



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Procedure and House Affairs

EVIDENCE

**NUMBER 131**

Tuesday, November 5, 2024

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Chair: Mr. Ben Carr





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• (1100)

[English]

**The Chair (Mr. Ben Carr (Winnipeg South Centre, Lib.)):** Welcome to meeting number 131 of the Standing Committee on Procedure and House Affairs.

This is a friendly reminder to witnesses who may not be used to appearing. You have a headset and, if it is not in use, for the protection and well-being of our interpreters, we ask that you place it face down on the stickers in front of you. Obviously, if it's in use, there's no problem.

Colleagues, this is our second meeting on the study of Bill C-65, an act to amend the Canada Elections Act. We will have two different panels today. From 11 to 12, we have with us Peter Loewen, professor, department of political science, University of Toronto, who is joining us virtually. From the Canadian Labour Congress, we have Siobhán Vipond, executive vice-president, and Mike Luff, national coordinator, government relations. Joining us virtually from Democracy Watch is Duff Conacher.

Thank you very much, witnesses, for being here with us today. Mr. Loewen will have five minutes. The CLC will collectively have five minutes, and Mr. Conacher will have five minutes. With that, I'm going to ask Mr. Loewen to start us off.

The floor will be yours for five minutes.

Witnesses, if you have your cellphones and you're able to do your best to keep track of your time, that would be appreciated. If not, I'll cut you off about 30 seconds before to give you forewarning and then ask you to wrap up. With that, we're going to begin.

Mr. Loewen, the floor is yours for five minutes, sir.

**Mr. Peter Loewen (Professor, Department of Political Science, University of Toronto, As an Individual):** Thank you very much to the committee for the opportunity to testify before Parliament today.

I am joining you from Ithaca, New York. I am now a member of the faculty at Cornell University, and I'm pleased to be joining you nonetheless.

I'll open by saying that considering laws around elections is an exceptional act by members of Parliament because, unlike other pieces of legislation, considering the Canada Elections Act directly affects your prospects of re-election. There is inherent in this work a conflict of interest, so it must be undertaken with care and with transparency.

I thank the committee for having these hearings and for doing this work of carefully considering the legislation in front of all Canadians. Thankfully, most changes to election law are likely to have small effects to which parties will respond strategically, hopefully cancelling out any differential effects or any effects that advantage one party or another, but big effects or small, it's important that this be carefully considered, so kudos to the committee for its careful consideration of this legislation.

For background, I've been a close observer and researcher of election laws for nearly 20 years. Indeed, the first time I had the honour of appearing before this committee was in 2007, when the committee was considering changes to advance voting days. I've since continued research on electoral systems and elections, have appeared before Parliament on other occasions and have been an expert witness in several cases related to election law.

I wish to make three brief observations about the legislation under consideration. Then I look forward to members' comments.

The first is that all of the measures that are proposed are likely to increase voter turnout, but the effects of this will be small. Increasing voting days and increasing ease of voting by mail can increase voter turnout, but members should not expect large effects. There is an implied trade-off here between the capacity of Elections Canada to deliver on all these changes and the value of increased voter turnout. Elections Canada is a highly competent organization, but there are limits to what can be done in our locally volunteer-administered elections. I would hope that the members would keep in mind that all of these changes impose strains on the capacity of Elections Canada to deliver on elections.

Second, these changes will undoubtedly increase what I believe is a worrying trend. Elections are increasingly isolated, atomized, individualized exercises, where voting is held up as a matter of convenience rather than a matter of duty, something that is done by individuals when it's easy for them rather than being done all at once as a collective action. It leads to elections in which voters are encouraged to implicitly or explicitly arrive at a decision sooner than later, rather than being open to all the information that an election can provide. At some point, this strikes me as an undesirable thing and not something that we should be encouraging.

Third, more careful regulation of third parties is a good thing. I think there are two emerging considerations for parliamentarians to consider in this. The legislative framework in Canada has for a long time done two things. The first is that it has limited who could speak during elections, largely limiting speech to political parties with a little bit of a carve-out for third parties. Second, it has regulated speech by using spending limits with the idea that it is money that propagates speech so, if you limit money, you can limit the advantage of some parties over others in speaking.

This is problematic in the emerging world because the cost of creating and distributing ads or distributing content is racing towards zero. That's the first reason why it's difficult, and the second is that we generally regulate humans, and it is possible that people, through writing algorithms, will in the future create non-human entities that may soon be intervening in elections by creating content that's used to persuade voters.

I ask members to consider that as they consider this legislation.

I have nothing more to say than that, but I look forward very much to the testimony of other witnesses and to the questions of members of Parliament.

Thank you.

• (1105)

**The Chair:** Thank you very much for your introductory remarks, Mr. Loewen.

I'm going to turn the floor over for five minutes to the CLC. I believe it's Ms. Vipond who will be speaking.

The floor is yours for five minutes.

**Ms. Siobhán Vipond (Executive Vice-President, Canadian Labour Congress):** Thank you, Chair, and good morning to the committee members.

We, the CLC, represent three million workers in virtually all sectors, industries, occupations and regions of Canada. We have two major concerns about Bill C-65. Both concerns relate to third party participation in elections.

We and many of our affiliate unions actively engage in federal elections. The Elections Act requires that we register as third parties and follow all regulations for third party communications and activities during elections. We understand the crucial objective of regulating communications between third parties and the general public to ensure electoral fairness and informed debate. However, the current act includes a major overreach that restricts our ability to communicate with our own members during elections.

The act includes three categories of regulated activities for third parties—election advertising, partisan activities and election surveys. There's an inconsistency between these categories with respect to communications between a third party and its members. The first category of election advertising contains an explicit exemption for unions to communicate with their members and not have to register as a third party, but the other two categories—partisan activities and election surveys—do not include an exemption. Elections Canada has interpreted this to mean that a wide range of communications and activities with our members, such as phone

calls, emails, texts, websites, mailings, organic social media content, rallies, surveys and door-to-door canvassing, are regulated third party activities.

We believe these restrictions on our ability to communicate with our members are a violation of the Charter of Rights and Freedoms. It's a violation of the charter's freedom of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association.

At the core of a union's mandate and function is the ability to communicate freely and effectively with its members. This is essential to representing and protecting their interests, not only at the bargaining table but also about and during elections. Communicating with our members about elections is essential for unions representing federal workers within the federal jurisdiction. After all, the federal government is their employer, and a change in government can have profound consequences to the terms and conditions of employment. More broadly, the decisions made by federally elected officials about labour laws, employment standards, health care, pensions, skills training, child care and education have a direct impact on the working conditions and quality of life of our members.

We believe that all communications during an election between a union and its members should be exempt from all third party regulations. Unfortunately, C-65 does not address this concern. We urge the committee to amend the bill to ensure that the act contains an explicit exemption from the definition of partisan activity and election surveys for trade union communications and activities with our members.

Our second concern relates to the section that will prohibit unions from making contributions to third parties in the future. Clauses 54 and 59 of the bill add new provisions to the act that will restrict a third party to use only contributions from Canadian individuals for regulated expenses. In addition, subclauses 52(3) and 57(3) of the bill repeal provisions of the act and will eliminate unions and all other current lawful classes of contributors to third parties. We oppose this unwarranted prohibition against domestic unions from contributing to third parties.

The act already has strong constraints on foreign union involvement in elections and needs no supplementation by an absolute ban on the ability for domestic unions to contribute to third parties. Section 349.02 already states, "No third party shall use funds for a partisan activity for advertising, for election advertising or for an election survey if the source of the funds is a foreign entity", and subsection 282.4(1) already prohibits "a trade union that does not hold bargaining rights for employees in Canada" from unduly influencing an elector. In addition, the act already prohibits a trade union from contributing to candidates and political parties, and it already prohibits third parties from acting in collusion with a candidate or political party.

The current act already has ample and effective constraints on both foreign and domestic unions from improperly influencing an election. Therefore, the changes proposed in Bill C-65 are completely unwarranted. We urge the committee to delete clauses 52, 54, 57 and 59 from the bill.

Once again, thank you for this opportunity. We look forward to your questions and comments.

• (1110)

**The Chair:** Thank you very much, Ms. Vipond.

Mr. Conacher, the floor is yours for five minutes.

**Mr. Duff Conacher (Co-founder, Democracy Watch):** Thank you very much for the invitation from the committee to testify on this very important bill, Bill C-65, and the overall issue of election reform.

I am going to make my statements today in English.

[*Translation*]

My French still needs quite a bit of work.

[*English*]

I welcome your questions.

I'm going to quickly summarize what I think you can change in the bill. Unfortunately, the bill was not referred to the committee after first reading, as past bills have been, so you're constrained to making amendments within the framework of the bill. I'll set out things that I think fit within that framework, and then I'm going to also summarize what else needs to be changed. There are many other things that this bill does not address that Democracy Watch has called for in its many appearances before the committee since 1997—that is, over the past 27 years.

First of all, with regard to what is in the bill, I won't refer to section numbers. Democracy Watch will be filing a written submission with details, so I'll quickly summarize some of the key areas.

First, do not increase the registration threshold for third parties to \$1,500, as the bill proposes. As Professor Loewen noted, the cost of informing voters has decreased, not increased, significantly. If you increase the registration threshold, you're just allowing for secret third party activity. With less than \$1,500, you could reach every voter in a riding—tens of thousands of voters—and voters have a right to know the third parties who are doing that. The registration threshold should be decreased to something like \$200.

The bill changes third party spending rules. One of the most important things the bill does not address is that, still, even if it were enacted as proposed, one individual or a business could spend \$1.6 million to influence an election. That's one voter. Allowing one voter to spend as much as a citizens group that has tens of thousands of supporters is not democratic. It's also unethical. It allows that voter to have greater influence and do huge favours for a party. Bill C-65 does not close that loophole.

I disagree with the Canadian Labour Congress's position that groups should be able to flow money to other third party groups. That has been used to hide who is actually spending and trying to

influence an election through the use of front groups across the political spectrum. It's good that the bill closes that loophole.

The bill should also be amended to require third parties to register for nomination and party leadership contests and disclose their donors and spending. We're here on election day in the U.S., and lots of people think the rules in Canada are better than the rules in the U.S., but for PACs—third parties, or political action committees as they're known in the U.S.—our rules are much worse. A third party individual—again, one voter, business or interest group—can spend an unlimited amount of money, in secret, to support or oppose a nomination contestant or a party leadership contestant. It's one of the biggest loopholes that allows for foreign interference, and it can and should be closed with amendments to this bill.

The bill changes voting rights. You should amend the bill to prohibit voting by foreigners and anyone under the age of 18 in nomination contests or party leadership contests, in the same way that only citizens who are 18 and over are allowed to vote in elections and by-elections currently.

The bill prohibits various further types of disinformation. The problem is that there are huge loopholes that allow candidates and party leaders to mislead voters and huge loopholes that allow voters, interest groups and lobbyists to mislead other voters about candidates and party leaders. You should simply change the provisions—we'll set out in detail, in our written submission, how to do this—to prohibit all false claims. There is no right to mislead voters. It's not part of the freedom of expression right, and it causes enormous harm and needs to be prohibited.

The bill mandates Elections Canada to do reports, and you should add three reports to the list: one on the cost to inform voters, because every spending limit or donation limit has been set arbitrarily, and we need a study of how much it costs to actually inform voters; a second one on how much it costs to operate a party in between elections and during an election, and then all the limits could be changed to fit with what those actual realities are; and the third would be on electoral reform.

Finally, on larger questions, our system allows for legalized bribery and allows for foreign interference that is secret, undemocratic and unethical. Many more changes are needed to the election law and other laws to stop secret, unethical lobbying and all sorts of other secret, unethical and undemocratic influence in our elections and all our political processes.

• (1115)

I hope that after the Hogue commission inquiry reports you will return with another bill to close all of those loopholes, as well as to strengthen enforcement and penalties.

Thank you, again.

**The Chair:** Thank you, Mr. Conacher.

Colleagues, we will now enter into our first round of questions.

Mr. Cooper, the floor is yours for six minutes.

**Mr. Michael Cooper (St. Albert—Edmonton, CPC):** Thank you very much, Mr. Chair.

Thank you to the witnesses. I'll be asking some questions relating to third parties and the use of foreign funds.

Professor Loewen, would you agree that it is problematic that registered third parties can use foreign funds to influence Canadians during an election?

**Mr. Peter Loewen:** Yes. I think it's certainly inconsistent with the spirit of the law. We don't allow foreign donations directly to members of Parliament, so one would have to raise the question of why foreign funds could be used for third party influence.

**Mr. Michael Cooper:** Thank you for that.

Mr. Conacher, would you agree that this is problematic?

**Mr. Duff Conacher:** Yes. The bill does a lot to address that, except for leaving the loophole open that still one individual is exempt from the rules and would be able to use their own money, which could easily be funnelled to them from a foreign government, foreign entity or foreign individual, or a business that has only a couple of shareholders, and still be allowed to spend \$1.6 million to influence an election. It's just ridiculous and undemocratic.

**Mr. Michael Cooper:** Thank you for that.

As you do note that the legislation is an improvement from the status quo, insofar as the Chief Electoral Officer identified at least two existing loopholes in the law for third parties to use foreign funds. The first loophole is the melding of funds, whereby monies donated to a third party can be treated as part of the general revenue of the third party. A second loophole, as Mr. Conacher rightly noted, is that a third party can accept contributions from another entity that in turn collects contributions. That can be used as a means to hide the actual source of funds. That's what happened in the 2015 election, when there was a funnelling of millions of dollars in U.S. money through a series of third parties such as Leadnow, which used those foreign monies to influence Canadian voters.

Now, as you note, Mr. Conacher, there is a loophole remaining in this bill. The requirement that third parties set up a separate bank account during the pre-writ and writ periods and accept donations only from individuals would not apply to third parties if their contributions did not exceed 10% of their revenues.

Professor Loewen, I'm wondering if you have any thoughts on the reasonableness of that exemption, or the lack of reasonableness. What are your thoughts on it? It would seem to me to be a loophole that is problematic.

• (1120)

**Mr. Peter Loewen:** Yes, I think generally the trajectory of this legislation in Canada has been increasingly tightening third party participation in elections. That's been opposed by various people across the political spectrum over time, but we've arrived at that conclusion. I don't see any benefit that's not outweighed by issues

of transparency and foreign interference that would come from leaving that loophole open.

**Mr. Michael Cooper:** It would be your recommendation to close the loophole entirely and simply require that all registered third parties engaged in elections set up a separate bank account and accept donations only from individual donors, similar to political parties. Is that your recommendation?

**Mr. Peter Loewen:** I don't want to comment on the mechanism in terms of the ease of setting up a bank account, etc. It might be too difficult. Whatever you want to do in terms of the mechanism of it, that's up to parliamentarians. I don't have strong feelings on that. I think with regard to the principle of limiting the capacity of third parties to accept and then reuse foreign funds, it's very reasonable to close that loophole.

**Mr. Michael Cooper:** Mr. Conacher, do you wish to comment further on this loophole and how it should be closed?

**Mr. Duff Conacher:** Yes. I think you're not going to have a citizen group that has, from products or sales or services, anywhere near 90% of their revenue coming in. I don't think it is, in effect, a loophole, the 10% threshold that you're talking about, but yes, it could be lowered to zero. There's nothing wrong with that.

There is something else that I should point out. The bill only takes into account whether you received more than 10% of your revenue from contributions during the previous calendar year or fiscal year. You can choose. That means a third party could receive the money at any time past the previous 12 months and be able to use it. You'd only have to establish that for one year and have those contributions for that one year. It really doesn't close the loophole. It still allows for the funnelling, as long as it happens 12 months before the election occurs.

**The Chair:** Okay.

Thanks very much, Mr. Cooper.

Mrs. Romanado, the floor is yours for six minutes.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.):** Thank you very much, Mr. Chair.

Through you, I'd like to thank the witnesses for coming today.

My first question is for the Canadian Labour Congress, and I want to make sure I'm understanding this correctly.

You mentioned that one of the areas of concern for you is the major overreach for election advertising services and partisan activities, and that it would impact communications with your members. From my understanding—and I'd like to get your opinion on this—Bill C-65 does not actually make any changes to existing rules with respect to partisan communications, so they're not prohibited under the act. It is regulated but not prohibited. I just want to make sure that I'm understanding your point because, from what I understand, they are not included in this. We're not making changes to that.

**Ms. Siobhán Vipond:** Yes, you're correct. What we're saying is that this bill is not fixing a major problem that currently exists, and that is the overreach of those two parts in terms of limiting a union's ability to talk to its members.

**Mrs. Sherry Romanado:** Could you give me an example? What would you mean by that? In a typical writ period, what would be some of the communications that you would like to communicate to your members that you are currently prohibited from doing? I want to get an understanding of what kind of communications we're talking about.

**Ms. Siobhán Vipond:** We have protections, as unions, to represent our members, and our members decide what that looks like. It's various unions. We have the challenge where, if a union is in bargaining and that happens to fall within a writ period, then the union has to register as a third party if it's going to talk publicly. There's that part of it. That is a problem. That means that we're not doing the work that we need to do for our members, which is to represent them.

The other part of it is that our members have set goals for us in terms of what issues we need to win on and what issues we need to look at. The reality is that our ability to work happens because we collectively come together and fight for these issues. If we're not able to have the discussion with our own members about whether they decide to do partisan activities or election surveys, that all gets limited. We've been registering; we've been following it. However, it makes it very challenging for us to do the work with our members. We're not just any groups; we are unions. We're very transparent about the work we do and where we spend our money. That's why we think there's an opportunity here to fix that so that we're able to do the work for the members.

• (1125)

**Mrs. Sherry Romanado:** Thank you for clarifying because there's nothing mentioning that change. Removing articles clauses 52, 54, 57 and 59 would assist in that regard. Is that correct?

**Ms. Siobhán Vipond:** Those clauses have to do with the.... What we would like to do is to make what we see in election advertising, where we're allowed to communicate with our members, explicit in the other two so that Elections Canada has clear direction and so that it is understood that unions have a special relationship with their members. We're not talking about the relationship with the general public.

**Mrs. Sherry Romanado:** That's perfect. Thank you so much for clarifying. I appreciate it.

My next question is actually for Democracy Watch.

Mr. Conacher, you mentioned a number. I looked around the table, and a few of us were looking a little strange. The \$1.6 million that you referenced.... When I go on the Elections Canada website and look at third party advertising contributions, I don't see \$1.6 million. Could you explain a little bit where you get that number? I just want to make sure that I'm understanding correctly.

**Mr. Duff Conacher:** That is the combination of the pre-election limit, which is now over \$1 million, and the election spending limit, which is now over \$600,000.

**Mrs. Sherry Romanado:** Okay. Thank you.

**Mr. Duff Conacher:** The pre-election limit, of course, only applies if an election is held on a fixed election date. Otherwise, it doesn't apply. That's the total amount that one voter can spend to influence an election. It's just ridiculous to allow that, especially when it's the same amount for a group that represents tens of thousands or hundreds of thousands of voters. One voter only represents one voter. They shouldn't be allowed to spend more than a couple of hundred dollars.

**Mrs. Sherry Romanado:** You mentioned also—and it piqued my interest—the third party and the question of nominations in leadership races. There have been some stories going around about the influencing of leadership nominations. What are your recommendations in terms of that? I know that the Chief Electoral Officer has brought up the issue of nomination races. I'd like to get your opinion on those.

**Mr. Duff Conacher:** Again, everyone thinks Canada is ahead of the U.S., but political action committees in the U.S. have to disclose their donors when they're spending on primaries for a party leadership race, nomination races and the primaries that are held.

In Canada, third parties can spend, in secret, an unlimited amount of money. They're actually allowed to collude with a nomination contestant and collude in a slightly more restricted way with a party leadership contestant.

This has been highlighted, thankfully, during the Hogue inquiry. I'm very sure you're going to face a recommendation from Commissioner Hogue that third parties should be required to register and disclose—

**Mrs. Sherry Romanado:** I apologize. I'm going to just cut you off quickly because I just want to ask Professor Loewen the same question.

I don't know if I have enough time.

Professor Loewen, do you have any comments regarding nominations, leadership races and foreign influence on that?

**The Chair:** Answer very quickly, Mr. Loewen.

**Mr. Peter Loewen:** Yes, the participation of non-Canadians or people under voting age in nominations or leadership races has, I think, been pretty clearly shown to be cancerous on our politics. You should try to regulate it out.

**The Chair:** Thank you, Mrs. Romanado.

[Translation]

Welcome to the committee once again, Mrs. Gill.

You have the floor for six minutes.

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

First, I want to thank the witnesses, who want to strengthen our democratic process, as we all do.

Mr. Loewen, I have a question for you regarding what you mentioned. The bill's objective is to increase voter turnout. However, you believe that, despite the goodwill and the numerous measures contained in the bill, any increase to the voter turnout will likely be marginal or, at the very least, insufficient compared to the objective.

Can you confirm that I understood correctly what you said earlier?

[*English*]

**Mr. Peter Loewen:** Thank you for the question.

My contention is that the increase in the ease of voting through mail voting, expanded days of voting and allowing people to vote anywhere in a constituency might lead to an increased voter turnout of two or three percentage points on average. It's certainly not a cure to the very comparatively low levels of voter turnout that we see in Canada.

• (1130)

[*Translation*]

**Mrs. Marilène Gill:** This means that we have sort of reached a ceiling—I am not sure if this is the right way to put it. Even with multiple new measures, voter turnout would only be increased by two or three percentage points. We would need to come at this from a different angle.

Is that correct?

[*English*]

**Mr. Peter Loewen:** Yes, I agree with you that we've effectively, I think, squeezed as much juice from the lemon as we can in terms of making voting easier for Canadians.

[*Translation*]

**Mrs. Marilène Gill:** Right. We are talking about what can be done to increase voter turnout, but not about what should not be done.

I have a question about this. This specifically applies to us in Quebec, but it could obviously apply anywhere else. Next year, there will be municipal elections throughout Quebec roughly at the same time as the federal election. This worries us because we fear that it might lead to a lower voter turnout. Do you think that could be the case?

As I said, we talked about what needs to be done to increase voter turnout. At the same time, we should make sure that elections do not occur at the same time and compete with one another. Do you agree that this could have a negative impact on either one of these elections?

[*English*]

**Mr. Peter Loewen:** It doesn't overly concern me. It's common that there's proximity between federal and other elections. We have a lot of democracy in Canada, so I don't share your concern about that.

[*Translation*]

**Mrs. Marilène Gill:** You do not share these concerns.

Do you not think that it could have a negative impact, for example, on electoral logistics, on candidates who might want to run in more than one election or on youth voting? Scientific literature shows that for young people, the first vote is important to form voting habits. Are we not running the risk of depriving them of an opportunity to vote or creating confusion between the two polls, as others have mentioned during this committee's last sitting?

Do you think this could negatively impact the overall voter turnout or the electoral process more generally?

[*English*]

**Mr. Peter Loewen:** I don't share that concern. I think young people can sort out the difference between voting for their mayor and city council and voting for members of Parliament.

[*Translation*]

**Mrs. Marilène Gill:** I said that this concern was demonstrated in scientific literature, but I recognize that your opinion may differ and that you might not agree.

I have one last question.

You said that people have several opportunities to vote. The bill would delay the next election by one week. Do you think this would have a significant impact on voter turnout?

I believe it was mentioned that this measure was mostly for religious purposes, but I still think that voters have plenty of opportunities to vote.

Do you agree that this proposal in the bill would have a negligible impact on voter turnout?

[*English*]

**Mr. Peter Loewen:** To be very candid with you, I think the explanation appears cynical, and I don't think that there's any concern about holding an election during the period of Diwali, given the number of other opportunities people have to vote and the fact that many people who are observant of Diwali—Hindus, Sikhs and Buddhists alike—would still be happy to vote on the day of the election. I'm not persuaded by the argument that the day of the election needs to be moved, to be very candid with you.

[*Translation*]

**Mrs. Marilène Gill:** All right.

Thank you, Mr. Chair.

Wait, are you saying that I still have some time left?

**The Chair:** Yes, you still have a minute, Mrs. Gill.

**Mrs. Marilène Gill:** Is that so? I usually talk too much and run out of time, so that is extremely surprising.



**The Chair:** Do you want to save that minute for later?

**Mrs. Marilène Gill:** No, I will ask more questions right now. I am just surprised.

I want to ask Mr. Conacher the same questions. As the co-founder of Democracy Watch, I am sure that the things I mentioned are of interest to him. One minute is not enough time for him to answer all my questions, but I would like him to share his thoughts on voter turnout and Diwali.

[*English*]

**Mr. Duff Conacher:** The actual date of the election, whether it's extended or left as it was fixed, is not Democracy Watch's greatest concern. We're much more concerned that the overall election system is unfair: It favours wealthy candidates and donors, Canada's big banks and the big parties, and essentially amounts to a system of legalized bribery—in terms of the donations and loans limits—and secret, unethical and undemocratic influence by third parties, especially during nomination races and party leadership contests.

• (1135)

[*Translation*]

**The Chair:** Thank you very much, Mrs. Gill.

[*English*]

Ms. Barron, welcome back again to PROC. The floor is yours for six minutes.

**Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP):** Thank you, Chair.

Thank you to the witnesses who are here.

Because there are many discussions around the election day, I just want to reaffirm and put members' minds at ease. There was an amendment, which we put forward in June, that removes this particular clause from the bill, so that would no longer be an issue if we have all members in agreement with that.

With that, I want to ask my questions of either Ms. Vipond or Mr. Luff, whoever is best able to respond to the question. There was a discussion, Ms. Vipond, and you mentioned how important it is to be able to communicate with members. You said specifically that the restrictions on your ability to communicate with your members is a violation of the Charter of Rights and Freedoms. I'm wondering, through the chair, whether you could tell us a little more about why it is so important to be able to communicate with members, and why you feel it is a violation of the Charter of Rights and Freedoms.

**Ms. Siobhán Vipond:** When we add hurdles to our ability to communicate with members, it means that we can't best represent them. We are democratic organizations, and our members lead where they want us to go, so we need to advocate on issues that often become issues in elections. That can be health care, things directly tied to the workplace or broader social issues.

Under the charter, we are protected so that we can represent our members and unions have a role to play there, but this idea that we're unable to do that because the work happens to fall within this period and we fall into this area where, suddenly, we have to be third parties when it comes to our own member communication, it

really limits our ability to best represent our members. Quite honestly, it means we're also not doing what we're legally obligated to do, which is to represent our members. That's why it is so important that we respect that as well as respect the democracy. The exclusion for unions, as we laid out, makes a lot of sense.

**Ms. Lisa Marie Barron:** Thank you very much for that response. Can you, through the chair, tell us a little bit more about surveys and why they are also important for you to represent the membership?

**Ms. Siobhán Vipond:** We have some unions that are quite large, and communication looks different in a lot of ways. Sometimes it's sitting down with a bargaining unit. Sometimes it's actually having to communicate in very modern ways so that we can get feedback from a lot of folks. That give-and-take is how we best represent our members.

Yes, the exclusion that, suddenly, we can't ask about that means we're not getting feedback, and it makes it harder for our members. In the same way that you are here finding out how we can improve our democracy, we are always looking for ways in which we can better communicate with our members so that we can have stronger democratic unions.

**Ms. Lisa Marie Barron:** Thank you.

Just for context, we know that, unlike large corporations, unions function on the direction of their membership, and this is something that I heard from you over and over again. I'm wondering whether you can share, through the chair, a little more about your opposition to the—your wording here—“unwarranted prohibition against domestic unions from contributing to third parties.”

Can you please speak a little more around how unions differ from, say, corporations in this, and what those responsibilities look like?

**Ms. Siobhán Vipond:** Thank you for the opportunity to address this because so far the discussion around individual donations has really been talking about the size of them.

If you limit it to individuals, that means rich individuals who have a lot of money can participate in third parties. What we are really proud of is that we can bring together a lot of people. We represent three million people who don't have to have a large amount of money—and it's all very transparent what we do with our money during elections—and we are able to participate in elections on issues that are important to workers to improve the lives of workers.

We can only do that through our democratic processes. Taking the big money that is secret money out of it—we understand that and we're not opposed to that.

The idea that the money that unions collectively put together and then collectively decide what to do with is wrapped up in this is a kind of an underestimation of the importance of having social dialogue in our society and in our democracy.

That is why we're saying, when we talk about the contributions of Canadian individuals and making it so that unions and our organizations can't do this, that this isn't secret money. We're not funnelling money. We're following the rules. We're taking it there. We have democratic processes. I think it's going to accidentally sweep us into that. It's going to mean the voices of millions of workers, talking on behalf of all workers, can no longer participate in the democracy in a meaningful way.

When we talk about the expenditures, I just want to add that what we have to disclose in terms of the costs is all inclusive. It costs money to participate in elections. These aren't cheap things. We're very proud that we get our stuff from Canada and we make sure people are paid good wages. That means that the expenses are there, but we are collectively able to pay for that under the current...

This change will actually exclude that. We think that it is going to be a problem in upcoming elections if workers do not have a voice.

• (1140)

**Ms. Lisa Marie Barron:** Thank you.

There were lots of good points in there.

Through the chair, just to clarify, how much time do I have left?

**The Chair:** You have 20 seconds. I'm happy to roll that over to your next round, if you like.

**Ms. Lisa Marie Barron:** That would be great.

Thank you.

**The Chair:** All right.

Mr. Calkins, the floor is yours for five minutes.

**Mr. Blaine Calkins (Red Deer—Lacombe, CPC):** Thank you very much, Mr. Chair.

I'll be directing my questions at the start to Professor Loewen and Mr. Conacher.

First of all, Mr. Loewen, it sounds to me like you've been upgraded to an Ivy League school. Is that a recent thing?

**Mr. Peter Loewen:** It is.

**Mr. Blaine Calkins:** Congratulations on that.

I guess I have a philosophical question to start us off. There are a couple of angles that have been explored here. One is to have greater transparency by publishing lists.

Mr. Conacher, you've been talking about making sure that names get published. There's also been the discussion about putting controls or caps on investment.

Which one do you think would actually be more effective—the transparency or the attempt to put a control on?

**Mr. Peter Loewen:** Thank you for asking.

Yes, I'm not sure they're in trade-off, but thank you for asking.

My thinking on this has evolved. I was of the mind that elections should be kind of a free arena where anyone can speak and transparency solves that. I've since come to the view that elections principally are a contest between political parties and political candidates. We should try to, in a sense, clear the space for them to be the agents and the organizations that are channelling citizens' interests and citizens' preferences in elections.

Increasingly, I'm of the mind that elections should be fought between parties and that the role of third parties, including labour unions but also business associations, should be severely limited.

That's been, to be candid with you, influenced partially by looking at how cacophonous elections in the United States are as a result of the notion that anyone should be able to speak during elections.

**Mr. Blaine Calkins:** Mr. Conacher.

**Mr. Duff Conacher:** I would disagree. I think the system should be based on the number of voters that actually support the third party. One person should be allowed to spend only a very small amount. A group with thousands, tens of thousands or hundreds of thousands of members should be able to spend a multiple of that.

Businesses are legally one person. Business executives are very few in number and don't represent shareholders or employees politically, so businesses should be very strictly limited in what they can do. Citizen groups that are supported by tens of thousands of members—many are supported by many more voters than parties are—should be allowed to spend a multiple amount of what one voter could spend.

That would be an egalitarian system that fits with the Supreme Court of Canada's egalitarian model.

**Mr. Blaine Calkins:** The next question I have is from my perspective. I actually had legislation before this House, Bill C-406, back in 2018-19 that was voted down. It would have forbidden foreign money from coming in.

There are basically two channels. One of them is clandestine money coming from a foreign government, and the other is interest through third parties and large foundations that have charitable status—some do and some don't, like not-for-profits and so on—that will share money between writs, during the writ period and, of course, when you start mixing money in a bank account. We've already had that discussion here.

This is what I'm wondering: Does the bill go far enough, in your opinions, Mr. Loewen and Mr. Conacher, to deal with the clandestine foreign government aspect of it? Do you differentiate that money from money that's coming from third party organizations, like charitable trusts? I can think of numerous ones. My colleague Mr. Cooper talked about Leadnow getting money.

Do they both need to be treated differently, and do you think the proposed changes do enough to make sure that...? It should be Canadian interest, in my opinion. Canadian money should be the only influence in a domestic federal election.

• (1145)

**The Chair:** We have a minute left here, witnesses, so please do your best to be gracious in splitting the time.

Thank you.

**Mr. Peter Loewen:** I share your view, Mr. Calkins. I think we should limit spending on elections to citizens of the country, and then we can talk about what that mix is between parties and third parties. Whatever vehicles you create, if you don't have an outright ban on foreign money, it will find a way through, whether it's through charitable trusts or through some other form, absent an outright ban.

**Mr. Duff Conacher:** I agree it should be Canadian money participating in both policy-making processes and elections. Don't forget that half of Canada's largest thousand companies are completely foreign-owned, so they should be very strictly limited in what they can do. In terms of citizen groups, lots of citizen groups have programs. They should be able to receive money—international money—for those programs, but when it comes to money to influence policy-making processes or elections, it should be coming from Canadians, and the proposal in our written submission will show how to do that.

**The Chair:** Thank you, Mr. Calkins.

Mr. Turnbull, the floor is yours for five minutes.

**Mr. Ryan Turnbull (Whitby, Lib.):** Thanks, Chair.

Thanks to all the witnesses for being here today.

Professor Loewen, I wanted to direct a couple of questions to you. I'm particularly interested in Bill C-65's focus on limiting cryptocurrency and other forms of untraceable contributions to third parties.

Do you think that this is a good step forward that will enhance public trust in our election process?

**Mr. Peter Loewen:** Yes.

**Mr. Ryan Turnbull:** I know that you've studied and done research on public reactions to foreign interference. How might public confidence shift if people are aware of these measures?

**Mr. Peter Loewen:** I think, candidly, there would probably be a marginal effect on public confidence, but I think that there is a whole suite of things that need to happen in response to the Hogue inquiry and other things to shore up confidence in our electoral system, so this would be a part of that.

**Mr. Ryan Turnbull:** There are also enhanced penalties that would be put in place by this bill in relation to the wilful failure of a third party to return contributions made "in the form of a cryptoasset, money order or payment product".

Do you think those penalties are stiff enough to deter malicious foreign actors?

**Mr. Peter Loewen:** I'm not sure at what threshold people feel the need to be honest, but surely it's better than no penalties at all.

**Mr. Ryan Turnbull:** Mr. Conacher, do you have any comments on this? I'm sure that Democracy Watch would certainly be supportive. Could you say whether or not you're supportive of the steps that are taken in Bill C-65 on crypto-assets, and then comment on whether you think the penalties are stiff enough to deter foreign actors?

**Mr. Duff Conacher:** As the Hogue inquiry has heard, just to start with the second topic, the penalties are too weak. The commissioner of Canada Elections pointed out that the penalties are, in her estimation, too weak in many areas to discourage violations, given what you get to win if you cheat.

Our suggestion is that the committee should take a serious look at a sliding scale of penalties based on the income of the individual, entity or business. If your income is higher, then you would pay a higher penalty. That would be an effective approach, and it's being studied quite a bit in the U.S. All the penalties have been set at arbitrary limits, and they should be set at limits that will actually be effective. However, no one's ever studied that.

Also, in terms of cryptocurrency, yes, it should be prohibited. These cryptocurrencies are essentially set up to allow for money laundering and fraud. They're not a step forward in terms of transparency at all and should be prohibited.

**Mr. Ryan Turnbull:** I'm going to go back to Professor Loewen.

I'm also interested in cracking down on disinformation. I know that in past elections, Elections Canada has reported.... In my riding there was information about voters being provided false information on where to show up in terms of where their poll was for their geographical area in the riding, so they were showing up at the wrong location. Obviously, this confuses voters. It can throw them off and maybe deter them from voting.

Do you think this bill goes far enough and provides some good progress on banning or limiting disinformation in elections?

• (1150)

**Mr. Peter Loewen:** I know the bill is going to try. It will be tested in court. There were previously restrictions on the spread of false information in an earlier version of the Canada Elections Act. As you may know, that was turned back by the court, so we'll see how it works.

I will note that the bill's allowing people to vote anywhere in their riding is, in my mind, a relatively sensible move and one that would alleviate this problem a little bit, in the sense that if people are being even accidentally sent to the wrong polling station—because people on different sides of the same street can go to different polling places—the provisions in the bill to vote anywhere in the riding will help with that.

**Mr. Ryan Turnbull:** Thanks very much.

Professor Loewen, from your perspective, how does Canada's approach to deterring foreign interference in elections compare to the other Five Eyes partners?

**Mr. Peter Loewen:** That's a very sensitive thing to comment on. I think that all of those partners are learning over time how to combat foreign interference.

I think we're taking it very seriously at present, but the devil's in the details for how Parliament responds to the findings of the inquiry in terms of legislation. The devil is certainly in the details for how parties respond to findings from the intelligence community and from that commission on foreign interference on a party-by-party basis.

**The Chair:** Thank you, Mr. Turnbull.

[Translation]

Mrs. Gill, you have the floor for two and a half minutes.

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I have another question for Professor Loewen. In his opening remarks, he mentioned the capacity to deliver the changes proposed in the bill. I would like him to expand on that.

This bill is well intentioned, but what does he mean when he says that the capacity to implement this bill could be less than we might hope for?

[English]

**Mr. Peter Loewen:** Thank you for asking.

The remarkable thing to me about Canadian elections is that they're really staffed by everyday people. Elections Canada does have returning officers within constituencies or in ridings who then oversee the administration of elections, but I think we all know that when we go into our polling places in Canada, it's effectively people who are non-professionals administering the election and going through the process of looking on a list, trying to find you, confirming your address and whatever else they need to do. It's a great form of participation in our elections and I think it works relatively well.

However, elections really only happen on one day, plus the early voting days. They rely on the coordination of a large number of people who, even if they're doing it for pay, are only doing it every couple of years, so they don't have great experience doing it. That just means that one of the limits on the capacity of this bill to make voting easier is how effectively things can be implemented on election day.

You only need to look as far as British Columbia to know that things can go wrong in handling polling boxes and votes and all of those things. We want to be conscious of the capacity of Elections Canada and that huge army of good Canadians who support them and do the work on election day to carry out any administrative changes.

[Translation]

**Mrs. Marilène Gill:** Thank you very much, Mr. Loewen. That is why I asked about municipal elections earlier. It is often the same staff that oversees both elections at the same time.

Thank you very much.

That is it for me, Mr. Chair.

**The Chair:** Thank you, Mrs. Gill.

[English]

Ms. Barron, I will be according you three minutes here.

**Ms. Lisa Marie Barron:** Thank you very much.

Again, thank you to all the witnesses. I am going to direct the remainder of my questions to the CLC witnesses, just to drill into the questions that I have, but thank you for all the information from the other witnesses.

Through you, Chair, to Ms. Vipond, there are many components in this bill. If we were able to put forward amendments that, as you suggested, address the primary issues that you have brought forward today.... There are other components of this bill, as you know, that are working to improve the accessibility of voting, so I am wondering if you could speak a little bit more about how workers would be positively or negatively impacted by some of the other components, such as two additional days of advance polling, improving mail-in ballots, mandatory voting at long-term care homes and at universities, voting anywhere in the riding and all of these components.

How would that help those workers who are part of your membership be able to fully participate in a fair way in our elections process?

• (1155)

**Ms. Siobhán Vipond:** We absolutely support growing accessibility to voting because it does help workers. I think you have two things at hand for these changes. If people have more options on when and how they can vote, we know that can mean it's easier to encourage them to vote. Then, there is going to be the exercise of making sure people are aware that this exists.

I am fortunate to talk to workers during elections. We've had a few provincial elections in the last while, and many people are surprised that there are other options than election day. When you talk to people and they can do that, it means that maybe they can vote near their child's care or vote near their work. That kind of flexibility means that there are fewer reasons why they can't do it, and we always want more people to participate in our elections, so I think these are all positive moves.

**Ms. Lisa Marie Barron:** Thank you very much. I do like the example that came up. In the recent B.C. election, this change was implemented for people to be able to vote at any polling station in their riding. I heard first-hand from people about how much they appreciated that. That would be a good change for us to make federally, I believe, as well.

The last question I want to ask is whether there is anything that you've missed that you want to make sure we are aware of.

**Ms. Siobhán Vipond:** We already have rules that ensure that foreign union money is not allowed to participate in our third parties. I think that is important. We are very transparent about where the money's coming from and how we're spending it. What we're really trying to address here are the limitations that currently exist. That means that we can't communicate with our members because it's getting wrapped up in this third party spending. We have not only legal obligations but also a role in democracy.

We hope that these changes, which are relatively narrow in scope and understand the special role that unions and workers have in our democracy through our unions, can be addressed because we all are better if there's a strong democracy.

We're all happy that you're the elected officials, but democracy is participation by everybody in Canada. Unions are a big part of that for workers, so that's just going to be an important step for us.

**The Chair:** Thank you, Ms. Barron.

Colleagues, that brings us to the end of the first panel, so I'm going to briefly suspend for about five minutes to allow for us to turn over.

Thank you very much to our witnesses for being here today and contributing to our study on Bill C-65.

We are suspended.

• (1155) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1200)

**The Chair:** I call the meeting back to order.

Colleagues, we are going to begin with our second panel.

We have a new suite of witnesses to welcome. Appearing as an individual, from McCarthy Tétrault, is Connor Bildfell. From the Canadian Taxpayers Federation, we have Franco Terrazzano, the federal director, and Ryan Thorpe, an investigative journalist. From the Public Service Alliance of Canada, we have Sharon DeSousa, the national president; Michele Girash, the assistant director of communications, political action and campaigns; and Sasha Hart, general counsel.

Witnesses, for those of you who may not be familiar with appearing in front of the committee, if you're not using your earpiece, we ask that you place it on the stickers you see before you. This is to avoid any audio interference, which can be detrimental to the health and well-being of our interpreters. If you are using them and they're on your ear, of course, that is moot.

We will have five-minute testimony from each group or individual, and then we will head into our usual rounds of questioning.

With that, Mr. Bildfell, I turn the floor over to you for five minutes.

• (1205)

**Mr. Connor Bildfell (Lawyer, McCarthy Tétrault LLP, As an Individual):** Thank you, Mr. Chair.

[*Translation*]

It is a privilege to appear before this committee. Thank you for inviting me.

[*English*]

My name is Connor Bildfell. I'm a lawyer at McCarthy Tétrault in Vancouver, and my practice includes both privacy and constitutional litigation. I appear before you today in my personal capacity. My remarks today will focus on two aspects of Bill C-65. The first concerns privacy, and the second concerns election integrity.

Starting with privacy, this bill proposes a national, uniform and exclusive privacy regime applicable to federal political parties. There are, of course, good reasons to have a uniform regime. For example, having a uniform regime ensures that voters across the country benefit from the same set of privacy rules. Equally, requiring federal political parties to comply with a series of privacy laws that vary from province to province could create compliance challenges, especially in today's digital environment where personal information flows freely across borders.

Make no mistake—this bill engages complex legal issues, and questions remain about how those issues will play out. For example, in the province where I practise, both the Office of the Information and Privacy Commissioner for B.C. and the B.C. Supreme Court have ruled that federal political parties must comply not only with the Canada Elections Act's privacy requirements but also with provincial privacy requirements. Those rulings are now on appeal before the B.C. Court of Appeal, and the constitutional applicability of provincial privacy laws to federal political parties remains very much in question.

Moreover, as you heard from Dr. Bannerman last week, some Canadians have raised concerns that the proposed federal regime is not as rigorous as existing provincial privacy laws and the federal Personal Information Protection and Electronic Documents Act. Some have raised concerns that the regime is not subject to oversight by the Office of the Privacy Commissioner of Canada. The committee's study of this bill offers an opportunity to consider these legal issues and engage with these concerns.

To turn to the second topic, Bill C-65 also includes election integrity measures, including provisions that target false or misleading statements about certain matters relating to elections. Most Canadians can agree on at least two things: First, freedom of expression is good; second, misinformation is bad. The challenge for policy-makers like you is to create clear and targeted laws that effectively combat misinformation without chilling legitimate political speech, which enjoys the highest level of protection under Canadian constitutional law. Striking this balance is not always easy.

While Bill C-65 proposes a number of measures designed to strike this balance, some of the existing statutory provisions that Bill C-65 does not address raise concerns. For example, paragraph 91(1)(b) of the existing Canada Elections Act prohibits, among other things, false statements about a candidate's "education, professional qualifications or membership in a group or association of a candidate". It also prohibits the same kinds of false statements about public figures associated with a political party.

The issue is this: Are these prohibitions sufficiently clear and targeted to avoid chilling legitimate political speech, or are they so vague that some individuals may self-censor to avoid potentially falling afoul of these prohibitions and facing serious penalties?

To illustrate, if someone states that a candidate is a socialist or a member of the alt-right, do they risk prosecution? If a candidate states that they worked as an insurance broker, but they never received their accreditation, do they risk prosecution? What about satire, parody or hyperbole? Are those off limits? Who falls within the class of public figures associated with a political party—for example, spouses of party leaders, former politicians or someone like Mark Carney?

These questions should be taken seriously because protecting legitimate political speech and election integrity are both important objectives that underpin the Canada Elections Act.

The committee's study of this bill offers an opportunity to consider these legal issues and engage with these questions. Thank you for your time, and I look forward to our discussion.

• (1210)

**The Chair:** Thank you very much, Mr. Bildfell.

Mr. Terrazzano, I understand you'll be speaking on behalf of the Canadian Taxpayers Federation. I turn the floor to you for five minutes.

**Mr. Franco Terrazzano (Federal Director, Canadian Taxpayers Federation):** My name is Franco Terrazzano. I'm with the Canadian Taxpayers Federation, and I'm here to give a voice to hundreds of thousands of Canadians who don't want you to delay the next election and stick taxpayers with the bill for millions in pensions for members of Parliament.

The government's proposal to delay the election by one week would give taxpayer-funded pensions to up to 80 MPs who would otherwise not qualify. That's up to \$120 million in pensions for those politicians. Some of those politicians will have served for barely six years and receive more than \$2 million in pensions—six years for \$2 million in taxpayer-funded pensions.

There are two simple things the government could do to avoid sticking ordinary Canadians with a huge bill for taxpayer-funded pensions for dozens of politicians who don't deserve them.

First is to make the election earlier. There are about 350 days between now and the next scheduled election date of October 20, 2025. I have confidence that at least one of the 338 members of Parliament and 400,000 federal government bureaucrats can figure out one day out of those 350 days to hold the election.

Second is that if, somehow, not a single MP or bureaucrat can figure out an election date on one of the 350 days between now and next October, then change the pension eligibility date so it's after the next election. Making taxpayers pay tens of millions of dollars so dozens of extra politicians can take a pension is unacceptable. Moving the election by just one week will mean up to 80 MPs will receive a pension they shouldn't. Those pensions will total up to \$120 million. Even if the final cost to taxpayers is half of that—say, \$60 million—think of the money you're taking out of people's pockets and think about how that conversation is going to go the next time you're knocking on your voters' doors.

Sixty million dollars is a year's worth of groceries for 3,000 families. Are you going to look your voters in the eye and tell them pensions for politicians are more important than food for families? Sixty million dollars is 4,000 families' income tax bills. Are you going to look your voters in the eye and tell them pensions for politicians are more important than cutting taxes for their entire neighbourhood? If you're not willing to have that conversation, you shouldn't be willing to give dozens of extra politicians a pension.

If you do change the date of an election to give dozens of politicians a pension, think of what you're doing. You're taking more money out of the pockets of your voters; you're taking more money out of the pockets of your local businesses; you're taking more money out of the pockets of the plumbers, paramedics, pilots and police officers in your communities; and you're giving their money to highly paid politicians in Ottawa who shouldn't qualify for that pension—politicians whose yearly salary is already between \$200,000 and \$300,000, politicians who take a pay raise every single year and politicians who already get a \$100,000 severance and a \$15,000 transition allowance.

I know, as I'm sure you do, too, that there are countless Canadians who are losing sleep worrying about the cost of groceries, worrying about the rising pile of bills they need to pay and worrying about coming up short for Christmas, but I bet there isn't a single Canadian losing a single second of sleep worrying that a politician in Ottawa may not get a lifetime taxpayer-funded pension.

Politicians should use their six-figure salaries, which are about triple that of the average salary of the average Canadian worker, to save for their retirements. Politicians should not try to move a scheduled election so more of them can collect a taxpayer-funded pension for the rest of their lives.

It's hard to blame taxpayers for wondering why the government wants to move the election date. The government says it's moving the election to avoid a religious holiday, but the simple fact is that 80 MPs aren't eligible for their taxpayer-funded pension until the day after the scheduled election. At minimum, you have to admit that raises a very important question: Is this really about a religious holiday, or is this really about pension eligibility for dozens of extra politicians?

Fortunately, you can put that question to rest. If you want to move the election to avoid a religious holiday, that's fine. There are two simple solutions for moving the election to avoid a religious holiday without taking millions more from taxpayers: Make the election earlier, or make the pension eligibility date just a little later.

Thank you.

• (1215)

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

Ms. DeSousa, I understand you'll be speaking on behalf of the Public Service Alliance of Canada, so I'll turn the floor over to you.

[*Translation*]

**Ms. Sharon DeSousa (National President, Public Service Alliance of Canada):** Good afternoon. My name is Sharon DeSousa and I am the President of the Public Service Alliance of Canada, or PSAC. I am joined by our General Counsel, Sasha Hart, and our Assistant Director, Communications, Political Action and Campaigns, Michele Girash.

The PSAC represents over 245,000 workers from every province and every territory across the country.

[*English*]

Thank you very much for allowing us to speak to you on this particular project.

We welcome this effort to remove barriers and make it easy for people to vote. We support adding additional voting days and making it easier to cast mail-in ballots. Helping Elections Canada engage voters and increase turnout, especially among young voters, is another great step forward.

While we welcome this bill and its goals, we do have some concerns about it as drafted and, in particular, its important impact on the democratic operations of trade unions, particularly public sector unions like PSAC. We have three main concerns.

First, the bill fails to make changes to the act to make sure our ability to engage our members or advocate on their behalf doesn't risk being obstructed. It's important that committee members understand the unique position of public service unions like PSAC. As a federal bargaining agent, many of our members are employees of the federal government. The governing party is their employer, and other parties running in an election are their potential future employers.

Talking to our members about workplace issues is a primary responsibility of every union and simply can't be separated from talking to them about election issues. We have a legal duty to represent, advocate for and inform our members on issues that affect their working conditions. This is a necessary part of our work. Restricting our ability to talk freely about things like cuts to public services or remote work arrangements or to comment on positions that parties are taking places us in an untenable position.

We urge the committee to amend the definitions of "partisan activity" and "election survey" to make sure communications between a union and its members aren't unintentionally obstructed.

Second, the bill proposes new reporting requirements for third party contributions. As drafted, new reporting requirements could be interpreted to impose onerous new obligations on unions around things like the citizenship status of our members. This raises serious constitutional and privacy concerns for our members.

It creates a new obligation not only for us but also for our employers. Are Treasury Board, Crown corporations and agencies even collecting this information in such a way that they can send it to all unions? To fix this, the committee should amend the definition of "monetary contribution" to confirm that union dues are not considered contributions under the act.

Third, the bill risks making it harder for not-for-profit organizations to work together. As drafted, the bill prohibits third parties from using contributions from anyone other than Canadian individuals, even if all organizations involved are registered and all are reporting contributions under the act. This can be easily fixed by amending the bill to allow contributions between registered third parties.

Thank you again for inviting us. I hope all parties agree to the simple changes to fix these problems and to remove the risk that this bill unfairly restricts our union's ability to advocate for and communicate with our members.

We are happy to answer any questions.

• (1220)

**The Chair:** Thank you very much, Ms. DeSousa.

That ends the opening remarks from witnesses.

I will now turn the floor over to Mr. Duncan for six minutes.

**Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC):** Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

Mr. Chair, I want to speak to you and ask some questions about this changing of the election date. You made a few different comments, and it's interesting. You're right that the blowback from Canadians has been fast and furious on this.

The NDP today now start off all their comments by saying that they have nothing to do with this and they're opposed to this now, despite our finding out last week that they had secret meetings with the—

**Ms. Lisa Marie Barron:** Mr. Chair, I have a point of order. The member knows full well that there is an amendment that was put forward and that the NDP has stood up in the House of Commons—

**The Chair:** Thank you, Ms. Barron.

Unfortunately, I can't accept that as a legitimate point of order. Perhaps that's something that you and Mr. Duncan can discuss for clarification later, but I can't rule that as being out of order.

**Ms. Lisa Marie Barron:** On a point of order, Mr. Chair, is it not a point of order when a member is misconstruing the intentions of another member or when information is false?

**The Chair:** Ms. Barron, if you feel strongly about that matter, perhaps what we can do is allow Mr. Duncan to continue. If you hear what you deem to be some form of evasiveness of the truth, you can always raise a point of order again. I can pause briefly and provide a judgment to the committee, but perhaps we can give Mr. Duncan the benefit of the doubt as he continues and see where this goes.

Are you okay with that?

**Ms. Lisa Marie Barron:** Thank you, Mr. Chair.

**The Chair:** Okay.

Mr. Duncan, I paused the time. There are five minutes and 30 seconds remaining. The floor is yours.

**Mr. Eric Duncan:** Thank you very much.

I don't mind that intervention and point of order because it just shows how desperate NDP members are to separate themselves from the change of the election date. We found out last week that they were involved in exclusive secret meetings with the Prime Minister's Office and the Privy Council Office and getting briefings and information. They knew full well that the date of the election was going to be changed, because this is not an elections bill. This is a pensions bill for NDP and Liberal MPs who are scared of losing their seats and missing out on their pensions.

I want to say, Mr. Terrazzano, about the date of the election, that one of the things we heard as well last week was about not being able to move it up because it would interfere with and hurt summer. Do you want to refute that to say that you think Canadians would be okay with an earlier election, including one that might start even before Labour Day or over the summer? Would that be okay?

**Mr. Franco Terrazzano:** Thank you very much for your question.

You know, there are 350 days between now and October 20, 2025—350 days. I have a lot of confidence in everyone in this room that you can figure out one of those 350 days to hold the election on.

Let's just pretend that in some crazy world it's impossible to hold an election on one of the 350 days between now and October 20 of next year. There's another simple option: Just move the pension eligibility back later.

**Mr. Eric Duncan:** Here's the thing about the summer. They came last week and said that they looked at it and decided they couldn't do it during the summer because that's impractical—with Labour Day and it would break summer holidays—yet it was no problem for the Liberals to call the last election right in the middle of the summer, which then went over Labour Day.

They had no problem when it was opportunistic for them, but now, when it comes to their pensions, they want to move it back the

other way by a week, fully supported, obviously, by the NDP, because this bill is part of their coalition agreement—

**Ms. Lisa Marie Barron:** I have a point of order.

The member knows full well that the information he is portraying right now is inaccurate and false. I'd ask, through you, Mr. Chair, that the member please check his facts. He knows that there's an amendment put forward by the NDP. He knows that what he is saying is inaccurate. I ask that the member please speak truth in his words at this committee.

Thank you.

**The Chair:** Thank you, Ms. Barron. I will ask Mr. Duncan to take that under advisement. However, during your round of questioning, of course, there will be time for you to add the clarity that you feel may be necessary in response to him.

Mr. Duncan, I'm going to return the floor to you for about three minutes and 30 seconds.

**Mr. Eric Duncan:** The truth is that the NDP and the Liberals worked behind the scenes in secret meetings. They were given access to PMO and PCO officials to draft this legislation.

It is only after they were caught out and called out for this being a pension protection program for NDP and Liberal MPs that suddenly they're outraged about it and they're against it. They're only against it because millions of Canadians and taxpayers spoke out about how ridiculous and self-serving all of this was.

I just want to narrow down—

**Ms. Lisa Marie Barron:** I have a point of order, Mr. Chair.

I apologize, Mr. Chair. I definitely don't want to be interrupting the member, but when there's false information that's coming forward, it is of course my responsibility to Canadians to call it out.

I'm wondering, Mr. Chair, if it's possible, on a point of order, for us to clarify whether there was an amendment put forward to the clerk, dated in June, that speaks exactly to this item being removed.

● (1225)

**The Chair:** Unfortunately, Ms. Barron, we would be entering into debate at that point.

**Ms. Lisa Marie Barron:** Thank you.

**The Chair:** I see Ms. Romanado on the same point of order.

**Mrs. Sherry Romanado:** Thank you very much, Mr. Chair.

On that point of order, I want to say that, under Standing Order 18, on order and decorum, at page 12, the behaviour of using “disrespectful” language, using “offensive words” against a member or using remarks that “question the Member's integrity, honesty or character” are out of order.



**The Chair:** Thank you, Ms. Romanado. I'm not sure I heard a breach of that particular portion of the standing order. However, I take the point that has been raised by Ms. Barron. Again, I will encourage all members to do their best to present facts as they are engaging in their remarks.

With that, we are going to return the floor to Mr. Duncan, who has about three minutes remaining.

**Mr. Eric Duncan:** The NDP drafted this legislation with the Liberals. Only after it got tabled and only after they got caught and the blowback was so severe did they finally say that they wanted to make some changes and that some parts of the bill were problematic. It's problematic for them because they got caught.

I want to narrow this down here. As Conservatives, we oppose this bill every step of the way for exactly the reasons we outlined. We're not here for our pensions. We're here for an election now, earlier and sooner rather than later, and we oppose this self-serving move that the Liberals and NDP voted for at second reading. That's why we're here.

I want to use your numbers to clarify and to make sure Canadians are clear on this. With the Liberals and NDP coming together with this bill and with both of them voting for it to get it here to committee in its current form, based on the numbers you have said, would I be correct that, if the election date were moved back a week, this would be at least \$42 million in a pension guarantee if Liberal and NDP MPs were defeated? Would that be accurate?

**Mr. Franco Terrazzano:** It depends on the results of the election, obviously, but it would be accurate to say that, if you delay the election by one week without moving the pension eligibility like we recommend, this would cost taxpayers tens of millions of dollars in extra pensions for politicians. That's correct.

**Mr. Eric Duncan:** I have at least \$42 million for the dozens of Liberal and NDP MPs who would qualify, including a quarter of the NDP caucus, just for the record as well.

Now, we know again that this is a key part of their coalition agreement. They've said as much in public—that this was a core part of the coalition deal they had with each other—and now we know why. It's not about adding a couple of advance poll voting days. It's not about foreign interference and combatting and closing loopholes, because we've heard from several witnesses that, in the bill they proposed together, there are still many loopholes that exist and are not filled that way.

At the end of the day, then, when we go back to this, I think a key part is that the NDP were complicit the entire time. From an appropriateness perspective, when we're changing election laws or doing these types of pieces of legislation, particularly in changing election rules and details like the date of the election, do you think it's appropriate for one party to be given access to the Prime Minister's Office and Privy Council Office briefings while the Bloc Québécois and Conservatives are shut out and not knowing anything about it?

**Mr. Franco Terrazzano:** I'm not going to weigh into the partisan situation—

**The Chair:** Answer very briefly, please, Mr. Terrazzano.

**Mr. Franco Terrazzano:** I'll keep it very brief. If the government wants to prove that this is about avoiding a religious holiday and not about more pensions for more politicians, either make the election earlier or make pension eligibility later.

**The Chair:** Thank you, Mr. Duncan.

Mr. Duguid, the floor is yours for six minutes.

**Mr. Terry Duguid (Winnipeg South, Lib.):** Thank you, Mr. Chair.

I want to thank all of our witnesses today for their testimony on this important topic. My first question is for Mr. Bildfell.

Disinformation and voter suppression is a disease in some of our elections. Of course, we saw it in spades in Brexit, in the 2016 U.S. election and in 2020. Also, we're seeing it in living colour in the American election that will take place today.

We've seen a bit of it around the table today, Mr. Chair, and of course, as I raised at the last meeting, the Conservative Party was very involved in disinformation and election interference. I refer to the robocall scandal and other issues that the Conservative Party was involved in.

Mr. Bildfell, I've just read a book, *The Lie Detectives* by Sasha Issenberg. I really commend it to you if you haven't read it yet. It talks about this big challenge for democracy. Foreign actors, of course, are involved.

You called for the introduction of clear and targeted laws. Is this something that can be handled by Elections Canada? Do we need to give them more authority and more power? I believe that in the book, *The Lie Detectives*, when you read it, there is one country, at least, that has set up a particular organization within the government structure to deal with this particular issue.

Also, could you provide a comment on the role of platforms—Facebook, Twitter and others—and the responsibility they have and how they might be regulated to prevent disinformation and voter suppression?

• (1230)

**Mr. Connor Bildfell:** Thank you.

I have three comments in response to that question.

The first is that there is no doubt that disinformation and misinformation are huge challenges for our society, not just in Canada but in other countries as well. It's a significant challenge that requires a significant response from a number of different groups and entities. It really requires us to pull together to put in place the right policies and to execute those policies to protect election integrity.

At the same time, I think it requires balance because, in order to protect our elections, we need not only election integrity but also robust freedom of expression.

In terms of what government organizations should be involved in that and whether Elections Canada has the powers they need to do what they need to do to promote election integrity, Elections Canada is a very sophisticated government organization. It has done a lot of work—a lot of strong work—to ensure election integrity. I think it has significant levers to do the work that it needs to do, and we've seen that.

On your question in terms of the role of platforms, there is no doubt that platforms play a central role in facilitating freedom of expression, both during elections and outside the election period. I think we need to recognize that they too play an important role in our democracy and in getting information to individuals to be informed voters.

I think that both government and social media platforms should work together and should do what they can to enhance election integrity and work together in that regard.

**Mr. Terry Duguid:** Thank you for that.

My next question is for Mr. Terrazzano.

My understanding is that you are a registered third party for elections. Is that correct?

**Mr. Franco Terrazzano:** We do not register.

**Mr. Terry Duguid:** Okay.

I receive many emails from you. You're pretty prolific in reaching out to elected officials and to the public, and I certainly appreciate the role you play, along with other organizations. I'm just wondering, and it's on the issue of transparency in elections in your communications. Do you believe that's an important principle in terms of communicating with the public and politicians?

**Mr. Franco Terrazzano:** I really appreciate your question. I'm not sure what that has to do specifically with the government delaying the bill to give more politicians a pension, but of course I believe the government should be transparent with taxpayers.

**Mr. Terry Duguid:** Right.

You are a donor-funded organization. Is that correct?

**Mr. Franco Terrazzano:** Again, I appreciate the question, and I'm happy to answer it. I will note that I find it interesting that you're changing the subject away from the government delaying the election, which would give millions in pensions to dozens of politicians. I'm not sure how our organization fits in with that bill.

**Mr. Terry Duguid:** The election law that we are discussing today has broad application, as you know. I'm just wondering.... My understanding is that you do not publish your list of donors. Is that correct?

Will you be publishing your list of donors so that we can know who funds your organization?

**Mr. Franco Terrazzano:** Thank you again for your question about our donors. I will say that this is the third question that has nothing to do with the government delaying the election to give millions in pensions to dozens of politicians.

To directly answer your question, we will always respect the privacy of our donors, and I'm very proud to do so. Speaking of hun-

dreds of thousands of Canadians, I think they would want to know what your answer is to why you wouldn't just make the election earlier or push the pension eligibility later.

• (1235)

**Mr. Terry Duguid:** Mr. Chair, I want to thank the witness for not answering my question.

Thank you.

**The Chair:** Thank you very much, Mr. Duguid.

[*Translation*]

Mrs. Gill, you have the floor for six minutes.

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I also want to thank all the witnesses for taking part in today's meeting. As I said earlier, we all want to strengthen the electoral process, increase voter turnout and improve transparency.

Mr. Terrazzano, I listened closely to your opening remarks. We at the Bloc Québécois are against moving the date of the election.

Listening to your remarks, I got the feeling that the decision to move the date of the election rests on a single factor. Did I understand correctly? What is this factor?

[*English*]

**Mr. Franco Terrazzano:** Thank you so much for your question.

I apologize. My French is not so good. I do need to work on that.

I appreciate your question. I'll give kudos to the Bloc, to the NDP and to the Conservatives. It's my understanding that all three parties are against delaying the election to give pensions to more politicians. Kudos to you. I would like to give kudos eventually to every MP on this committee because I hope you will do the right thing and either make the election earlier or make the pension eligibility later.

With respect to motivations behind it, I think there is a perception among the public that they're delaying the election to give millions in pensions to politicians that don't deserve it. Now, I don't think that's the perception. I hope that all MPs on this committee will do the right thing, so that we're able to give kudos to all MPs on this committee. Instead of giving millions in pensions to politicians who don't deserve it, I hope the committee comes forward with two very reasonable solutions, which are to make the election earlier or move the pension eligibility later.

[*Translation*]

**Mrs. Marilène Gill:** If I understand correctly, there is no other reasonable argument or reason for delaying the election. Is that what you are saying?

[English]

**Mr. Franco Terrazzano:** If the government allows the election to be delayed and ends up with dozens of politicians who take a taxpayer-funded pension when they shouldn't have to—if the government lets that happen—then it will be about pensions. They will have proven that it's about pensions for politicians.

There are two simple solutions to avoid a religious holiday. Those two simple solutions are to make the election earlier or to make pension eligibility just a little bit later.

[Translation]

**Mrs. Marilène Gill:** This is where I wanted you to go, actually. We talked about voter turnout and accessibility. Pushing the date of the election back to October 27 is not really about the coincidence with Diwali, because there is a wealth of options to make sure that people can exercise their right to vote. One day does not make any difference. The reason for delaying the election could be completely different—not to make any assumptions. At the very least, voter turnout will not be affected.

It is important to the Bloc Québécois that secularism prevail over religious considerations and that state and church be kept separate.

I am not suggesting that the decision to change the date of the election was made for a specific purpose, but we have to acknowledge that it will not affect voter turnout one way or the other. You are confirming this, actually. There must be another reason why this amendment to the Canada Elections Act is being proposed.

This ties back to what I said in my question. As you mentioned, Diwali is not grounds enough to delay the election. We could pick another option such as holding the election ahead of the planned date.

In short, the date of the election itself changes nothing and would not negatively impact voter turnout. Holding the election on the planned date of October 20 is perfectly feasible. Is that correct?

• (1240)

[English]

**Mr. Franco Terrazzano:** It's just not believable that between now and October 20, there isn't a day that we can have an election.

Let's just say that it's impossible to have an election on one of those 350 days between now and October 20 of next year. All the government would have to do to make sure this isn't about giving politicians who should not get one a pension is just to change the eligibility date for those pensions.

[Translation]

**Mrs. Marilène Gill:** Thank you.

That will be all for me, Mr. Chair.

**The Chair:** Thank you, Mrs. Gill.

[English]

Ms. Barron, the floor is yours for six minutes.

**Ms. Lisa Marie Barron:** Thank you, Mr. Chair.

Welcome to all the witnesses who are here today.

Very quickly, I would like to ask a question of Mr. Terrazzano.

I hope that we can get through it very quickly because there are many other questions I want to ask and, in my opinion, we've spent way too much time on something that's easily resolved.

To clarify, on May 30, 2024, did you write, “All MPs must vote against pushing back the federal election and the NDP deserves credit for announcing plans to amend the legislation and scrap the delay”?

**Mr. Franco Terrazzano:** It sounds like something I would have said. It sounds way better when you say it than when I do, though.

**Some hon. members:** Oh, oh!

**Ms. Lisa Marie Barron:** Why, thank you, Mr. Terrazzano. I appreciate that.

We did put forward an amendment to resolve this issue. Just to clarify, with an amendment that returns this date back to the original date, would your legitimate concerns remain?

**Mr. Franco Terrazzano:** I'm sorry. If it goes back to October 20...?

**Ms. Lisa Marie Barron:** If this clause that was put into the bill was no longer in the bill—the clause that moved the election date, which, rightfully so, provided pensions to MPs who did not deserve them.... I agree with you that this is not the time to be talking about MPs' pensions. If that were no longer in the bill, would this issue be resolved?

**Mr. Franco Terrazzano:** The only issue the Canadian Taxpayers Federation has...granted we're not experts on all these other issues.

If you do not give more pensions to those politicians, then you solve the issue and I don't have to be here today.

**Ms. Lisa Marie Barron:** Excellent. Thank you so much.

I look forward to hearing from all members their responses to the amendment once we get into that section of this debate. I hope, Mr. Terrazzano, that you are happy with the responses from MPs at that time. I'm going to move on.

Ms. DeSousa, I'm happy that you're here today. Thank you for bringing forward those concerns.

The first question I want to ask you is around the piece you mentioned about how the current bill fails to allow.... It's about the advocacy of members and that it's not obstructed. Can you speak a bit about how important it is, in your position, that you're able to communicate effectively with the members you are representing and advocating on behalf of?

**Ms. Sharon DeSousa:** Thank you very much.

Through the chair, without a doubt, we are in a very unique position as a union in which we have to converse with our members. It's quite daunting when the employer is actually the Government of Canada and when the various future employers are all running in the election. However, we need to, without a doubt, be able to communicate to our members on various issues. I don't think the intent of this bill was to in fact impede, but there is definitely a possible risk that it could in fact impede our ability. We just want to make sure that's clarified.

At the end of the day, we have an obligation to communicate on various issues, and we want to ensure, for all of our members, regardless of the platform we choose, whether it's in written format or whether we put something on our website, that we're not in fact contravening the Elections Act. We just wanted to make sure that it's clarified.

**Ms. Lisa Marie Barron:** Thank you very much.

You also talked about concerns around third party contributions, and you spoke about the constitutional and privacy concerns of members. Can you elaborate a bit further on those concerns?

**Ms. Sharon DeSousa:** Sure.

Go ahead, Ms. Hart.

**Ms. Sasha Hart (General Counsel, Public Service Alliance of Canada):** Thank you for that important question. Through the chair, we're happy to respond.

When it comes to the third party contributions piece, our constitutional concern is simply that it engages freedom of association. Unions and their members have the right not only to work in coalition with other unions but also to work through their own union on important issues. The pieces of the bill that touch on the third party to third party contributions will, in our view, unnecessarily inhibit that ability. That's what, for us, engages the freedom of association.

However, there is also another constitutional concern we have, and that relates to the possibility that under the current wording of the bill, the definition of "contributions" under the act could capture union dues. If it does, that would mean reporting vast amounts of personal information about our members to Elections Canada, and that's where we have privacy concerns around that possibility in terms of section 8, "unreasonable search or seizure".

• (1245)

**Ms. Lisa Marie Barron:** Thank you very much. You answered the second question that I had around that as well, so thank you. That's much clearer for me.

I have another question. I'm wondering, Ms. DeSousa, if you can clarify if these concerns that you brought forward today were addressed. Other components of the bill, of course, are trying to increase accessibility for Canadians to be able to fully participate in elections. That ranges from access to polling stations to where they're located, to the amount of time or the days that are involved.

Can you speak to the benefits to members and to workers across the country when we have more accessible elections and some of these components that are in the bill?

**Ms. Sharon DeSousa:** Through the chair, thank you so much for the question.

I want to bring up a very important point: There's an idea that our members or workers only have one job. They don't. In this economy, in fact, they work multiple jobs. They have family obligations, whether it's elder care or child care. They need more opportunities to vote. That is what's very important. If all of the other pieces we presented are addressed....

I want to point out, once again, that I don't think the intention was to deliberately impede our ability, as I stated in my three points. If this were clarified, in fact, it would be a benefit to all those who have voting rights—not just our members but also everyone. It's important for democracy and for engaging young workers at this point in time, so they have their say in this election.

**The Chair:** Thank you very much, Ms. Barron.

[Translation]

Mr. Berthold, you have the floor for five minutes.

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Thank you, Mr. Chair.

I will briefly go over the history of this infamous push to delay the date of the next election by one week.

Last week, we learned from a Privy Council Office representative, Mr. Sutherland, that the Liberals and the NDP negotiated and prepared Bill C-65, An Act to amend the Canada Elections Act, together. One of the measures in the bill is to delay the date of the 2025 election by one week. All of that happened behind closed doors. We knew it was happening because it was part of the agreement between the Liberal Party and the NDP.

I have here an article dated March 20 from iPolitics. It states:

[English]

Liberals introduce legislation updating the Elections Act, in keeping with NDP pact.

MP Daniel Blaikie negotiated the bill for the NDP. He appeared alongside LeBlanc for what he said would likely be his last media availability on Parliament Hill....

[Translation]

Evidently, everything in Bill C-65 was negotiated between the Liberals and the NDP.

Mr. Terrazano, in June, the Canadian Taxpayers Federation polled Canadians to find out their opinions on the decision to push back the date of the election by one week. The results were made public.

Can you tell us what were the poll's results?

[English]

**Mr. Franco Terrazano:** Thank you for the question.

I believe you're referring to a national Leger poll. Is that right? The poll shows that 63% of Canadians are against delaying the election to secure pensions for extra MPs. When you remove the undecideds, 80% of Canadians are against this. It's not just the Canadian Taxpayers Federation against this. It's not just the Conservatives who have spoken out, or the NDP and Bloc speaking out.

The vast majority of Canadians are against this, including people who vote for every party.

• (1250)

[Translation]

**Mr. Luc Berthold:** Well, that is the thing, Mr. Terrazzano. When did the NDP start to speak out against the one-week delay? From what I just heard Ms. Barron say, it was last June, right after the results of the Leger marketing firm poll came out. When the New Democrats realized how negatively Canadians were reacting to that decision—

[English]

**Ms. Lisa Marie Barron:** I have a point of order, Mr. Chair.

[Translation]

**The Chair:** Hold on, Mr. Berthold, we have a point of order.

[English]

**Mr. Eric Duncan:** [Inaudible—Editor]

**The Chair:** Unfortunately, Mr. Duncan, all points of order will be recognized until I hear what they're about.

Ms. Barron, go ahead. The floor is yours.

**Ms. Lisa Marie Barron:** Thank you, Mr. Chair.

I was going to ask for some clarification. My name is being directly quoted here, but I don't think the facts were straight on when this came forward.

I was in the House of Commons standing in May, as well as the timing of this amendment coming forward in June. Those are some facts. Perhaps the member can review his information before making accusations.

**The Chair:** Thank you, Ms. Barron. You're entering into debate.

Should there be an issue with the ascribing of testimony, we'll make sure we get it corrected for the record. I didn't hear it, and I don't have those original documents in front of me, so I can't comment at the moment.

[Translation]

Mr. Berthold, I—

**Mr. Luc Berthold:** I also do not have all the information mentioned by the NDP member, Mr. Chair, unfortunately. All I know is that it is a very plausible scenario.

**The Chair:** Okay. I will restart the clock, Mr. Berthold. You have two minutes and 20 seconds left.

**Mr. Luc Berthold:** Thank you, Mr. Chair.

Mr. Terrazzano, if the other opposition parties were to vote with us to replace the government before February 25, 2025, you would be spared another pension, the NDP leader's; on that date, he will

reach the six-year mark as an MP. We therefore have an opportunity to act even more quickly and to redouble our efforts to—

[English]

**Ms. Lisa Marie Barron:** I have a point of order, Mr. Chair.

[Translation]

**The Chair:** Mr. Berthold, I am sorry to have to cut you off.

[English]

Ms. Barron, go ahead on a point of order.

**Ms. Lisa Marie Barron:** I apologize, Mr. Chair, for the interruption.

I was hoping we could find some relevancy to the information being provided right now and how it actually relates to this bill. I don't feel it is relevant.

Thank you.

**The Chair:** Thank you, Ms. Barron.

I'm not hearing anything from Monsieur Berthold that is veering outside of the realm of relevance.

**Mr. Luc Berthold:** On this point of order—

[Translation]

**The Chair:** Mr. Berthold, on the same point of order.

**Mr. Luc Berthold:** Thank you very much, Mr. Chair.

I was simply reacting to something Mr. Terrazzano said about ensuring that no MP would receive a pension prematurely. I only wanted to give an example of another premature pension that could be prevented. It was perfectly relevant to the debate.

**The Chair:** Thank you, Mr. Berthold.

You have the floor for the remainder of your time in this round. You have a minute and a half.

**Mr. Luc Berthold:** Thank you very much, Mr. Chair.

My question is for Ms. DeSousa.

I stated very clearly earlier that the NDP played a very active role in drafting Bill C-65. Since we have started hearing from witnesses on this bill, at least two union representatives showed extreme disappointment with the bill.

Are you disappointed with the bill as well?

Usually, the NDP is supposed to represent unions, but it looks like it missed the mark with this bill.

[English]

**Ms. Sharon DeSousa:** Through the chair, I thank Monsieur Berthold for the question.

First of all, PSAC is non-partisan. We believe in educating our members on all issues. They then choose who they wish to vote for. I just wanted to say that straight away.

Secondly, our members have seen various governments formed from various parties. They have been loyal and have worked hard under whatever government is formed. It's not up to me here, at this point in time, to comment on any single party.

What we're concerned about is the formation, what this bill entails and how it's passed.

[*Translation*]

**Mr. Luc Berthold:** I simply wanted to note that the NDP, who is usually known for representing unions, seems to have sadly missed the mark in this case.

Thank you very much.

**The Chair:** Thank you, Mr. Berthold.

Mrs. Romanado, you have the floor for five minutes.

[*English*]

**Mrs. Sherry Romanado:** Thank you very much, Mr. Chair. Through you, I'd like to thank the witnesses for being here.

I want to start, first, with Mr. Terrazzano.

I want you to know that, on August 15, 2021, the Prime Minister called an election for September 20, 2021, which was just shy of a month before anyone elected in 2015 who did not win the election would be eligible. This was not a fixed election date. If the Prime Minister wanted to allow members of Parliament to get their pensions, he could have called that election a month later, and it would have happened. Just so you know, when the amendment is brought forward during clause-by-clause, I will be supporting keeping the election date on October 20.

Have you read the rest of the bill, and are there any comments you have?

• (1255)

**Mr. Franco Terrazzano:** My initial comment is this: When you vote to keep the election date where it is—and I hope everyone in the committee votes to keep the election date where it is, to have the election earlier or to extend the pension eligibility later—I'll give you.... We'll put out a news release, and we'll be very appreciative.

**Mrs. Sherry Romanado:** I don't need a gold star.

I'm asking whether you have any questions or feedback about the rest of the bill. It's 48 pages long. Do you have anything else to add to the bill?

**Mr. Franco Terrazzano:** No. Our concern is about pensions and the cost to taxpayers.

**Mrs. Sherry Romanado:** Okay.

My next question is for Mr. Bildfell.

There was something very interesting that you mentioned about false statements made about either candidates or members. I believe it was under paragraph 91(1)(b).

Can you elaborate a little more on that? I would like to dig down into that one.

**Mr. Connor Bildfell:** Certainly.

Paragraph 91(1)(b) of the Canada Elections Act, as it currently exists, prohibits certain types of false or misleading statements. It prohibits those sorts of statements not only about candidates, prospective candidates and leaders of political parties but also about “a public figure associated with a political party.”

One of the issues I was raising is this: Who does that encompass? What sorts of individuals might fall within that final category of “public figure associated with a political party”? I simply wanted to raise this issue for your attention because there can be a chilling effect with these laws. In the context of elections, political speech is regarded as sitting at the apex of freedom of expression under paragraph 2(b) of the charter. To the extent that some of our laws may chill the expression of political information and views, I think that's a problem.

The key for you, as policy-makers, is to ensure these laws are clear, understandable and can be known in advance, so we know what's onside and what's offside. I think that's critical.

**Mrs. Sherry Romanado:** On that note, outside of Bill C-65, we've been seeing in the House.... We have something called “parliamentary privilege”, which allows a member of Parliament to speak freely in the House and not be persecuted for what they say in the House. You mentioned, in your opening statements, Mr. Carney, and we've seen in the House statements made about Mr. Carney—who is not an elected official—questioning his integrity and so on and so forth.

Now, because that is happening inside the House of Commons, there is something called parliamentary privilege that protects members in being able to say such things, but what do you think about the impact, then, on regular Canadians who are considering running for office and see such things happening in the chamber? That maybe would make them contemplate whether or not they would want to run for office because they're seeing such things, and they would not actually fall under Bill C-65, under paragraph 91(1)(b) about false statements being made.

Is that accurate? What is to prevent a politician from standing in the House and attacking an adversary candidate running against them?

**Mr. Connor Bildfell:** That question engages the concept, as you mentioned, of parliamentary privilege. Parliamentary privilege, of course, is the privilege that generally protects anything that is said in the context of parliamentary debate from being actionable in law. For example, parliamentarians typically can't bring defamation claims against other parliamentarians based on what is said in the House.

I think your concern is whether that privilege may in some ways deter individuals from running for office. I'm not able to speak to whether in fact there is a concern amongst potential prospective candidates that what is said in the House of Commons may deter them from running, but the simple point that I wish to make is that we're principally concerned with what's happening outside of the House.

We're concerned with what's happening in the ordinary hurly-burly kinds of debates that happen at dinner tables and on social media across Canada. In those contexts, I think it's important that Canadians be able to express themselves without fear that they may be prosecuted for statements that may or may not fall offside this particular provision. I think it's crucial to have clarity.

• (1300)

**Mrs. Sherry Romanado:** Thank you so much.

**The Chair:** Thank you, Mrs. Romanado.

[Translation]

Mrs. Gill, you have the floor for two and a half minutes.

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

Mr. Bildfell, you talked about electoral integrity in a general sense. I want to go into more detail on subsections 243.01(1) and 243.01(2) of the Canada Elections Act. I am paraphrasing, but the act states that a person who needs help can be accompanied into the voting compartment by a friend or their spouse or common-law partner, for example, to help them mark their ballot. The act then specifies that the person accompanying the voter has to make a solemn declaration that they will not, for instance, disclose the result of the person's vote or, obviously, try to influence the person's vote.

Bill C-65 proposes to amend both of these subsections. Proposed subsection 243.01(1) states that the voter can be accompanied simply by “a person” and not necessarily by someone they trust. Subsection 243.01(2) would be repealed. The person accompanying the voter would no longer need to make a declaration.

What do you think of these amendments? Are they desirable? Could they jeopardize the validity or the neutrality of the electoral process or the integrity of the person's vote?

**Mr. Connor Bildfell:** Thank you for the question.

[English]

I think the basic provision that currently exists, as you've pointed out, is section 243 of the Canada Elections Act. As you point out, there is a requirement to complete a declaration. That's paragraph 243(1)(a). I think the intention behind that declaration is simply to enhance the integrity of the process and to ensure the process is fair and not concerning.

I think the declaration may well serve a legitimate purpose. The removal of that declaration may, in some ways at least, have the perception of reducing the safeguards in place. I think it's something for this committee to consider: whether there may even be a perception that removing that declaration requirement may in some ways reduce faith in the process.

[Translation]

**The Chair:** Thank you, Mrs. Gill.

[English]

Ms. Barron, you are our last speaker for today. You have two and a half minutes.

**Ms. Lisa Marie Barron:** Thank you. My last question is going to be for Ms. DeSousa.

Ms. DeSousa, we know that unions function on the direction of their membership, which is very different from larger corporations and individuals, as examples. There was a point that I believe you made—it was also made previously by the CLC—about the fact that the Canada Elections Act currently has strong constraints on foreign union involvement in elections. I'm wondering whether you could speak a bit more about that piece so that we have a better understanding of how that works specific to unions.

**Ms. Sasha Hart:** Currently under the act, third parties are prohibited from using foreign funds, so we would agree with the CLC that the existing mechanisms under the act to prevent foreign interference, when it comes to third parties' work and contributions, are adequate. We believe that a simple clarification here to the current wording of the bill that allows third parties to receive contributions from other third parties—so long as all the third parties involved have reporting requirements, are reporting and are subject to the prohibition that they cannot use foreign funds—is sufficient to address the foreign interference concerns.

**Ms. Lisa Marie Barron:** Thank you very much, Ms. Hart.

The final question I want to put out there for Ms. DeSousa is this: Are there any final thoughts you want to share with us around what we should be focusing on when we look at the amendments? Is there any final piece of information you think all members should be aware of?

**Ms. Sharon DeSousa:** I would just like to reiterate our main concerns. Once again, I just want to say that I think having democracy in Canada is very important. Ensuring that democracy is not influenced by “outside sources” is a wonderful thing. We just want to see clarification on those three items that we have presented. I think it's important to ensure that we, going forward, make sure that, 10 or 20 years down the road, the intent of this bill is not misinterpreted.

I thank the committee for their deliberation and hard work. I know it hasn't been easy, but we look forward to the next step in this phase.

• (1305)

**Ms. Lisa Marie Barron:** With that, thank you for your responses.

**The Chair:** Thank you very much, Ms. Barron.

Colleagues, that brings us to the end of today's meeting. I remind you that Minister LeBlanc will be joining us on Thursday to further engage in our conversation about Bill C-65 as well as his mandate.

Thank you very much to the witnesses who made themselves available today.

With that, colleagues, the meeting is adjourned.







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