us an answer. Have we really come to this, that the government is now even refusing to give their spin rationale? They're just going to sit there and say, “We don't have to answer, so we're not going to. We're going to use our majority to ram it through, and you're just going to have to live with it. And why we did it remains a state secret.” Unless one of the government members wants to provide the why, the question becomes why is it even here?

I'm willing to bet that without offering a public reason why, the majority are going to use their power to ram this through. Above and beyond the no consultation and all the other nightmare revelations there have been since this was first tabled, now we've reached the point where we're at a public setting with a legitimate question about a relatively important change, and we've respectfully asked the government for their rationale, and there is none. Yet they're still going to ram it through.

That's the state of affairs right now in dealing with our election laws. The government of the day in Canada will not even give an answer to why when we ask a simple question before they use their majority to make it the law of Canada.

A voice: Mr. Chair—

Mr. David Christopherson: There we go.

● (2155)

The Chair: A quick response, Mr. Lukiwski.

Mr. Tom Lukiwski: I just love hearing you talk, David. That's the only reason I was waiting until you finished.

Mr. David Christopherson: [*Inaudible—Editor*]...your BlackBerry....

Mr. Tom Lukiwski: No, I haven't. I'm actually checking my e-mails here.

The answer is quite.... I'm actually quite surprised, because on the one hand you were arguing just a few moments ago that Parliament should have the right to approve many things concerning the travel and the activities conducted by the Chief Electoral Officer, and now you're saying no. It makes no sense to me. I think it's probably appropriate that Parliament does approve it.

Mr. David Christopherson: Mr. Chair, now we're really getting.... We're probably better off with silence than that one, because the fact of the matter is that this committee exists as a subset of the House of Commons, and they have delegated their authority to this committee. That is the approval and sanction of the House, and as I understand it, it's no different from the Senate.

Currently both houses have said that they give their committees the authority to say yes. We've all accepted that. I'm not aware of anybody recommending a change, not from any of the caucuses or any of our witnesses. In fact, for that matter, I stand to be corrected, but I don't recall any recommendations coming from any Chief Electoral Officer's report, nowhere, and I still haven't heard an answer. Why are we going...?

Here's what I think, Chair, and then I'll end, if they really don't want to say anything. That whole government can't come up with one phony reason to put out as an answer. They're willing to just stay silent. Here's what I think, Chair. I think they want to do this because they want to do everything they can to slow down the implementation of e-voting, recognizing that nobody wants to rush into it until we're sure. I don't know when that will be, but I do know that we need to move in that direction, and the government doesn't want that to happen.

Why, Chair? Because it's likely that more people will vote. It's another aspect of voter suppression, passive-aggressive voter suppression, because measures that would encourage people and make it easier for them to participate have now been made more difficult by virtue of the process. That's why this is here. That's why they don't have an answer, unless suddenly they've come up with an unexpected rationale.

Tom can respond to me and that's fair game. When I'm done, he can go at me. But I'd still like to hear at least one legitimate reason why it improves our election law to take this approval away from the committee level and move it to the full chambers.

● (2200)

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: I was just trying to get the size of David's head to fit him for a tinfoil hat, because of another conspiracy theory.

Many other jurisdictions, as he should know and I don't know if he does know or not, have studied e-voting and point out many concerns. I know he would understand this. Even in their own NDP leadership convention, there were many problems with electronic voting.

There's yet another conspiracy theory. You're something else. This would be clearly a fundamental, and some would consider almost radical, change in the way Canadians have voted.

To suggest that you want only a certain set of eyes to deal with this rather than the entire Parliament I think is being extremely disingenuous, particularly as I point this out time and time again.

Mr. Christopherson said, “Why not Parliament? Why can't Parliament have a say in this? Why should it only be restricted to cabinet? Why should it only be restricted in this case? Why should it only be restricted to committees?”

For something of this magnitude, I believe Parliament should be extensively consulted and debate should occur, pure and simple.

The Chair: Mr. Scott.

Mr. Craig Scott: I just want to put what Mr. Lukiwski said in context, which is that this is about a test, pilot projects, and alternative voting tests. This is not about going to e-voting. It really doesn't quite work.

The Chair: Let's vote on NDP-14.

Mr. David Christopherson: You can assume it's to be a recorded vote, unless we say otherwise. That would make it easier.

The Chair: I like excitement.

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

The Chair: We'll go to PV-16.

Ms. May, would you give a short summary of what you're trying to accomplish on this one.

Ms. Elizabeth May: This is related to the last amendment, but different. When we're going through these experimental pilot projects with e-voting, the Chief Electoral Officer, under my amendment, would only need the prior approval of the Senate and the House of Commons in full if the experimental process was being undertaken during a general election.

It would provide, I think, some rationale for the government's current position that there's any justification for raising this from the level of parliamentary committee and Senate committee, and saying that if you're experimenting with e-voting and wish to do it during a general election, even if it's a one-off, you'd better have the House of Commons as a whole and the Senate as a whole provide prior approval.

Perhaps, speaking of approval, this one might gain approval here at this table. One hopes.

The Chair: We'll go to Mr. Scott to see if he can help, or not.

Mr. Craig Scott: That sounded like a potentially good distinction, not that I think the government would buy it.

Basically, it's replacing the sentence that reads, “Such a process may not be used for an official vote” with “Such a process, if undertaken during a general election, may not be used for an official vote”. The rest of the sentence reads “without the prior approval of the committees of the Senate and of the House of Commons that normally consider electoral matters or, in the case of an alternative electronic voting process, without the prior approval of the Senate and the House of Commons”.

I'm not sure. It's getting late and I know you're brilliant, so it looks like it makes sense.

Ms. Elizabeth May: I'm hoping it makes sense. Since I know you are very brilliant, I am honoured.

Mr. Craig Scott: As long as I now understand, sort of.

The Chair: I got you there, it's all right.

We'll vote on PV-16.

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

The Chair: Shall clause 8 carry?

An hon. member: A recorded vote please.

(Clause 8 agreed to: yeas 5; nays 4)

(Clause 9 agreed to)

(On clause 10)

The Chair: We're at NDP-15 and LIB-7 is identical. Therefore, one would be the other and the other would be one. Would you like to both speak at the same time, or each say every second word, or how would you like to do it?

Some hon. members: Oh, oh!

The Chair: Technically NDP is first apparently. So would you like to move it, Mr. Scott? I have no trouble who wants to move it. Mr. Simms, please move LIB-7 and I'll say it was first.

● (2205)

Mr. Scott Simms: You say it with such compassion, Mr. Chair.

This one came up in testimony, of course. We talked about this. It was in the media. I'll try to keep this brief. What we're looking at here, of course, is the CEO's power to hire technical experts, specialists as explicitly recognized, was subject to Treasury Board approval for remuneration.

The requirement of Treasury Board approval for this type of expenditure for the CEO is new. It's noteworthy that the equivalent provision for the commissioner does not include such approval. What we're asking for here is much of the same. The requirement for Treasury Board approval should be removed to reflect the same degree of independence from the government as recognized for the commissioner and that's essentially it. It's just going to the Treasury Board itself which seems to be a brand new concept that we are rather suspicious of. It came up in testimony from many.

I move the amendment, which I almost neglected to do.

The Chair: Ms. May, we also have PV-17 which is identical. These three are all together.

Ms. Elizabeth May: It is identical isn't it? Isn't it a remarkable thing how identical they are?

The Chair: Yes, how remarkable is that; we all got together late at night and wrote amendments.

Some hon. members: Oh, oh!

The Chair: Mr. Scott.

Mr. Craig Scott: Yes, that's how it works.

This is extremely important because for the first time it inserts a government body, the Treasury Board, to approve the Chief Electoral Officer engaging on a temporary basis persons having technical or specialized knowledge. I'll give you examples.

Mr. Neufeld was engaged on that basis to produce the report that the government cited a lot until it turned out to have things it didn't really like in it. The Institute for Research on Public Policy was engaged to do an entire process around deceptive calling. The advisory board of the Chief Electoral Officer almost certainly is hired on a temporary basis because of their members' specialized knowledge.

This gives the Treasury Board, and ultimately the President of the Treasury Board who's a cabinet minister, the authority to say no to that kind of hiring. It's not necessary. It's inappropriate to put it in here given the Chief Electoral Officer's need for independence in exactly this kind of hiring.

I asked the minister this question at least once in the House, it might have been twice, and he's a smart guy, he doesn't misunderstand questions. He answered an entirely different question than this when I asked. I don't think it's something I'm content to trust the government on at all.

When former auditor general Sheila Fraser appeared she'd had a lot of concerns expressed elsewhere, including in the Senate, and she came before us with two major concerns. This was one of them. I don't think I have to remind everybody about the thoughtfulness that usually goes into what Sheila Fraser has to say, especially in an area dealing with money and accountability.

An hon. member: A former independent officer of Parliament.

Mr. Craig Scott: Yes. I think it's important to be on the record as saying that this isn't something that fetters the commissioner, so why should it fetter the Chief Electoral Officer? Scott already said that. It's also the case that the Auditor General doesn't have a similar fetter for exactly the same kind of hiring. Again, it's unnecessary.

There's no reason that we shouldn't be worried about what the thinking is behind this. We know that at least in some quarters of the government, including the minister, there's this real antagonism toward Elections Canada and the Chief Electoral Officer, and some of it has come out whenever we talk about the advisory board. I asked the minister in the House if he would undertake to say this government would never deny remuneration to the advisory board under this clause. He pretended he didn't understand the question, and I never got an answer.

So I totally agree with Mr. Simms, and obviously Ms. May has the same amendment, that we have to cut out the authority of the Treasury Board and make this the same system as exists for the commissioner.

● (2210)

The Chair: Mr. Christopherson.

Mr. David Christopherson: Chair, perhaps I could ask our guests. Right now, if the Chief Electoral Officer needs to spend money, it's my understanding he can virtually sign his own certificates. At least he has unfettered access to the consolidated revenue fund, and by virtue of the fact that the Commissioner of Canada Elections reports to the CEO, the Commissioner of Canada Elections has de facto the same power.

I probably got some of it wrong. Can you help me get it clear? What currently is the approval process for both the commissioner and the CEO for spending money vis-à-vis his own autonomous power and access to the consolidated revenue fund? Let's start with that. Right now, how does that work, sir?

Mr. Marc Chénier: In setting the rates of pay, a tariff is adopted by the Governor in Council on the recommendation of the Chief Electoral Officer. That provides for the rates of pay for all elections officers and for a lot of the expenses that are incurred by the Chief Electoral Officer or returning officers during an election period. Those are in accordance with a regulation adopted by the Governor in Council on the recommendation of the CEO. You are right that the Chief Electoral Officer can draw directly from the consolidated revenue fund to pay for these expenses.

Mr. David Christopherson: By extension, does the Commissioner of Canada Elections have the same authority, working in partnership with the CEO?

Mr. Marc Chénier: There's a section in the Canada Elections Act. I believe it's section 513 that allows him to incur expenses that he may need to incur in order to deliver on his mandate. He pays those expenses on the certificate of the Chief Electoral Officer.

Mr. David Christopherson: At any point in that process, is there government approval, ministerial approval, Treasury Board, which is an instrument of government, approval? Are there any approvals whatsoever in what you've just told me, or is there unfettered access to that money?

Mr. Marc Chénier: As I mentioned, the rates of pay for elections officers and a lot of the expenses that the returning officers can pay during the election period are set on a tariff that's fixed by the Governor in Council. It's a regulation, and that tariff is prepared on a recommendation of the Chief Electoral Officer.

Mr. David Christopherson: What about the hiring itself?

Mr. Marc Chénier: The hiring of elections officers is done by the returning officer.

Mr. David Christopherson: I do believe you're trying to be helpful. I appreciate it. Thank you.

Can you discern for me the difference between the existing process and in the same language versus what the amendment would do, the difference in the process that the CEO and/or the commissioner have to go through?

● (2215)

Mr. Marc Chénier: Right now in the Canada Elections Act, there's an implicit contracting authority. The Chief Electoral Officer doesn't have an explicit contracting authority, so the bill would make his ability to contract for services an explicit provision. The clause that's proposed in the bill is a clause that's standard in a lot of government entities, including some of the agents of Parliament that are part of the executive, like the Chief Electoral Officer. In other words, the Commissioner of Official Languages and the privacy and the information commissioners have this type of clause.

Mr. David Christopherson: I'm not going to pretend I got it, but I will let the debate go on, and we'll take it from there. It still seems to me that the key issue is that they have certain rights on their own right now with certain parameters with those rights. They're now being limited by virtue of having to go to Treasury Board where right now they don't have to go to Treasury Board, and Treasury Board is a political instrument of government. That's my point.

How far wrong have I got it in saying it that way?

Mr. Marc Chénier: It's just again, right now, his ability to enter into contracts for personal services is implicit. There's nothing in the act that regulates it, so they've developed a practice over the years. Right now, we're making it an explicit provision in the act that he can enter into such contracts for professional services and a standard clause that is also found for other agents of Parliament is being used to give him that ability.

Mr. David Christopherson: Thank you.

The Chair: Mr. Scott.

Mr. Craig Scott: I have just one quick follow-up question. Is it the case that the Auditor General Act doesn't yet have that clause?

Mr. Marc Chénier: I believe the Auditor General Act has a clause that allows him to enter into technical and specialized services to obtain that, but I believe there is no requirement for the rates of pay to be approved by the Treasury Board.

Mr. Craig Scott: With that, I'm just hoping that the government's next change to the so-called standard clause doesn't affect the Auditor General. We have to make distinctions between different kinds of offices of Parliament when it comes to the importance of at least not increasing the incursion of the executive in approving. Given the relationship between the current government and maybe future governments and Elections Canada, the all-important ability to hire temporary specialists, the idea of giving over that authority, even if it's standard in some other context, to the Treasury Board is extremely worrisome.

It's worrisome to me that the minister would not answer the question, would not promise not to use the power. I'll leave it at that.

The Chair: We have all three of these collectively, LIB-7, NDP-15, PV-17. A vote on one is all.

We'll have a recorded vote on LIB-7.

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

The Chair: It's defeated, which really does them all.

I'm sorry, but I'm going to have to make a ruling on PV-18.

Ms. Elizabeth May: I'd like to jump in ahead of time and withdraw it.

The Chair: You're going to withdraw it. Well, that makes my life easier, doesn't it? I don't have to look like the bad guy. You're trying to keep my good image out there. I like that.

I'll call the question on clause 10.

An hon. member: Can we have a recorded vote?

The Chair: We'll have a recorded vote on clause 10.

(Clause 10 agreed to: yeas 5; nays 4)

(On clause 11)

The Chair: We start off with LIB-8.

Mr. Simms.

● (2220)

Mr. Scott Simms: Mr. Chair, I was actually quite inspired by, and read a couple of times, the witness testimony from Mr. Casey, which I believe Mr. Rathgeber referred to as well.

The amendment states:

> The Chief Electoral Officer may appoint, to the Advisory Committee of Political Parties, up to two independent members—

I think it's something long overdue. I think we need to recognize the fact that there has been and always will be a presence of independent members in our House, and I think they should be represented as such.

Earlier I did vote in favour of Mr. Rathgeber's motion about campaign financing and allowing them to raise money outside of the writ period, so if I were to vote against this, I think I'd be contradicting myself. I do think this is a modest measure, and one which I think will serve the advisory quite well.

Thank you.

The Chair: I have a ruling on this, Mr. Simms. You're asking for something that may require a royal recommendation, because we have to pay these people.

Mr. Scott Simms: They might be enthusiastic enough to do it for free. I'm just saying.

The Chair: There you go, “might”.

Do we know if the people on the advisory committee of political parties are remunerated for being on it?

A voice: Yes.

The Chair: Does that mean, yes we know they are?

Mr. Tom Lukiwski: Chair, we had that discussion at committee. If you recall, I had sent a letter trying to determine that. We determined that Sheila Fraser—

The Chair: It's not the special advisory committee. It's the political parties.

Mr. Tom Lukiwski: Oh, I see.

The Chair: This is the advisory committee of political parties that the Chief Electoral Officer meets with from time to time.

Mr. Tom Lukiwski: To my knowledge, they don't, but....

The Chair: Do our officials know the answer to this?

Mr. Marc Chénier: I don't think they get remuneration right now, but I do think they get their travel costs covered if they come from outside the national capital region.

The Chair: Costs: that would now make me have to rule that this amendment is out of order. There will be costs involved in—

An hon. member: Sorry, but how do we know they're going to be paid?

The Chair: They're not paid, but they get travel costs. We now know that.

Mr. Scott Simms: Before you move on—

The Chair: I will not move on until you tell me.

Mr. Scott Simms: —they can certainly use a video conference or a conference call, or even a telephone conference, for that matter.

The Chair: They very much could, but you're pointing to a body that gets these other things. So the ruling is that—

Mr. Scott Simms: I guess what I'm saying is that they're not forced to have travel costs, so that doesn't really make it part of—

The Chair: No, I understand they're not forced to do that. They could also live next door to where the meeting is being held, but we don't know that to be a fact, and therefore, in all eventuality, there would be a cost.

Mr. Scott Simms: I'd like to challenge your ruling, sir, with all due respect.

The Chair: Okay.

There's no debate on challenging the ruling.

Mr. Craig Scott: Mr. Chair, this is a very quick question that might help.

The Chair: There's not supposed to be any debate on challenging the chair.

Mr. Craig Scott: Very, very quickly, this is just so that we can all understand better.

Is it the case that the ACPP now is requiring a new budget line and therefore there's a royal recommendation?

The Chair: It's including people on it, which would have to be—

Mr. Craig Scott: No, but in general the ACPP.

I thought the Speaker ruled in the House that as long as there's already a budget line somewhere in the system that would pay the new people, it wouldn't necessarily need a royal recommendation.

The Chair: Your suggestion is that if there's a power to appoint, that means there's a power to assign costs to those people.

You're challenging the chair.

I always get mixed up on this. It's a tough one. If the chair's ruling is sustained, would that mean that they all agree with me or disagree with me?

The Clerk of the Committee (Mr. Jean-François Pagé): If they sustain, they agree.

The Chair: Shall the chair's ruling be sustained?

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: Okay, so the chair's ruling stands. We will therefore not deal with LIB-8.

We're on amendment PV-19.

Let's go to our master list and see what fun comes of that.

Ms. May, amendment PV-19, please.

● (2225)

Ms. Elizabeth May: Thank you, sir.

We're now looking at the makeup of the committee that we were just debating, the advisory committee of political parties.

My amendment, Parti vert 19, is all about the scope of the work of that committee. My amendment proposes to expand the scope of the work by adding these words after what is found on page 11. At lines 8 to 9, it says, "The purpose of the committee is to provide the Chief Electoral Officer with advice and recommendations...". My amendment would pick up to say:

> —related to increasing voter turnout, public participation in the political system, electoral reform and fairness of the electoral system, and upholding principles of fairness and access with regard to political financing.

That encompasses more than the words that are currently in Bill C-23.

As you can imagine, Mr. Chair, there's a substantial movement across Canada that believes that any fair elections act starts with actually making elections fair and making sure that every vote will count. While it would have been beyond the scope of this bill to put forward an amendment that Bill C-23 actually put in place proportional representation, say, mixed member proportional, this amendment would at least draw some attention of the advisory committee of political parties to the issue of electoral reform, among other topics that are listed here in PV-19.

Thank you, Mr. Chair, for the chance to present this amendment, deemed presented by others in a process which I oppose, but here I am.

The Chair: There you go. I like the last part. It slaps them good now.

On PV-19, I see Mr. Scott's hand.

I'm tending to look that way today. I better start looking both ways.

Mr. Craig Scott: Mr. Chair, it's the enthusiasm on the other side that's propelling you this way.

I have a quick question for Ms. May.

In hearing your explanation on electoral reform and fairness of the electoral system, is it the fairness wording that you were linking to proportional representation?

Ms. Elizabeth May: Yes.

Mr. Craig Scott: Okay, thank you.

Ms. Elizabeth May: Well, as electoral reform for the purpose of achieving fairness.

Mr. Craig Scott: Yes.

The Chair: Okay.

Ms. Elizabeth May: It appeals to the title of the act as nothing else would.

The Chair: Seeing no one else, we'll vote on PV-19.

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

The Chair: I think we have a new amendment, LIB-8.1.

Would you like to read that in, Mr. Simms?

Mr. Scott Simms: Yes, I would.

Thank you, Chair, and thank you to our clerks as well.

This is amendment LIB-8.1, and it reads, and it may sound eerily familiar:

> (1.1) The Chief Electoral Officer may appoint, to the Advisory Committee of Political Parties, up to two independent members who shall have the same rights as other committee members except that they not be eligible for any remuneration or expenses and their participation would be cost-neutral.

● (2230)

The Chair: Okay. For secondary members but not.... That's perfectly fine. I cannot rule that out.

Would you like to speak to it at all?

Mr. Scott Simms: No, I think the thrust is generally the same, that the independent members deserve a place on this committee.

The Chair: On LIB-8.1, seeing no speakers, we'll go to the vote. It's a recorded vote. That hesitation is working well for me.

(Amendment negatived: nays 5; yeas 4)

The Chair: Shall clause 11 carry?

Mr. David Christopherson: Sorry, I apologize.

Are we voting on clause 10 or just the amendment?

The Chair: I have clause 11.

Mr. David Christopherson: Clause 11, the whole thing.

The Chair: The whole thing.

Are we fine with clause 11?

Mr. David Christopherson: Yes, I'm good with it.

The Chair: Was that a yes, or are you voting no?

Mr. David Christopherson: It's a yes.

(Clause 11 agreed to [See *Minutes of Proceedings*])

The Chair: Let's try the same thing for clause 12.

(Clause 12 agreed to [See *Minutes of Proceedings*])

(On clause 13)

The Chair: We're on to NDP-16. It is all by itself.

Mr. Scott.

Mr. Craig Scott: I would like to, for the sake of the chair and formalities and everything else, move NDP-16.

On page 11 in the bill, there is a new provision, proposed section 23.1, which states:

> An election officer shall not communicate with the public by the use of calls, as defined in section 348.01, that are unsolicited.

The problem is that section 348.01 refers to two kinds of calls, automated and live voice calls. I understand the rationale probably for this is trying not to set things up so that people think Elections Canada can engage in automatic calls, but Elections Canada engages in unsolicited calls when they're trying to recruit officers. It's not always a matter of people coming to them and they already have lists. Any direct call to somebody to say, "We've heard via this process and that process" is an unsolicited call to recruit. The amendment would simply be:

> (2) Despite subsection (1), an election officer may communicate with the public by the use of calls, as defined in section 348.01, that are unsolicited in order to recruit persons to work on polling day.

I'm hoping that if the government votes this down, this will be the kind of thing that the courts and everybody else will just ignore as an issue because technically, it could create a problem.

The Chair: Is there any discussion on amendment NDP-16?

Mr. Richards.

Mr. Blake Richards: I have to be honest. I'm just trying to kind of catch up to the section here as well, so bear with me as I kind of talk and read at the same time here, Mr. Chair. I'm trying to make sure I understand fully what my colleague on the other side is proposing.

My understanding is that you think this would prohibit the elections officer from recruiting potential poll workers. Obviously, there are a number of suggestions that are made by the parties, etc.

Is that your concern, though, that you feel this would prohibit someone from recruiting poll workers?

● (2235)

Mr. Craig Scott: Yes.

The Chair: Do you mean if someone came up and said, “Do you want a job?”

Mr. Craig Scott: Yes, absolutely.

The Chair: Would that be unsolicited?

Mr. Craig Scott: It would be unsolicited, because—

The Chair: Sorry, I shouldn't have a part in this argument.

Mr. Craig Scott: If they haven't applied, but you use other methods to determine who might be interested and give them a call, you can't do that.

The Chair: Okay, I see.

Mr. Craig Scott: It's literally the one exception. Here's what I would suggest. I'd have to frame it as an amendment and give it to somebody else to amend, but where it says, “the use of calls, as defined in”, we could say, “with the public by the use of live voice calls”. Then we're not talking about automated calls; we're just talking about the ability to pick up the phone and call to recruit election workers. Otherwise, the way it's worded, it falls under the definitions in clause 348.01, which include live voice calls and automated calls.

The Chair: No one else wants any more discussion on it, so—

Mr. David Christopherson: I'm still a little perplexed.

The Chair: Okay. I'm not the only one.

Mr. David Christopherson: If they can't make calls to recruit people to work on polling day, but by e-mail is okay, knocking on the door is okay, snail mail is okay, but a phone call is...?

The Chair: The problem is if it's unsolicited. It's not that they can't make calls but that they can't make unsolicited calls. I would suggest that if I'd applied for a job as a poll clerk, then it wouldn't be unsolicited then.

Mr. David Christopherson: That's where I was going to go. Do we have to define the list they're working from, as to whether it contains the names of people who have contacted them ahead of time?

The Chair: It's any sort of unsolicited call. If they pick up the phone book and start calling numbers and asking people if they want to work on the election, those calls would be unsolicited, but to me, if they're working off any list of employees, a call would not be unsolicited then.

That's just my opinion, and I shouldn't be part of this.

Mr. David Christopherson: I'm just trying to be clear and I'm seeking some guidance from the government. If they can provide it, I'm good with that.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: I'd basically underscore what the chair is saying. At least it's been my experience, David, in every election that I've gone through, that people walk into all candidates' offices or all political parties' offices asking if they can get a job for the election. We supply names to the Elections Canada's returning officer and they make those calls. I don't determine whether they're qualified or not—I leave that up to the people—but they just don't pick up the phone book and start going through and saying, “All right, let's put a pin in the map here”. They have to have a reason to phone people, and that's why the word “unsolicited” is in there.

The Chair: That wouldn't be unsolicited, though, to me.

Mr. David Christopherson: I would ask the question. It's just so weird. What if it was somebody's brother who forwarded it through, but the individual—it's unsolicited to them, because they didn't ask for a phone call and they didn't offer. Are they prohibited from doing that?

Mr. Tom Lukiwski: No, “unsolicited” means from the perspective of Elections Canada. In other words, if someone—

Mr. David Christopherson: Are they doing that now, and you're bringing it to a stop? Is there a problem?

Mr. Tom Lukiwski: —gives to Elections Canada the name of brother Fred, and brother Fred doesn't even realize his name was forwarded, that's still not an unsolicited call, because his name was recommended to Elections Canada.

Mr. David Christopherson: Okay. Can I ask the question this way, then? What is the activity going on now that you're trying to prohibit?

Mr. Tom Lukiwski: None; we're just saying that they just don't make unsolicited calls.

● (2240)

Mr. David Christopherson: Well, why would you bring that up? Was that a problem? I'm trying to understand what we're trying to fix.

Are they in the habit of just picking up the phone and going through the phone book? I suspect not. What is it that they're doing that we think is not cool?

The Chair: I can offer an opinion, but it's only an opinion.

Mr. Craig Scott: That would be very welcome. At the same time, I'm now confused over unsolicited, because the example Tom gave of.... Not to say that this is the norm, but the fact of the matter is, with the returning officers, etc., there are election day workers even within the system that exists and even more so when the government's changes to the central poll supervisors go back to the current system, we hope, where it is Elections Canada that has to recruit. Surely it's not all based on referrals in the way where the person actually contacts Elections Canada. There must be some other more general way in which they hear about people and have the right to be able to call them. If you say that's not unsolicited, then I have no words.

The Chair: What about the case where they went to the employment services office and picked up a list of people who were looking for work? Again, the phone calls to those people would be, in my view, solicited, because those people are saying they were looking for work, so they're not unsolicited. They're trying to call them as an employer.

Mr. Craig Scott: They've put their names.... They've sort of given that kind of advance consent.

Okay, I'm not super worried about it if no one else thinks there's a worry here. It's just that technically I don't think most people realize that the reference back to that clause is not just to automated calls, which have most people worried. It's also live voice calls.

The Chair: Well, I think I may be able to clear it up by calling the vote on NDP-16.

(Amendment negatived)

(Clauses 13 to 17 inclusive agreed to)

(On clause 18)

The Chair: We're on to clause 18, and amendment NDP-17.

Mr. Craig Scott: I'd like to move this amendment, Mr. Chair.

Although this amendment only deals with section 34, it's the same idea that is going to apply to section 35, so why don't I explain both even though the vote will only be on this one.

At the moment, we have a system under the Canada Elections Act whereby the first place party from the last election, the candidate coming up to the next election, is permitted to, I call it de facto appoint. It's basically giving a list of names of people to be appointed as deputy returning officers. The list can be as short as the person wants, so it ends up being an appointment.

For the second group, which is in section 35, not immediately subject to this amendment, poll clerks are appointed in the same way by the second place party's candidate.

That's the system we have now.

In this bill, another appointment has been granted to the first place party, and that's for the central poll supervisor. I'm not dealing with this provision, but it's to give everybody a sense that the system at the moment has these two appointments that at some level are meant to balance each other out—that's the philosophy—but it has now become unbalanced with the central poll supervisor having been thrown into the new act. We're going to get to that issue.

Nonetheless, the NDP is very concerned about continuing the system of politically oriented, politically sourced appointments. We think the time has come for Elections Canada to have the authority across the appointment system. This ended up being recommended by the Chief Electoral Officer after the Neufeld report. One of the reasons.... It's not just partisanization and/or the perception that the system can be politicized and that people don't necessarily understand the idea of balance producing impartiality, it's also to get rid of the role of parties and allow Elections Canada the full authority to be appointing all election day workers, which will enhance recruitment and training.

That is the rationale Mr. Neufeld used in his report for making this recommendation which the Chief Electoral Officer then took up after the Neufeld report.

What happens now under the system is that the Chief Electoral Officer or his or her returning officers have to wait until partway through the election to figure out who and how many they have to appoint, because the parties have up to a certain point to do so. It is one of the reasons for the irregularities that have been at the source of so much of the debate around this bill, because apart from a system that's overly complex on election day, the lack of training and quick training of recently recruited people is part of the reason. It's not just depoliticalization; it's trying to create one more way to lower the number of irregularities in processing voting on election day.

That's the background. This amendment is one of four, one way or the other, that basically ask us to adopt a system whereby, in this case, the deputy returning officer is appointed by the returning officer on the basis of merit, following a process that is fair and transparent. The same thing will be said in the next amendment on poll clerks. The same thing will be said on central poll supervisors and registration officers.

So that everybody understands, this is an attempt to depoliticize the appointment process, even though I recognize that in terms of this bill there are relatively few changes to this part of it, and it's only the central poll supervisor part that's really jacked up the political dimension.

There we are. I felt it was necessary to set that out because people may not exactly know the system.

● (2245)

The Chair: Ms. May, this will also affect PV-20, as well as LIB-9, so maybe you'd like to make a quick comment, because we're going to run into, in each chunk of these, very good similarities.

Ms. Elizabeth May: I promise, Mr. Chair, to make this very brief, because they're substantially identical or similar. I wanted to add the following words from the Neufeld report to the record. It states:

> —appointing election officers on any basis other than merit is inconsistent with the principle of administrative neutrality, and contrary to predominant Canadian values.

This was a principal finding based on Neufeld's review, and discussing what he described...that view as belonging to the vast majority of compliance review participants.

Thank you, Mr. Chair.

The Chair: Mr. Christopherson, then Mr. Lukiwski.

Mr. David Christopherson: Chair, throughout this process we haven't had much opportunity to really make improvements, in our opinion. Most of our time has been spent fighting against changes that we believe to be undemocratic. This is one area that is new. My understanding is that when we come to the central poll supervisor the government has heard loud and clear that's unacceptable, so we're expecting that appropriate voting reflecting that will happen in due course.

This has been in place since I got in politics. A similar thing exists provincially. It was based on exactly what Mr. Scott said. If you have two appointees, they cancel each other out. They're watching each other, and it creates a situation where the public's concerns.... We felt, as political people, and those who are with us, that it satisfied that need.

Canadians have spoken clearly on this one. I appreciate Ms. May reading that, because I think that more accurately reflects where we are. This is one, possibly the only one, where we're not pointing fingers and we're not saying the sky is falling, as it is with most other aspects of this bill. In this case it really is, let's take that principle of no, you're not going to add one more person appointed in a polling station to the mix of officers who are presiding in that location. It's good that we're stopping this new role, but let's take the full step and remove the political process completely, the partisan process, from the appointment of these officers.

Canadians have spoken loud and clear. Regardless of how we feel about the idea that they cancel each other out, they don't buy it, they don't like it, and we have a chance to change it. We in the NDP are agreeing that making that change would be a good move. We would hope the government would see their way clear to following through on their notion that the central poll supervisor shouldn't be added as an appointee. Let's do the whole job properly and go all the way and remove political appointments. Keep it under the purview of the CEO. Make sure everybody is trained to the same standard, is held to the same standard of accountability.

In my view, Canadians got it right this time, the parties got it wrong, and we have a chance to fix it right now. Hopefully, the government will be listening.

● (2250)

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Chair, there are couple of things.

With the amendments to the central poll supervisor, which, you're right, David, will be coming forthwith, it really maintains the status quo. That's the bottom line here. The appointments, as always, will remain the same. There are no changes to the central poll supervisor's provision. We'll ensure that there's no change on that when we vote against the amendment, right? It has worked well. I think it has worked well. It has been proven over time that it has worked well. I see no reason that it wouldn't work well in the future.

I only want to make one comment, and that's to a comment initially made by Craig on the time required to train poll workers, and on another comment, David, you had made on whether we can't just enhance the current system. We have made an enhancement, certainly, on the training, because we've gone from day 17 to day 24 before polling day. A full week more will be allotted to training poll workers, which I think will go a long way to enhancing and improving the system and some of the logistical problems we saw in the Neufeld report of the last election.

We've recognized that. We've recognized the fact there needs to be more time given to training poll workers, and we've added that into this bill.

The Chair: Okay.

Mr. Simms I know will want to speak pretty clearly.

Mr. Scott Simms: I just want to weigh in on this a little bit. I know—

The Chair: And don't forget you asked me about being allowed to get up and wander around. That's very nice.

Go ahead.

Mr. Scott Simms: That's very nice of you. I'm sure my doctor feels the same way.

I want to add on this. I want to get outside the fact of the two people in each particular polling division. Yes, you have the one party, or the second-place party. The points brought up by Ms. May are poignant, because in a modern democracy like this I don't know how far it goes. I suspect it does not, and I think this is probably one of the practices which internationally, people would look at us and be awfully suspicious of it. That aside, I don't know why if that balance works you would go even further with a third person that would tip the scales in one particular way. I don't quite understand the logic of that, if the original logic was to appoint someone who is of one party and then appoint the other person at the very same poll from another party. You've simply tipped the balance in a direction that defeats the original intent.

I know one of the other intents is that it probably alleviates a lot of the responsibility of the returning officer for finding people. That is certainly one of the benefits that you have to look at and consider if this system is eliminated. The intent here, as was read in the Neufeld report, I think is valid.

The Chair: Mr. Scott.

Mr. Craig Scott: I'd like to be as helpful as possible in making our way through these. There is this amendment and the others where we're trying to do what I've described. It seems pretty clear that the government doesn't want to go that route but is wanting to deal with the central poll supervisor that we have pushed hard on as being overreaching. At minimum it unbalances the system that existed. It is one of the announcements that Mr. Poilievre made on Friday, so I would simply ask Mr. Lukiwski if it is clear how we're going about getting rid of the change, so we can vote as quickly as possible.

● (2255)

Mr. Tom Lukiwski: Yes. I think I slipped a note to you earlier, Craig, and told you that procedurally, at least as I understand it, the best way to deal with this on the central poll supervisors is that the government will be voting down clauses 23 and 44. In other words, you can't simply delete them. It's out of order to delete an amendment, so the only way, really, to get those amendments off the table is to vote against them. So the government will be voting against those two clauses in order to achieve the goal of reversing the initial thought on central poll supervisors.

Mr. Craig Scott: What were the clauses again?

Mr. Tom Lukiwski: Clauses 23 and 44.

Mr. Craig Scott: Will that accomplish the intended goal?

The Chair: That's all that's in those clauses. Is that correct?

We'd have to look at clauses 23 and 44, but if all that's in them is the references to the central poll supervisor and they are voted down, then they wouldn't be there in the final legislation.

Mr. Tom Lukiwski: Having said that, Craig, there's a number of amendments that form part of that package to deal with everything as we go along. On an overarching kind of 30,000 feet above sea-level view, we recognize that with respect to the arguments provided on the central poll supervisor, we are prepared to make the amendments, as Minister Poilievre said on Friday, to deal with that. The method in which we're going to deal with that is as I have indicated: we'll be voting against those two clauses, and any subsequent clauses that interact with them will be dealt with in a similar fashion.

Mr. Craig Scott: I guess what I proposed, and I'm not sure we can get to it, was to vote through our requested amendments. Hopefully, we can get to yours tonight. If not, we'll start first thing tomorrow.

The Chair: We don't have much time to go through a lot of them, but why don't we try those first three that are all the same: NDP-17, LIB-9, and PV-20.

Mr. Craig Scott: I'd like a recorded vote.

The Chair: It's a recorded vote on NDP-17.

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

The Chair: That defeats NDP-17, which also defeats LIB-9 and PV-20.

We're at NDP-18. This is one having to do with central poll supervisors.

Do you know what I'm going to do, folks? We are very close to 11 o'clock. I think we'll stop at that point.

We will resume tomorrow evening at seven o'clock. I was going to say five o'clock but you wouldn't like that. At seven o'clock we'll start with NDP-18.

The meeting is adjourned.