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Chair

Mr. Joe Preston

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•(1140)

[English]

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

We did suggest that we would start this morning with Mr. Scott's motion that he put on notice a number of days ago. We did have votes in the House, so the chair will certainly offer the use of committee time through question period, if we want, but I understand there have been some discussions that we'll go until question period.

Mr. David Christopherson (Hamilton Centre, NDP): We really didn't know up front what the government game plan was in terms of what does one o'clock represent. Our sense was that the government was probably going to have us talking through until 5 p.m., and we can do that. If that's the case—and we hope it is because we need the time to talk—then we would prefer that we take the break for QP, given its sacrosanct status, and then come back.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Chair, if I may, we're fine with that. I told David that whatever the opposition wants...because he's right. We need a little bit more time. At five o'clock we would just go into voting rather than debating.

The only thing we didn't discuss is the time to break for QP. Do you want to go to 1:30 or 1:45? You guys may have QP practice for half an hour. Do you want to go until 1:30 and then come back at 3:15?

When do you want to break for QP, David?

Mr. David Christopherson: How about 1:45 to 3:15? That covers QP with time to get there for statements and it gives us 15 minutes to get from the House back here.

The Chair: Fantastic, let's do that.

Mr. Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): I would just add, if nobody here is making a statement, maybe we could go until 2:00, and then break from 2:00 until 3:15.

The Chair: Two is fine. Then after question period, we come right back.

We'll now go to Mr. Scott's notice of motion of April 2.

Mr. Craig Scott (Toronto—Danforth, NDP): That's great. Thank you, Mr. Chair.

This motion, which I gave notice of, I'd now like to table and move:

That the Committee present a report to the House of Commons recommending that Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, be withdrawn.

The idea behind this is that the official opposition would like us to start fresh, albeit benefiting from the process that's occurred to date, which has had all kinds of learning elements in it. This is where we probably should have started with the bill in the House, given the nature of the Canada Elections Act, where much more extensive preparation, engagement with knowledgeable stakeholders from commissioners of Canada elections to chief electoral officers, and so on, should have occurred, not to mention a much more collegial, extensive process with the other parties in Parliament.

The government has backed down on a number of very important areas that have been resisted by the official opposition, by civil society, and I do suspect by Conservative MPs. With the amendments the government's been forced to agree to, this bill will be better than Bill C-23, that is, the unfair elections act, as tabled by the minister, but it will be still much worse than leaving the current Canada Elections Act in place.

An hon. member: Hear, hear!

Mr. Craig Scott: Make no mistake, Mr. Chair, democratic resistance did prevail in major ways over the last two months. Frankly, and I'm not speaking to my colleagues across the way who are sitting as colleague MPs—they are not in cabinet, they are not the minister—would the government have announced that it was doing the about-face in several areas that it announced on Friday without the tenacious, all-hands-on-deck opposition coming from the NDP and from the leader of the official opposition? Would it have done so without an amazing outpouring of civil society protest? Would it have done so without scholars and editorial boards speaking out with reasoned arguments that endorsed the NDP's arguments in the House, and in our cross-country hearings that this committee would not endorse, that we had to do on our own, and without over 70 witnesses coming almost to a person to take this bill apart bit by bit?

Frankly, and here I do want to thank my colleagues, many of whom remain nameless even to me, and without Conservative MPs' responding to the effort started by the official opposition that created so much pressure, plus the persuasive efforts with MPs across the way.... Some of it went on throughout the testimony, and I'm not saying that this was not listened to by my colleagues, some of it was, but many other backbenchers weighed in. I know this. Without all this, there's no way the government would have backed down on a single item, I am convinced, given their "our way or the highway" approach.

We have had 10 hours of amendment discussion, clause-by-clause consideration, and I'd like to report, in case nobody noticed, that not a single opposition amendment, of many dozens, has been accepted to this point.

An hon. member: Shame.

Mr. Craig Scott: The "our way or the highway" has continued. For that reason alone, there is absolutely no chance of this bill being fixed anywhere near what would be needed for anybody, speaking for the official opposition, to support it. We'll get to the end of the process with many serious flaws. Voter information cards are still banned. The commissioner's power to seek a judicial order to compel testimony will not be permitted. The commissioner will have been moved to the Director of Public Prosecutions, a completely unnecessary move that also undermines the commissioner's capacity to investigate and the role he plays in the compliance structure of Elections Canada. The Chief Electoral Officer will have no access to campaign receipts from national parties. All public education and information programs will remain banned except for schools. Treasury Board will have a say on the temporary specialists, researchers, etc., that the Chief Electoral Officer can hire.

We tried. We moved to go into committee after first reading for everybody to be able to look at this bill fresh from the start. That was declined. So we have no choice but to withdraw and start afresh. With that, I move this motion to withdraw.

An hon. member: Kill the bill.

• (1145)

The Chair: Thank you, Mr. Scott.

Mr. Lukiwski's next.

Mr. Tom Lukiwski: Thank you very much.

I thank my esteemed colleague for his intervention. However, I do take issue with a number of things he said. Primarily, he mentioned that in his opinion at least, there's no way the government would have changed any portion of the original bill had it not been for the public pressure.

I take issue with that, because from the outset, even though our government...and the minister responsible for this bill said he thought it was a very good bill, he also said that if there were useful suggestions that came out of committee, he would certainly listen and entertain amendments based on that testimony, and that's exactly what has happened. We have introduced approximately 45 amendments based on the testimony we've heard. I think that's a good thing. I think that certainly illustrates that the government is listening.

With respect, however, to the overarching motion and the request to withdraw this bill, clearly that's an implication, or at least a direct inference, that the bill is not worthy in its current state or as amended in that process we're going through now. I take great issue with that, because I would argue that Canadians think this is a pretty good bill. I'll buttress that statement with a few facts, or at least a few pieces of information, for the benefit of all those who are perhaps watching.

The two most contentious issues that we have heard from witnesses and from members of the opposition with respect to this bill have been identification requirements and vouching. Yesterday I mentioned to members of this committee that in the most recent Ipsos Reid poll, it showed that 87%...or at least I stated that the Ipsos Reid poll demonstrated that 87% of Canadians felt it appropriate that before being allowed to vote, Canadians show identification.

In a subsequent intervention, Mr. Scott, on behalf of the opposition, said I was mis-characterizing that poll, because the exact wording said that 87% of Canadians felt it appropriate that Canadians prove their identity and their residence. The direct implication there was that you don't need ID to prove who you are and where you live. I can only suppose that this means he felt that vouching would be a form of proof. What he failed to inform the committee, however, was that in that very poll, at a later point in the poll, it showed that 70% Canadians disagreed with the concept of vouching.

So if you want to connect the dots, if you have 87% of Canadians feeling that you need to prove your identification and residence, and 70% didn't want that to happen via vouching, what's left? What's left is what we've been advocating from day one: you have to prove your identity through proper ID presented at the time of voting. That's exactly what Canadians feel.

I would also point out that also included in the poll is a breakdown by political support. It found that 66% of people who consider themselves to be supporters of the NDP felt that vouching should be eliminated. So not only in the court of public opinion does the general public disagree with the NDP position on vouching; their own members disagree. Their supporters disagree with the NDP position on vouching.

That's why I continue to say that in the court of public opinion, we are on the right side, and in this argument the NDP has lost badly in the court of public opinion. Canadians expect voters to present ID. They don't like the concept of vouching.

The best analogy I've heard comes from one of my colleagues, so I have to attribute this to him, the Honourable Ed Holder. He put out a piece to his constituents on the concept of vouching. The analogy he gave was this. Let's say two guys walk into a bar. One clearly looks middle-aged and the other one looks much younger. The bartender comes up and says to the younger-looking gentleman, "I'm going to have to see your identification." The older gentleman says, "That's not necessary, bartender. I'm going to vouch for him."

Would that be acceptable to anyone? Of course not. It's not acceptable to the laws of the Province of Ontario or any other laws in any other province that have usually the age of 18 required. That's because Canadians expect people to show proper identification in order to do just about anything these days.

• (1150)

Both on the question of identification requirements and on the question of vouching, we believe we've addressed the views of Canadians very appropriately in this bill, and on many other issues where we heard dissenting views from either Canadians or those who chose to join us as intervenors in this committee, we have listened and responded. I think the amended version of Bill C-23 will be a bill that does what it is intended to do: improve the Canada Elections Act.

Again, I notice with great interest my colleagues opposite have not mentioned many other attributes of the bill that were lauded, approved, and applauded by people who came before this committee. Coming in with a robocalls registry, for an example, to stop fraudulent robocalls, was very well received. They talk about the movement of the Commissioner of Canada Elections from Elections Canada to the DPP. Yes, the opposition disagreed with that, and yes, there was some disagreement, but quite frankly it does make the Commissioner of Canada Elections far more independent. Even Sheila Fraser said she would not have a problem with that as long as there was adequate and full communication between Elections Canada and the commissioner. One of these amendments ensures that this will happen.

Without taking too much extra time—and I thank my colleague Mr. Scott for being brief and succinct in his comments, and I'll try to do the same—I think the final, amended package, which we are dealing with today, is a good piece of legislation supported by the vast majority of Canadians. We're very proud as a government to be able to present that to Canadians.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Lukiwski.

Mr. Simms.

Mr. Scott Simms: Thank you, Chair.

Two guys walk into a bar, and the older one says, “You know, this younger guy here may not have ID, but I can vouch for him”, and the bartender says, “I'm sorry, pal, but this isn't the Constitution we're talking about, and we're not voting”.

Voting is an inalienable right, as enshrined in the Charter of Rights and Freedoms. That's what this is about. This is why the institution of vouching exists, not only in this country but in many modern democracies that do not want to disenfranchise someone.

I'll give you an example. Professor Louis Massicotte sent this along. In a recent *The Australian* newspaper column, Dennis Shanahan, who writes for the Murdoch papers, said the following:

Canada's Conservative government, embroiled in a furor after disenfranchising 120,000 voters by changing identification standards, has demonstrated the way not to go about important electoral reform.

Australia's changes should be driven by parliament's multi-party Joint Standing Committee on Electoral Matters.

What a refreshing idea.

As my leader, Justin Trudeau, said on the subject of withdrawing—and he has a valid point—the process by which this was done was so egregious towards democracy that we need to step back and think, if we ever do this again, about how it should be done. Obviously, without the numbers, we can't withdraw this bill, but I will say this. Every time they bring up polls, and every time they bring up testimony, during which they say people spoke wonderfully, glowingly about this bill, I think that's somewhat overemphasizing the positive aspects of it, which as has been displayed, we voted in favour of in certain circumstances. But when they bring up polls, and they bring that up, it's almost as though they did it on a gamble, really, because now they're saying that if they had gone through the process of setting up a multi-party system or a multi-party committee or consultations that started with the very people who run our elections every four years, they would have lots of evidence to say the government is doing the right thing.

I would love to find out what was brought to the Conservative caucus way back when that made the former Minister of Democratic Reform turn back and start all over again. I would love to know what was in that, compared to what is in this.

We do talk about how it was a climb-down and that sort of thing. I'll even give them credit by saying that they listened on some varied aspects of vouching, and to a small degree, they've restored vouching. It's at a level that is not good enough, but it's a positive step. It's not just with us here inside this bubble we call Ottawa, but it's out there in the communities and people are talking about it.

We also have to give credit to the Senate study, the pre-study, and to some of the senators—both Conservative and independent. When you look at what they said, they made some very valid points.

I'll give you another example. Preston Manning was here and he gave very good evidence about what should be done about taking the shackles off the CEO. As we've discovered, it wasn't quite followed the way Preston Manning would have liked. They did make a positive step, but still the CEO is far more legislated and put into a box than is really necessary.

• (1155)

I'll end with this. In many respects, so many clauses and so much angst that you see coming from this side of the house—which I think is legitimate—goes to an expression that's been brought up time and time again. A lot of the measures in this bill were solutions to problems that never existed.

The Chair: Thank you, Mr. Simms.

We'll call the question on the motion.

Mr. Craig Scott: A recorded vote....

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

(Motion negated: nays 5; yeas 4)

The Chair: Let's get back to our amendments. I'm at NDP-34.1, the one that was suggested by Mr. Scott as we were ending our evening last night. It's new clause 49.1 dealing with changes to voter identification.

Mr. Craig Scott: This was introduced late last evening. It would add a provision 149.1 to Canada's Election Act saying:

The Chief Electoral Officer shall ensure that the notice of confirmation of registration that is sent under section 95 or 102 is marked with a prominent message informing the elector that this notice of confirmation of registration may not be used as a piece of identification for the purposes of voting.

As bizarre as it may seem, the official opposition lost all of its amendments that attempted to bring back the ability of the Chief Electoral Officer to authorize voter information cards to be used as a second piece of ID alongside another piece of ID to show an address prominently.

What we're left with now is a situation where almost one million people were authorized to use them in 2011. A good chunk, some estimate over 400,000, actually did use them, and without vigorous efforts on the part of Elections Canada not just to do what the government wants, which is to tell people what they need to vote with, they should be told what they cannot vote with.

There will be chaos in some polls and in some areas for people showing up with their VICs assuming, like in 2011, they could use it. This is an effort to basically help avoid chaos by instructing the Chief Electoral Officer to prominently say, on the voter information card, that this card cannot be used.

I think it might have been Mr. Simms who asked Mr. Richards here last night whether the advertising of information feature on the government's amendment would permit the Chief Electoral Officer to message Canadians what they could not use. We had an answer that was, I think, maybe the best Mr. Richards could come up with on the spot. He wanted to stick to the text and the text simply says that you're allowed to advertise what you can use not what you cannot use.

I just hope that there is no doubt that surely the Chief Electoral Officer can advertise generally, and not just on this card, that this card cannot be used by virtue of the decision to ban the Chief Electoral Officer from authorizing this in the future.

That's my motion to add 149.1.

•(1200)

The Chair: Mr. Simms and then Mr. Reid....

Mr. Scott Simms: Mr. Chair, let me start by saying that I think this will be a necessary thing to do. Several of us spoke about the importance of the VIC, the voter information card, and how people use that. Yesterday I compared it to an airplane boarding pass. It's their ticket to democracy. To some people that may seem absurd, but quite frankly, to a lot of people, and I mean a lot of seniors right now, this is their ticket. They feature it prominently in their homes in the writ period to make sure it is there for when they go to vote, and they do it so proudly.

But see, this is the good part about clause-by-clause. You can have a discussion, and in the midst of that discussion you can change the way you're thinking, or bend to other people's logic. Yesterday I said I thought this should be in legislation, but then I thought, well, you know, maybe this is overly prescriptive for Elections Canada. I would just like to see them do that as a good practice, so maybe it shouldn't be in legislation.

But given what I just heard from Mr. Scott, I think he's right. This is very important to do. It may seem overly prescriptive, but I think it's a necessary move that we can make. We did talk about the shackles being put on the CEO. If we can at least take a portion of those shackles off by putting something in legislation that will inform voters that they can't use that card anymore, that will save them a lot of time and effort. It may even save their vote.

Thank you.

The Chair: Mr. Reid.

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

I certainly agree with the idea that there is merit in making it clear that the voter information card is not a piece of identification for the purposes of voting, but I don't think it's necessary to say it in the legislation. The reason I say this is that we did a little search last night, and we were able to find a copy of a voter information card. It actually says that on the voter information card already.

In fact, I have an illustration of one right now for the federal Canadian election of Monday, January 23, 2006. This is not the most recent one, but the point is that it's existed in the past without the need for a legislative requirement.

The card says: "If your name and address appear on this card, you are registered to vote. Keep this card. It will give you quicker access to your polling station." Then below that—all in caps, I might add—it says, "This is not an identification document."

In my opinion, there is no necessity for legislation. It already exists. I would just encourage the Chief Electoral Officer to return to the practice he had used in 2006. He may have used it in other elections subsequently; I don't know. The card I have at my disposal is the one from 2006.

Thank you, Mr. Chair.

The Chair: Thank you.

I have Mr. Scott, Mr. Simms, and then Mr. Christopherson.

Mr. Scott, you're first.

•(1205)

Mr. Craig Scott: The first thing it's important for everybody listening to know is that whatever is currently said on the voter information card, it's to ensure that in future it always will be marked until such time as the House changes the law to allow it to get rid of the provision that's now going to be in the law saying that the Chief Electoral Officer cannot authorize. My own memory from what Mr. Reid has just read out is that it's actually not that prominent at all. The idea here is for a prominent message.

I want to re-emphasize that this is harm reduction. There is absolutely no downside to putting this in the legislation. I'm now struggling to understand why it appears that the government may not be voting.... I actually thought I opened up in my motion to withdraw, saying there had not been a single opposition motion voted in favour of by the government. I honestly thought I could have added, "But there is one coming up."

You have your chance. I'm very serious about this. This is our best effort to acknowledge that we've lost. You have won on getting rid of the voter information card as anything that can be used. We've given good reasons why chaos could result. This is an attempt to make sure that harm, in 2015 at the polls, is reduced. There is no downside to putting this in.

I hope that Mr. Reid's reluctance will not be reflected in the vote.

The Chair: Mr. Simms.

Mr. Scott Simms: Many members from the government in this committee have said that they want to make sure that we are clear on what the roles and responsibilities are of people involved with elections.

As Mr. Scott pointed out, there doesn't seem to be any angst toward having this on a VIC, so there's not much more to say, other than that this is your chance. Help us to help you. This is your chance to say yes to something you have already acknowledged is a good practice; therefore, let's enshrine it.

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thanks, Chair.

I think the government made our point by virtue of the fact that even they had to go back to research a voter information card, retrieve it, look at it, and discover for themselves that it's on there. The fact is that none of us knew it was on there. We have all had them in our hands at one time or another, we've been talking about them for weeks, and none of us—none of our staff, nobody—knew it was already on there. Doesn't it make a lot of sense that we emphasize, by the passing of this motion, that it be a prominent message? That's the operative word, "prominent". It's obviously not prominent.

This is harm reduction. We have run up the white flag concerning the voter information card and the way the government is neutralizing its effectiveness. We accept that; we can count. This is, as my colleague Mr. Scott has said, harm reduction.

My colleague also said that there is no downside. The only thing I might add is that from the government perspective there could be a downside, because if that message is displayed prominently, more people may become aware that the card is not ID. Therefore, there is a possibility or greater likelihood that they may take appropriate ID with them or grab their driver's licence and then be able to vote. That's what they don't want. Let's remember that the goal of the government in this exercise is to have fewer and fewer Canadians vote in the election. There is nothing they have done—with the exception of a couple of minor things, but on the significant factors, there is nothing they have done—that is meant to encourage, facilitate, and result in more Canadians voting. It is the opposite.

We see this in the United States. The Republicans are doing the same thing, especially around ID. People are following that issue. It has been challenged all the way to their Supreme Court. This is the same game. It has a little nicer, fuzzier, Canadian look to it, in that it may not be as stark, but make no mistake. The goal is the same: voter suppression—fewer people voting.

The downside for the government of putting this information in prominently is that more people may make sure when they walk out the door that they have some other piece of ID and actually will go to the voting station and will vote. The government is hoping.... This is where we didn't get a chance to get into the minutiae.

We talked about it a bit last night. At 10 o'clock or 11 o'clock at night, who is paying attention? That wasn't by accident, either. We talked about—

Pardon me?

The Chair: I was paying attention.

Mr. David Christopherson: Yes, Chair, you've been paying riveting attention, I know, and there's a test after, too.

What we found out last night, again through the fantastic analysis and work of my colleague Professor Scott, is that scrutineers now will be given the clear authority to look at ID. If you want to do so, you can use that power to slow things down. When you're into the game of voter suppression, chaos in the voting station is your friend, long lineups are your friend, people who don't have ID are your friend. That's the name of the game.

What we are saying is that at least on this one, if nothing else, we're either going to make an improvement or leave a stark example, for anybody who is listening and watching, that clearly they don't want people to vote. Otherwise, why on earth would they disagree?

The best argument we've heard so far from the government is that the information is already there. But as I said, none of us knew it was there. You can't find it. The operative word in the motion is "prominent". The whole idea is that it would be prominent, in the hope that more people will realize that, although it makes no bloody sense, their voter information card is not the ID they need to bring to the voting station—even though common sense as well as facts would dictate that this is the way it should be.

So at the very least, let's let Canadians know the absurdity, so that they know that grabbing that card and heading out the door to vote is not going to do it, even though common sense says it should, especially when they arrive at the voting station and look down and see their name on the voter list, as it is on the card. But if they don't have that other ID, which didn't used to be there before, they won't be able to vote.

•(1210)

This is an attempt to try to salvage something out of this, to prevent some of the chaos, Chair. Again, this is to prominently put on the card that this is not ID for voting. That's all it is. If they vote against that, how could there be any defence to the allegation that this is voter suppression? It has been from the beginning, it continues to be. The only reason they're blinking now is that there's been so much pressure from Canadians, experts, international experts, and to their credit, the media, who have uniformly been opposed.

With all of that, we're down to this moment. If they won't even vote for this, then the last bit of the fig leaf, as ugly as that image is, is gone, and we know, and Canadians know, that this is all about trying to get the fix in for the Conservatives in every way they can and that voter suppression is alive and well in the Government of Canada.

Thanks, Chair.

The Chair: Thank you.

Mr. Reid.

Mr. Scott Reid: Mr. Chair, I won't dwell on this at length, but I just have to say how profoundly offended I am by the literally unbelievable assertions that have been made by my colleague, who I'm sure, upon reflection, will regret that he has said what he has said.

His accusation, if we are to take it seriously, is that the government is seeking to systematically, on the basis of age, race, income level, and perhaps some other factors I couldn't keep track of, deny the vote to Canadians, an assertion that, if true, would mean that literally every member of the government, certainly every person sitting at this table, would be unfit to be in the public square, to serve in public office, frankly to participate in debate.

If that's what we did, if we were the systematic bigots who participated in deliberate, aggressive voter suppression, on that basis, we would be unfit for public life. I would be ashamed to be with anyone who actually acted that way. Frankly, if I were like that, people should be ashamed to be with me.

But of course this is complete fiction. If there were one iota of truth to it, in a country that is as sensitive as Canada and as Canadians are to this kind of grotesquerie, this kind of unacceptable attitude, there would be revolution out there. But there is no revolution out there at all.

Despite the histrionics of his party, indeed we see that on things like the vouching principle, a vast majority of Canadians support our position on this. They would not support, and they never have supported, any measure that hints at or smacks of in the slightest way any of the kind of racist, bigoted actions that he suggests are at the foundation of this government's approach.

Frankly, I'm a little bit ashamed to be sitting opposite him. I never thought I would say that, but listening to this, I'm actually genuinely offended.

Mr. David Christopherson: I kind of feel the same way.

Mr. Scott Reid: Under the circumstances, Mr. Christopherson, I have to say that's actually a bit of a relief.

With regard to the specific amendment that we're discussing, the fact is that the voter information card contained until recently a message, in all capital letters, that stated that this was not identification. It could not be used for identification at the polls. It was prominent. It met with every iota of the description described by Professor Scott.

I make the humble suggestion that now that we've all indicated that we desire to see something like that, the Chief Electoral Officer will be capable of putting it back on. I hope he will do so. If he doesn't, I would be surprised. The point is that there's no need for a specific provision in the law to make that happen.

That's all I have to say. Thank you.

•(1215)

The Chair: Thank you, Mr. Reid.

Madame Latendresse.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Reid, I am a bit confused. I have here an image of the voter information card, and I cannot find that sentence. I am just trying to understand whether or not it is on the voter information card. As far as I can see, it is not.

It was explained to us that the amendments to the legislation make it impossible for the Chief Electoral Officer to indicate which card cannot be used. So I think it would be really important to approve this amendment, so as to make sure the information on the voter card is accurate.

To your knowledge, does the voter information card currently display that sentence?

[*English*]

The Chair: I can answer from what testimony I've heard that the 2006 card did. I have not seen a copy of it. I've not seen one since, not here in front of me.

[*Translation*]

Ms. Alexandrine Latendresse: Based on the image I have before me, the most recent cards no longer display that sentence.

[*English*]

The Chair: I can't say that for a fact.

[*Translation*]

Ms. Alexandrine Latendresse: Okay, but I can confirm that the voter information card currently displays the following sentence:

[*English*]

“Please take this card when you go to vote.”

[*Translation*]

So if that sentence is on the voter information card, but nothing further is provided to help the voter find the right polling station, and they cannot use the card for identification purposes, I think some issues could arise.

[English]

The Chair: Mr. Scott.

Mr. Craig Scott: Yes, I'll be very brief. My understanding of the card at the moment is the same as Madame Latendresse's that in the space that Scott was citing, I don't believe there's any such prominent message. There may be something on the back that, if you search for it, says that this cannot be used for voting.

So on the one hand, Elections Canada does want people to bring this card, because—you know what?—it facilitates processing on election day. If you have it, your name is on the list, then it's easy to find the corresponding name, and then they go to the next step of the ID. The fact is, we're all completely unsure exactly if, where, and how prominent it is. I'll just finish by asking, isn't that a good reason for us to put in the legislation that it should be there and that it should be prominent? Simple as that.

• (1220)

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thank you, Chair.

I won't go too long but I do have to respond. I can't leave that stand.

My response would be very straight up. You should be ashamed. This entire government should be ashamed of themselves. Flip it around the other way. If an NDP government brought in an election reform bill having not talked to the Chief Electoral Officer, having not talked to the Elections commissioner, having not talked to the Director of Public Prosecutions, when you're moving an important part of government into their area, the Conservatives would have gone out of their minds. They would have been absolutely apoplectic, and my allegation and charge of voter suppression stands, four-square solid.

That's what's going on here.

The Chair: Let's go to the amendment, please.

Mr. David Christopherson: Well, I was attacked personally—

The Chair: I've been giving some freedom—

Mr. David Christopherson: Well, I'm just about done, Chair.

The Chair: Let's speak to the amendment, and then we'll get off the personal stuff.

Speak to the amendment, please.

Mr. David Christopherson: They have a lot to say now.

You know, no one is fooled by these detailed talking-point arguments you have on this amendment or any other. The fact that they didn't, through you, Chair, even consult the Chief Electoral Officer, that alone exposes the government 100% as to what this is all about, and every expert.... Do you think international experts have nothing else to do except hunt around and find out what Canada is doing in terms of legislation that's in our House? No, it came to their attention because—

The Chair: Please....

Mr. David Christopherson: —they care about these issues, as we do, and that's why we're going to use every minute we can, Chair. I know it upsets you, you don't like to hear it all, and too bad, but there

are a lot of Canadians who didn't get their voice heard. We're doing our best to give them that voice because they are angry, and so are we, and everyone should be. This is voter suppression, period, full stop.

The Chair: We've spent way too long on one amendment this morning, and we're not speaking to it, and from the procedural point of view—it is procedures and House affairs here, folks—let's at least try. I'll be as nice as I can to give you time to make your points, but let's not make them points about each other. Let's make them points about the amendments, and we'll get through this a lot more quickly and with a lot more fun. It won't be fun if your chairman isn't having any.

On the amendment,...a recorded vote.

(Amendment negatived: nays 5; yeas 4)

The Chair: We'll move on to G-7.

Mr. Lukiwski? Oh, I'm sorry, I've done it again.

(On clause 50)

The Chair: Shall clause 50 carry?

Mr. Tom Lukiwski: Chair?

The Chair: Yes.

Mr. Tom Lukiwski: I hadn't consulted with my opponents on this so I apologize, but the government's intention is to vote against clause 50. I can go into detail if you wish, but I think if the opposition members took a look at clause 50, they would be pleased that we'd be voting against that.

Voting down clause 50 would remove the proposed changes in section 144.1 of the Canada Elections Act, which was only being amended to change a cross-reference that was no longer correct because of the elimination of the vouching process. With the proposed reinstatement of a process for attestations of residence, the existing cross-reference is no longer needed to be corrected. This is all in relation to that, so if you want to take a few moments and take a look at that....

I do apologize, I should have given you this information ahead of time.

• (1225)

The Chair: Mr. Scott.

Mr. Craig Scott: Is it urgent then, because if it's a cross-referencing cleanup kind of thing....

The Chair: I vote that we suspend for a minute and get a coffee.

• (1225)

_____ (Pause) _____

• (1225)

The Chair: We're back. I missed you all while we were gone.

Mr. Lukiwski, did you have more or are we going to Mr. Scott?

Mr. Tom Lukiwski: Let me just again say, and I did apologize.... Of course, it could have been that if I hadn't said anything it would have been a nice surprise when you voted against it and so did we. But rather than have that kind of surprise, I thought I should let you know in advance what we were doing.

Mr. Craig Scott: Very quickly, we were going to vote against it, although it was in the recesses of my mind why. I would have thought this might even have been a consequential amendment if it had gone through, but I'm not sure.

Therefore, it's important to vote against it. Thank you for telling us.

The Chair: On clause 50, those in favour?

(Clause 50 negated)

(Clause 51 agreed to)

(On clause 52)

The Chair: On clause 52 we have amendment G-7.

Mr. Lukiwski.

• (1230)

Mr. Tom Lukiwski: I will so move. Basically, this is consequential to G-5, which we've already dealt with and passed. Frankly, this is the beginning of many parts of the package on attestation for residence.

The Chair: On G-7, those in favour? Those opposed?

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

(Clause 52 as amended agreed to on division)

(On clause 53)

The Chair: We now go to NDP-35.

Mr. Scott, would you like to....

Mr. Craig Scott: Do you know what, Mr. Chair?

This all gets caught up in stuff that's already been decided.

The Chair: So you will not move it?

We will not move NDP-35.

We'll go to Liberal-21.

Mr. Simms will have to decide. Liberal-21 is exactly the same as the one that Mr. Scott didn't move, so you could take the same choice.

Mr. Scott Simms: Again, we're going back to vouching, that's my understanding.

Sorry, I didn't get the reasons why you withdrew....

The Chair: Because it's already been covered.

Mr. Craig Scott: Also because there are multiple ways to try to deal with this and we really already dealt with it and lost.

Mr. Scott Simms: That is true. I'm going to call for a vote on this anyway. The reason why is that when I dealt with vouching, there's one point I neglected to mention. I think it's very important and I'm sorry if you feel I'm wasting your time, but it's one point that I think is very important in vouching and that is this.

Vouching is a form of ID and from what I understand it is probably the only one with an address that you don't have to pay for. I think I'm right on that one. For anything that proves your address, whether it's a passport, driver's licence, or that sort of thing, there's a

substantial fee added onto it. That's another reason why we should do this. I'd like to call for a vote. I won't waste too much time on it.

The Chair: On Liberal-21, was that a recorded vote you called for?

An hon. member: Yes.

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

The Chair: Sorry, Ms. May, I didn't mention that you had one that was exactly like that, PV-32, but now that we've voted, it is also....

I apologize. It's already been voted on and defeated, but very quickly, go ahead.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Chair, given the chance I would have agreed that I shouldn't talk to it. I just want to flag that there are amendments coming up that I really will want to talk to because they are quite distinct.

The Chair: There you go. I won't take off that time.

Amendment BQ-4, if that was in your next stack, was done last night, but I have G-8, which should be next.

Mr. Tom Lukiwski: I have NDP-36.

The Chair: Yes, I have G-8 further down. Everybody, dig down to G-8.

Mr. Lukiwski, is that where we're at?

Mr. Tom Lukiwski: Are we going to G-8 now?

The Chair: Yes.

Mr. Tom Lukiwski: That's okay. I just wanted to know why we're not going to NDP-36.

The Chair: It's because it was in the list that way.

Mr. Scott.

Mr. Craig Scott: That's a good reason.

Are we coming back to NDP-36, LIB-22, and PV-33?

The Chair: Apparently they are all connected. If G-8 is adopted, BQ-4, which is already gone, NDP-36, LIB-32, and PV-33 can't be proceeded with.

• (1235)

Mr. Craig Scott: It was supposed to be dealt with after.

A voice: No, it comes first in the bill.

The Chair: According to here, it comes first in the bill.

Mr. Craig Scott: I will have to defer to Mr. MacPherson, who knows this intimately.

The Chair: Thank you.

Mr. Lukiwski, if you went with G-8, with the rest of you knowing that NDP-36, LIB-22, and PV-33 would also not be able to move forward if G-8 passes....

Mr. Tom Lukiwski: Thanks, Chair, and I do move this.

It's part of the package on attesting for residence. The amendment requires poll workers to warn individuals and the co-signer as well who take an oath when registering on polling days. We talked about this fairly extensively last night, and the warning would be just to inform those who are requesting and co-signing the oath that by misrepresenting yourself and by lying as to either your identification or particularly your residence, you could be subject to severe sanctions under the Elections Act. That's what this deals with.

The Chair: That's great. Are there questions?

Madame Latendresse on amendment G-8....

[Translation]

Ms. Alexandrine Latendresse: I would just like to point out that there is an error in subsection 161(1). I do not think the English provision is supposed to be replaced with a provision in French.

[English]

Tom, have you seen it?

Mr. Tom Lukiwski: Yes.

Ms. Alexandrine Latendresse: Look at proposed section 161 in English. It's in French, so unless you want to have a section in French in your English version of the law—it's

[Translation]

amendment G-8.

[English]

The Chair: Line 161 on your amendment, on the English side, is written in French.

A voice: Yes, but it's an amendment to the French version.

Mr. Tom Lukiwski: I'm not sure why that was.

The Chair: I know why. It's because it says above it, that this is a subsection of the French version.

Mr. Tom Lukiwski: Perhaps, Chair, just for assurance we could have PCO clarify.

The Chair: Go ahead.

Mr. Marc Chénier (Senior Officer and Counsel, Privy Council Office): We'll take a quick look, Mr. Chair.

The Chair: Thank you.

• (1240)

Mr. Marc Chénier: Mr. Chair, we may need to take a few minutes to review this so if the committee feels it should be stood down, it might a good idea at this point.

The Chair: Okay.

In my thought, then, are we standing down NDP-36, LIB-22, and PV-33 at the same time? Is that our best move, that we just set all these aside for a moment, while you continue to look that up?

Okay.

(Clause 53 allowed to stand)

(On clause 54)

The Chair: That leads me, then, provided it doesn't hurt at all, to G-9, because we're taking that whole package and standing it down,

just for a moment, while we get the best and the most professional answers we can.

Mr. Tom Lukiwski: Again, I move it, Chair.

G-9 is similar to G-6, requiring poll workers to warn the oath taker and the co-signer of the maximum penalties for swearing a false oath, and again this will ensure that those who use the system are aware of the penalties should they break the rules that Parliament has put in place to protect the integrity of all votes. There's a number, as I mentioned I think yesterday, of amendments that sort of attach themselves. It's all part of the attestation process, so this is one of them.

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

Mr. Craig Scott: I just have a quick question. I think it might affect Mr. Christopherson's intervention, too. We did have a vote earlier on, an earlier version of this, and obviously it passed. We don't really want to hold this up for that reason because it's going to be the same result.

But I was wondering if we could have any clarification on whether it already exists in other parts of the act and in other acts that falsely swearing an oath can be subject to penalties. I'm just wondering, though, about the advising, this specific advising people that when they take the oath in writing, they are subject to penalties. The warning part, is that normal? I'd like to know so that we're aware that when we're voting for this whether it's a kind of innovation or whether it's quite normal to warn people taking oaths that they're subject to penalties. Is there any easy answer to that?

Ms. Natasha Kim (Director, Democratic Reform, Privy Council Office): There was a precedent in the Canada Elections Act actually, so this same section, subsection 161(1) already existed in the act. It was an oral notification, oral advising about the oath, but this is more clear in terms of the scope of what that advice should be, so it essentially puts people on notice.

Mr. Craig Scott: Okay, so it actually already exists. So all this is consequential to what's happened, but the advising is no different from what happened before. Okay, thank you.

The Chair: Mr. Christopherson, do you still want on the list?

Mr. David Christopherson: Thank you.

This deals with a voter coming in and being vouched for by someone in terms of their address, and we're back to the issue of "personally" again: do you know them personally?

I don't think we've heard yet how that's going to be interpreted. Is there going to be guidance provided, or are we going to have poll clerks...? Because here's the thing, if Parliament hasn't sorted out what "personally" means, then common sense would suggest that there's going to be some people, upon hearing, "Do you know this person personally, and remember if you sign this and vouch for them, and you've done something wrong, you're in serious...". I'm just concerned that all of that would have some people going, "Wait a minute, I don't know what I'm getting into. I see the guy at the store. I know he lives in the neighbourhood. Is that personal?" What's the poll clerk going to say at that point?

Again, there's a whole grey area, and remember that all the while this interaction is going on, there are people in line waiting, and if the line is too long, they're going to go home. So part of what we're supposed to be trying to do is not only to make it easy for people to participate, we're supposed to make it efficient.

So I'm just a little concerned, Chair, and the government can respond on what their thoughts are and what we're going to do with "personally". Have they given it any thought? Do they know how that's going to be dealt with, and is there any concern? Because as far as I know, that sort of a threatening warning hasn't been given before.

Those are my concerns, so thanks.

• (1245)

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: David, in all honesty, I just don't think it will be quite as complicated as you think it might be. It's just as simple as I know someone who's named David Christopherson. I may not know him well. I don't know how you define "personally" either, quite frankly, but I know you are David Christopherson. I don't need you to produce ID to me. I may not have known you well, but I know your name and I also know where you live. You may be my next-door neighbour or whatever, and that's all I'm saying, and I don't want to know where you live, frankly.

It's not meant to be complicated. It's meant to be, quite frankly, just to say, "Yes, this guy can vote, because I know he's David Christopherson; I know he lives here, so he's in a polling station; go ahead."

Training, yes, obviously Elections Canada, when they begin their training processes, given some of the changes in the new Canada Elections Act, will probably go over that with their poll workers, but it's not meant to be complicated.

The Chair: I have no one else on the list.

We're voting on G-9.

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

(Clause 54 as amended agreed to on division)

(Clause 55 agreed to on division)

We are on G-10.

Mr. Lukiwski.

Mr. Tom Lukiwski: I so move, and I'm not sure if you have any comments before I begin, Chair, on G-10.

The Chair: I don't have any.

Mr. Tom Lukiwski: This adds:

For each general election and byelection, the Chief Electoral Officer shall engage an auditor that he or she considers to have technical or specialized knowledge—other than a member of his or her staff or an election officer—to perform an audit and report on whether deputy returning officers, poll clerks and registration officers have, on all days of advance polling and on polling day, properly exercised the powers conferred on them, and properly performed the duties and functions imposed on them, under sections 143 to 149, 161 to 162 and 169.

This is just an audit to ensure compliance.

The Chair: Madame Latendresse.

[*Translation*]

Ms. Alexandrine Latendresse: The amendment states that the Chief Electoral Officer can engage an expert. However, we have already voted to ensure that the Chief Electoral Officer would have to obtain the Treasury Board's approval before engaging any experts.

Will that apply to this specific situation?

• (1250)

[*English*]

Mr. Tom Lukiwski: I'd ask our PCO officials to comment on that.

Ms. Natasha Kim: Under section 18.1—I believe it is—the CEO has full contracting authority. Section 20, subsection (1), is what provides that special personal services contracting authority, which is subject to Treasury Board approval to fix and pay the rates of pay. So that is something where the Treasury Board would be providing some guidance in terms of the rates of pay that would be subject to those. The function of that is really to make sure that there is an appropriate rate of pay being used, and it's not being used to circumvent public service standards and that sort of thing. It's not a very in-depth oversight, so there's always respect that's given to agents of Parliament and others where there's an independence of office there.

The Chair: Mr. Scott, on that one....

Mr. Craig Scott: Yes. I'm going to be upfront that this is one of the amendments I've not had time to reflect enough on, although we got notice—I guess late Friday it was in the provisional package.

I think, in general, the idea of an audit is something we'd support. There's every reason to think that's consistent with everybody's understanding of the need to learn from each election and eliminate irregularities, etc. So I assume that's the reason.

What I'd like to focus on, however, is just to have Ms. Kim ready with one question which is, if there's any specificity to what the word "audit" means. What kind of audit would this actually entail, just by using the word "audit"? There are different kinds of audits and I'm not sure, does this mean in 338 ridings, every polling station, every DRO, every poll clerk? Does it allow sampling? I'm not sure, because that goes to costs.

Or maybe Tom knows the answer to that.

Mr. Tom Lukiwski: I'll comment, and then if you want further clarification, we can get our PCO officials to talk about it.

The amendment, in layman's language, will require the CEO to engage an auditor to perform an audit of compliance with respect to the oath-taking process. In addition we will find—as part of this entire package—we want the audit not only to ensure that the election workers had advised the oath takers appropriately, but we want to make sure that an audit is done so that we ensure that no voter who's taken an oath has voted more than once, and that we will see a little later.

So that's the purpose of this, just to verify that anybody who's coming up and swearing, "Yes, I live here, and I'm eligible to vote", only votes once and that he was forewarned as to the penalties if he should be misrepresenting himself.

Mr. Craig Scott: That's clear.

In order to achieve that purpose and in light of the fact that the word “audit” is used on its own without any other qualifiers, what kind of audit would achieve that purpose or intent? Have you any idea?

Ms. Natasha Kim: The audit is not defined here or in the act. It's used in other places, for example, for political financing and returns, and audits of standards that should be used in terms of generally accepted auditing practices and standards.

In terms of the scope of it, it's not set out here or defined. For example, the compliance review that was undertaken was not necessarily of every election document that would actually have been gathered. It is to achieve the objective and depending on what's happened, it's really about wanting to ensure that appropriate compliance is being achieved.

Mr. Tom Lukiwski: Maybe this would help. Rather than audit, because I understand that audit can mean different things at different levels, this is more of a verification than an audit. It's called an audit. We claim it's an audit here, but it is to verify that anyone who has taken an oath is aware of the penalties if they abuse it. We just want to make sure that Elections Canada verifies at all polling stations if anyone has taken an oath that they've been made aware of the penalties if they are lying.

Mr. Craig Scott: I don't mind the general use of the word “audit” for the exact same function. It's still auditors who are going to be asked to do it.

The reason it's important is, for one thing, we're leaving it open. The audit is generally worded, so at some level the Chief Electoral Officer, with the auditor, determines what kind of audit will achieve that purpose and then that's as much as we can ask if we don't specify more.

But I would note that it says:

the Chief Electoral Officer shall engage an auditor that he or she considers to have technical or specialized knowledge—other than a member of his or her staff or an election officer

Here is where I have two concerns. One, Elections Canada has within it a standing team of trained auditors who are on salary, as I understand it, and if they weren't enough, then you'd be adding some temporary bodies, but it would be part of sunk costs. Effectively, this is almost like it must be an external auditor to Elections Canada. This brings up huge cost questions unless I'm misinterpreting and that's why I'm wondering how extensive the audit will be and whether the costs will be there.

Second, how necessary is it for it to be an external auditor? Elections Canada is the body that regulates anything to do with the Elections Act, including precisely the provisions that we're talking about. They have the internal expertise. I'm just a bit worried that adding that in is not only unnecessary but it's another implicit provision saying that somehow or other the Chief Electoral Officer's team is not independent enough to do it.

So if you add the costs and you add the fact that they have the team, I'm not sure why it has to be external. That's my big concern.

• (1255)

The Chair: Mr. Christopherson.

Mr. David Christopherson: Thank you, Chair.

First of all, it's interesting that it's an outside person, but here's what's sticking with me. These are my thoughts, not the reflections and wisdom of all my colleagues. This is just my view of it.

It's interesting that the government's going out of its way to ensure in a clause in the law that there is an audit or a review of issues pertaining to—guess what—its favourite subject: vouching. It just strikes me, Chair, that the government is not putting in legislation that there has to be a review and an audit to ensure that the Chief Electoral Officer did sufficient outreach and sufficient education, to review whether he did everything possible to encourage people to vote. That's not the audit. The audit isn't who was turned away at the voting station and why, to learn lessons about improving the bill to make more people vote. No, the audit part is not to look at and make sure that people's democratic rights were protected. That's not the priority here. In fact, as far as I know, that's not even in the bill.

However, its little subject matter around voter information cards—how they can't be used as ID; how it's not sure what the term “personally” means; how people are going to be told, “Boy, you'd better know that if you're signing this document and vouching for someone, this is all kind of serious”—is the only area being proposed for review. Sections 143 to 149, 161 and 162, and 169 pertain only to vouching for an address. That's the only part of the whole bill the government has said it wants to go back and examine after the election. Is it to look at and determine whether or not everything was followed and everything was done to help Canadians vote and to make sure the system works? No, the audit is in the reverse. It's on the negative. Were they allowed to vote? Who were they?

We all know from the submissions that were made which populations will be affected by the changes to vouching. I reiterate that this is just one more small part. If you add up all these parts over the days—and I don't think we're even halfway through the bill yet—we've been able to point out bit by bit... I say to the government that there are intelligent people who follow these things, who know a lot more about law-making than we do.

My colleague is a professor. For days and days, as he was analyzing the original bill, he'd come to me and say, “Dave, I can't believe what's here. Every time I go through another clause, there's another layer”. All of that fits. That's why there was no consultation done in the beginning. This was all done probably with outside lawyers. It's all very well crafted. That's why they took so long.

I just can't help but think that this is just one more piece of this overall structure that is meant to do the opposite of what we want, in my view. If the government wants to prove that I'm not accurately reflecting its attitude, I sure would welcome amendments that show how it's going to do audits and reviews of all kinds of things that speak to people's rights.

The last point, Chair, is, once again, to point out the disrespect shown by specifying that it has to be an outside person. The government still sees the Chief Electoral Officer as an opponent. Canadians see the officers of Parliament as their friends. Again, it is not this government's view that the Chief Electoral Officer would be competent and professional enough to do a review that would give an honest reflection, seeing as last night it said, among other things, that the Chief Electoral Officer did things to create an illusion.

Again I point out that this just underscores one more aspect of how the government views the Chief Electoral Officer as somebody to be controlled and opposed; whereas the opposition and, I think, the vast majority of Canadians think people like Auditors General and Chief Electoral Officers are some of their best friends here on the Hill.

• (1300)

Thanks, Chair.

The Chair: Thank you.

Mr. Reid.

Mr. Scott Reid: Thank you.

Mr. Chair, the assertions made by Mr. Christopherson are incorrect.

The Chief Electoral Officer reports to this committee. Mr. Christopherson will be aware, and others on committee will be aware, of the fact that I have expressed frustration on numerous occasions in regard to the opaque nature of his reporting, of how difficult it is to tease out actual detailed information on things as simple as whether or not any individuals have been prosecuted, and if so, how many and where, for voting fraudulently.

I've mentioned examples of how his reports are frequently very short of information on the specifics that we—effectively, his board of directors—need to review. This committee has the opportunity to ask any question, and indeed, it would be my intention to ask questions about these subjects afterwards.

As everybody knows, I've mentioned on a number of occasions how I was very proud to have set up the meetings of groups of disabled people—or a group of disabled people—that led to the inclusion of certain provisions in clause 7 of this bill, Bill C-23, which will amend section 18 of the Canada Elections Act, specifying and requiring the Chief Electoral Officer to ensure that people can get out and vote and that they know how to exercise their rights, rights that are there in principle but not in practice if people are unaware of how to exercise them.

These are rights such as the right to become a candidate or finding out how to put your name on the list of electors if it was left off. The voter information card simply says, as one knows if one looks at it, that this shows you were on the voters list. But you don't know that you're not on the voters list if you don't have the voter card, right? This includes how to vote—different times and dates and locations, including voting by mail, voting at the returning office and so on—and how to vote if you're disabled, if you have problems getting access to the polling station, and so on.

These are all things that we have to enumerate in the law because they weren't being done adequately. I point to this all to make the point, Mr. Chair, that it's actually pretty difficult to figure out how to make sure that he then reports adequately in the future. I'm serving notice now that, statutory requirement or not, it is my intention—assuming we have someone on the committee after this law goes through after the election occurs, and if I'm still elected—to be asking him how he complied: how much money he spent, did he spend it in both official languages, and did he do a review afterwards.

If he doesn't have answers to that, I'll be very critical. It's his obligation to keep accurate records on these matters, and it's our obligation to ensure that he does so in a competent manner.

There is one final note, Mr. Chair, which is interesting with regard to the issue of competence in the administration of the vouching procedure, something that was, after all, the issue on which the litigation over *Opitz v. Wrzesnewskyj* in Etobicoke Centre took place. In that matter, the CEO did nothing to audit or investigate until such time as the matter was before the Supreme Court.

Then and only then did he ask Mr. Neufeld to prepare a report, so I would not say that alacrity in dealing with problems associated with voter verification has been very high on his priority list, and we seek to make sure that it will be, in order to ensure that all Canadians actually are able to exercise their section 3 right, which includes the right to have my vote count. It doesn't count for much if an election can be controverted where I voted legitimately and others did not, thereby changing the results in the riding.

That, of course, is the entire point of the security measures we're putting in place. They're reasonable. They are absolutely balanced to the issue at hand. We seem to forget—or at least members on the opposite side forget—that there are millions of Canadians who can be deprived of their section 3 right if their vote is cast in a meaningless manner because other votes were cast improperly by those who were not eligible to vote, or perhaps even fraudulently.

Thank you.

• (1305)

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: Yes, in quick response to David's rant, he seems to say, or seems to suggest at least, that we consider Mr. Mayrand an opponent of ours because we're asking for an external auditor.

If that is the case, if that is the logic that he's trying to apply to this, then clearly Mr. Neufeld must be an opponent of Monsieur Mayrand, because Mr. Neufeld did an outside compliance audit. During that time, he noticed a great many discrepancies and problems with the vouching process. This is nothing more than that. The goal is to have a compliance audit done similar to what the Neufeld report was. That's it.

When I jokingly referred to trying to fit David with a tinfoil hat, in this case it has to be expandable, because every time he speaks, his head swells a little bit—

The Chair: Let's not get personal.

Mr. Tom Lukiwski: I know. I'm just pointing out that he seems to say time and time again that we're trying to attack Monsieur Mayrand of Elections Canada. Monsieur Mayrand himself contracted Harry Neufeld to do a compliance audit on the last election. That's what we're saying here. On the oath-taking process—

An hon. member: He's an external party.

Mr. Tom Lukiwski: He's an external party to do the audit, just like Neufeld did on the vouching in the last election. There's nothing different.

The Chair: Thank you.

Mr. Christopherson.

Mr. David Christopherson: My point in response to Mr. Lukiwski's point is that you're mandating it. I don't have a problem with his doing it, but I trust that he knows the capacity of his own department to do it, or in the case of Mr. Neufeld, I assume that he had the right to make that decision on his own.

So my problem is not that there's an external audit, it's that the government so mistrusts the CEO that they're going to mandate in law that it has to be somebody else rather than just saying it should be done.

The Chair: On amendment G-10, those in favour?

(Amendment agreed to on division)

(On clause 56)

The Chair: On amendment NDP-37, there are a whole whack of things that happen with NDP-37.

Let me get through this part. It's identical to LIB-23 and PV-34; and there's a line conflict with G-11, LIB-24, NDP-38, and PV-35. They can't proceed if this passes. Is that correct?

A voice: Yes.

The Chair: So let's do the fact that they're identical with PV-34 and LIB-23. We're on NDP-37.

Do you want to launch this?

• (1310)

Mr. Craig Scott: I'll decline to move it.

The Chair: Ms. May.

Ms. Elizabeth May: They were deemed moved by this bizarre process, but I'm happy with Mr. Scott's decision.

The Chair: Mr. Simms.

Mr. Scott Simms: Yes, same thing.

A voice: [*Inaudible—Editor*]

The Chair: I know, that's what Ms. May was saying when we went to her, because it was deemed moved when she did it. So what method could we take if none of them wants this to proceed?

If you indicate you don't want us to proceed, we won't proceed.

Ms. Elizabeth May: This gets closer and closer to the member at the table who doesn't have any status being able to do things. Are you sure? I will seize the precedent and remove my amendment.

The Chair: All right. So those three, which were identical, were not moved and not proceeded with.

It brings us to amendment G-11, Mr. Lukiwski.

Or should we return to amendment G-8? No, not yet?

Okay, G-11.

Mr. Tom Lukiwski: I do move it, and this is the oath-taking attesting process at advance polls.

The Chair: Madame Latendresse, a similar problem or...

[*Translation*]

Ms. Alexandrine Latendresse: Yes, I have the same question about the French and English versions of amendment G-8, which was discussed earlier.

Could someone clarify that for me?

Mr. Marc Chénier: Yes.

In the English version of amendment G-8, paragraph (a) changes the amending clause. The following is stated in subsection 53(1):

[*English*]

The portion of subsection 161(1) of the French version of the Act before paragraph (a) is replaced by the following:

[*Translation*]

There is also the text we want to add to the Canada Elections Act.

In order to do the same in the French version, paragraph (a) states that the amending clause of the current bill is changing. It states the same thing as subsection 53(1), as follows: "The portion of subsection 161(1) of the French version of the Act before paragraph (a) is replaced by the following:". There is also paragraph (b), since the text we want to insert in the French version is already partially there. So we only need to change the last line of that part. That is why changes are being made from line 40 of paragraph (b) on page 26 to line 3 on page 27 in order to insert the words "scrutin, s'inscrire en personne", which is the last part in the English text.

As for the current English text, there is no French version, but it has to be included to point out that the French version has changed.

It is complicated, but I hope it makes sense.

Ms. Alexandrine Latendresse: I assume it's similar to amendment G-11.

Mr. Marc Chénier: I have not looked at it, but I assume the same thing will happen.

[*English*]

Ms. Alexandrine Latendresse: That was G-8. Now we're on G-11.

The Chair: It's because they're trying to change the French version in English. We're saying it in English, but the purpose of the amendment is to change the French version. Therefore that part has to be changed in French in the English amendment. Close enough?

So that would be the same thing on both of these. So on G-11, although there are French sentences on the English side, that's what they're changing. It's apparently appropriate.

[*Translation*]

Ms. Alexandrine Latendresse: I just wanted to make sure that the version was not amended only in French for the same consideration.

[*English*]

The Chair: I'm assured now that it is not and that it's moving forward in the appropriate fashion.

Who else do I have on my list? Nobody.

I'd like to point out that Mr. Scott has moved away from Mr. Christopherson.

Some hon. members: Oh, oh!

The Chair: So I'm on G-11. We have a couple of conflicts with it, also. If G-11 is adopted, LIB-24, NDP-38, and PV-35 can not be proceeded with. So we know that as we are about to vote on G-11.

Yes, Mr. Scott.

•(1315)

Mr. Craig Scott: Just a quick statement of vote, we will be voting for this, but under the same protest as before because it's the same provision.

The Chair: So all in favour of G-11?

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

The Chair: So we move to clause 56 as amended.

(Clause 56 as amended agreed to on division)

(On clause 53)

The Chair: Shall we return now to G-8 and the appropriate things that went with G-8?

Mr. Lukiwski, you had already moved this. We had a question on the French language in the English section. We now have some great help that tells us what that is all about. So is there any discussion on the content of G-8?

We went back to G-8 and we have our ruling that it was the French and the English thing.

On the content of G-8, Madam Latendresse.

[*Translation*]

Ms. Alexandrine Latendresse: In this amendment, it's once again a matter of vouching, which was introduced by the government.

I still see some issues with using the term “personally”, as it would be a crime to vouch for someone we don't know personally, but the word “personally” cannot be defined exactly. I think it would be better not to use that term, but unfortunately, we will have to accept it. We tried to have that term removed in another version of the bill, but our recommendation was rejected.

[*English*]

The Chair: I read the same sense, but we'll vote on G-8 and we'll see what happens.

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

The Chair: That also moves or negates NDP-36, LIB-22, and PV-33.

Mr. David Christopherson: Did we do clause 53?

The Chair: We're going to get there I think now. All in favour of clause 53 as amended?

(Clause 53 as amended agreed to on division)

The Chair: I'm digging down because some of these went away while I was working on others.

(On clause 57)

The Chair: We're on G-12.

Mr. Tom Lukiwski: I move G-12, Mr. Chair.

It's similar to G-6 and G-9, which are the provisions requiring poll workers to warn those who are taking oaths and attesting to one taking an oath of the penalties for making false statements.

The Chair: We've certainly discussed this one, G-12. All in favour?

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

(Clause 57 as amended agreed to on division)

(On clause 58)

The Chair: On PV-36, we have Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

The Chair: Sorry, I went through a whole bunch there all at once, but you just happened to catch it.

Ms. Elizabeth May: No, that's okay.

No other party has an amendment like this, and it does take some explanation. It also takes some sensitivity as to why I'm bringing this forward.

Let me just state at the outset that a previously non-controversial—I haven't seen anything in the media about it, but I think it's quite significant—portion of C-23 has been to create four new advance poll days. I'm certainly very much in favour of more advance polls. However, one of these days will forevermore, as a mandatory rule, fall on a Sunday. That's the first time in the history of Canada that we have had a profound civic engagement mandated on a Sunday.

Now, this country has moved a long way, and for good reason, since 1906 and the Lord's Day Act. It said that as much as the state could decree it, people could not be busy on Sundays. You couldn't keep your store open; you couldn't do things on Sunday. I'm certainly not trying to prevent people from doing the day-to-day things that an increasingly secular society wants to do on a Sunday. However, had this law been in place in 2011, we would have had mandatory advance polls across Canada on Easter Sunday.

I do know that the Conference of Catholic Bishops expressed concern when there was a mandatory advance poll on Good Friday in the 2011 election.

It should go without saying that the Prime Minister can choose to avoid such things as advance polls falling on such sacred days as Good Friday by choosing an election day that is further out than the mandatory minimum number of days. There is some flexibility about what days on which advance polls will fall.

In this case, there will be no way that any future prime minister, short of amending the act, will be able to avoid an advance poll falling on a Sunday. I have raised this in debate in the House at second reading. Conservative members of Parliament expressed the view that they wouldn't personally vote on a Sunday and that people certainly have the choice of not voting on a Sunday, and that a vast number of Canadians don't find it a trouble to observe the Sabbath because they don't.

My concerns are twofold. One is the impact on those who must attend at advance polls, and they will include scrutineers who volunteer, as well as poll workers, as well as Elections Canada folks. They will have to be engaged on a Sunday. There is an issue of their religious observances, which one might agree for a large number of Canadians happen to fall on a Sunday. The other concern, regardless of religious concerns, bears on the logistics. Quite a lot of polling stations in this country are co-located in churches.

My amendment proposes to move that extra advance polling date to a Saturday. A lot of churches have no problem whatsoever, and as a matter of fact benefit from having the polling station at the church on the corner. Everybody knows where it is. On Fridays and Saturdays, it doesn't make any difference.

But I think it's going to create a lot of logistical problems of real significance. Again, whenever we're changing how people vote, where people vote, it can create more confusion. I think this amendment will resolve and avoid both potential difficulties for practising Christians, as well as avoiding logistical difficulties for churches that serve as polling stations.

I would ask my friends in the Conservative party to support my amendment so there would be four advance polling days, but it will not include a Sunday.

• (1320)

The Chair: Madame Latendresse.

[Translation]

Ms. Alexandrine Latendresse: I would like to ask Ms. Day for some clarifications. First, I want to point out that “treizième” was misspelled in the French version.

Second, mathematically speaking, a Saturday before the election cannot be the 13th day before the election because the vote is held on Monday. So Saturday, two weeks prior to polling day, would be the 16th day before the election, and not the 13th.

Ms. Elizabeth May: This text is the result of an effort by the whole team, not only of my office but also of other parliamentarians who did the count. I will do some math regarding the calendar.

Ms. Alexandrine Latendresse: If you do the math, you see that Saturday is the 16th day before the election. I think that 16 days before the general election is too early for advance polls.

Ms. Elizabeth May: You are right. It is the 16th day.

Ms. Alexandrine Latendresse: Holding an advance vote on Sunday may have some drawbacks, but Quebec already does this in its provincial election. I think the disadvantages of having advance polls on Sunday, instead of 16 days before the election, are not reason enough for us to support this amendment.

Ms. Elizabeth May: Mr. Chair, could the amendment be corrected to indicate that it's the 16th day?

The intent of the motion is clear: to have advance polling stations open on Saturday, two weeks before the election.

• (1325)

[English]

The Chair: I would just pretend it's a subamendment from Madame Latendresse and that would have handled that. We would change the 13 to 16. It's just a way to move it forward.

[Translation]

Ms. Elizabeth May: Does Ms. Latendresse agree?

Ms. Alexandrine Latendresse: This is not about changing the motion. It's about the fact that the information provided is mathematically impossible.

[English]

The Chair: Right. Okay. We'll assume we're on an amendment to the amendment, but let's just take the whole thing into account in our conversation.

Mr. Lukiwski.

Mr. Tom Lukiwski: Just quickly, pursuant to what Alexandrine was saying, I was just going to point this out. You're saying a Friday is the 14th day before election day, but it's not. Fourteen days before a Monday is not Friday.

A voice: It's Saturday.

Mr. Tom Lukiwski: But it says here, “open between the hours of noon and 8:00 p.m. on Friday that is the 14th day before polling day”. Well, 14 days before....

A voice: Are you on PV-36?

Mr. Tom Lukiwski: Yes, I am. I have the English. Whether it's 14 or 16, it's still....

The Chair: Okay, it's a different.... We went too far.

Ms. Elizabeth May: I don't see a “14” anywhere.

The Chair: We've revised to 16.

Mr. Tom Lukiwski: I have it on mine. We have 14 here.

The Chair: We have a version that was printed in error. Some members may have it incorrect in front of them. Your chair will fix it, but right now Bill C-23, in clause 58, be amended by replacing lines 29 to 31 on page 29 with the following:

open between the hours of noon and 8:00 p.m. on Saturday that is the 16th day before polling day, and on Friday, Saturday, and Monday, the 10th, 9th, and 7th days, respectively, before

Mr. Lukiwski, are you okay on that now, then? I have the dates now and the numbers right. Okay.

Pardon me?

Mr. Scott Reid: This wouldn't have happened if we'd all gone paperless. It's those of us who like to keep up with the paperless who were—

The Chair: Yes, you're looking for that paper, and the ink moves overnight while it sits in these stacks.

On the subamendment to change it from 13 to 16, all in favour?
(Subamendment agreed to)

The Chair: On the amendment itself, PV-36, all those in favour?
(Amendment negated)

(Clause 58 agreed to on division)

(On clause 59)

The Chair: We have amendment G-13.

Mr. Lukiwski.

Mr. Tom Lukiwski: I move, again, as I mentioned before, yet more consequential amendments to the attestation package.

The Chair: Then your chair will assume that all has been said that could possibly be said on G-13 and call for the vote.

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

(Clause 59 as amended agreed to on division)

(Clause 60 and 61 agreed to on division)

(On clause 62)

The Chair: We're at Liberal-25 and it's got some neat things that happen.

PV-37 and Government-14 are identical. So we all know what happens then. If it's accepted, they obviously all would be the same.

But I have Liberal-25 first. So Mr. Simms, you get to move and start us off.

Mr. Scott Simms: Yes, this is a technical amendment proposed—

Mr. Tom Lukiwski: This could be your shining moment. We could be voting in favour of this one.

• (1330)

The Chair: Do this quick and get on with it.

Mr. Tom Lukiwski: You got up before us. This could be your moment.

Mr. Scott Simms: I'm a little nervous now.

Tom, you're making me nervous. What's going on?

The Chair: Would you like the chair to bring in the cameras?

Mr. Scott Simms: I don't know if I should say anything. I'm just going to spoil it.

A technical amendment the CEO asked for to make rules uniform; it was asked for. I so move, and enthusiastically so.

Some hon. members: Hear, hear!

The Chair: Excellent.

I see no one else on my speaking list and knowing that LIB-25 will also be PV-37, and Government-14, all those in favour?

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

Mr. Scott Simms: I should get one of the Diamond Jubilee medals now.

The Chair: On G-15....

Mr. Tom Lukiwski: I'll move that, Mr. Chair.

Again, it's another piece of the attestation package. Basically, I think you can all read it. It's pretty sensible restrictions on the practice. For example, someone who has had his or her residence attested to can then not go out and attest to somebody else's residence. It stipulates also that a person can only attest to one other person's residence. In other words you can't go around and be a serial attester. So it's a common sense approach. You can only do it once, either if you're getting attested yourself or attesting to someone else, and if you were attested, you can't go out and attest to someone else.

Anyway, it's pretty straightforward and that's all I have to say.

The Chair: Super. There's no one on my speaking list.

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

The Chair: We have another. Liberal-26 is in first, and it matches PV-38 and Government-16.

So Mr. Simms, it's yours to move.

Mr. Scott Simms: You said 26, right?

The Chair: Yes.

Mr. Scott Simms: Oh, the nervousness settles in once again.

I'm just going to say it directly:

following provisions apply, with any necessary modifications, in respect of the"

I so move.

Mr. Tom Lukiwski: Could I speak to that?

The Chair: You may speak to that. You can.

Mr. Tom Lukiwski: I just want to say what an incredible job Scott Simms has been doing on these amendments. This is one of the better amendments that I have seen and we are pleased to support his amendment.

Mr. Scott Simms: That's so going in my householder.

Voices: Oh, oh!

Ms. Elizabeth May: Could you say anything about my identical motion?

Mr. Tom Lukiwski: Well, Ms. May, too.... Great minds obviously think alike.

Mr. Scott Simms: Thanks, Tom.

The Chair: Oh, Mr. Scott wants in.

I thought the chair recognized you very well too.

Go ahead.

Mr. Craig Scott: You'll see there's no NDP amendment here and I'll be honest with you. The reason is that we trusted the government to put this amendment in.

The Chair: That's going in a householder.

Voices: Oh, oh!

The Chair: I did notice you waited until Mr. Christopherson is out of the room to use those words.

We will vote on Liberal-26.

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

The Chair: That, of course, passes all like amendments.

(Clause 62 as amended agreed to on division)

(Clause 63 agreed to on division)

(On clause 64)

The Chair: Government-17....

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you. Yes, I do move that.

It's another part of the attestation package and this is just about keeping the oaths that are going to be sworn by people who have not adequate identification on residence. Anyway, keeping all the oaths in a separate envelope will allow the returning officer to compile the names of those who have taken or co-signed an oath to verify there are no duplicate names. If you recall in the last election, when we discussed with both Monsieur Mayrand and Mr. Neufeld and others, they keep saying there were 1,200 people, I think, who were affected, but that was an approximate number because they didn't actually open up the envelopes and count and verify to an exact number. They just did a random sample, a random audit, and approximated.

We're saying that's probably not the best way to do it, so keep all of those people who were signing and attesting oaths in a separate envelope so when an audit is done after the fact they will have actual numbers. They will be able to take a look at every single oath that was taken and attested. That's all it says. It's just enhancing the integrity and security of the vote.

•(1335)

The Chair: I will call the vote on G-17.

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

The Chair: I love the love in the room.

(Clause 64 as amended agreed to on division)

(Clause 65 agreed to on division)

(On clause 66)

The Chair: We're at government amendment G-18.

Mr. Tom Lukiwski: Chair, it's similar. It's part of the attestation package. It requires that the separate envelope that we just talked about, containing all the oaths, be sent to the returning officer along with a sealed ballot box and other envelopes.

The Chair: So it's just to carry on from the one before.

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

(Clause 66 as amended agreed to on division)

(On clause 67)

The Chair: I have PV-39, Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

This relates to a recommendation from Mr. Mayrand in relation to bingo cards. People who are not familiar with voting day procedures won't know what we're talking about, but those of us who have been candidates know what they are. It's the information about who has voted and who hasn't voted on the day of the election. They allow poll workers for the various parties to run around and collect them, figure out who has voted and who hasn't voted, and call out your vote to make sure they get to the polls.

Bill C-23 does something that hasn't been done before with our election laws, which is to allow the cards produced on these days to be collected by the parties afterwards for additional personal information that they build up on the voting base. The purpose of my amendment is to remove this use of bingo cards as a further intrusion into personal information and also as creating a risk that the Chief Electoral Officer has mentioned, that this could, in some circumstances, require the returning officer to unseal a ballot box. The recommendation of the Chief Electoral Officer is that this provision should not be included in the bill.

My amendment seeks to change clause 67 on page 34 by just shortening it up. It would delete the lines around the representatives of the candidate's party, and the providing after polling day, and read as follows:

with one copy of each statement of the vote in respect of the candidate's electoral district.

Thank you.

The Chair: I'm seeing no discussion on it.

(Amendment negated)

The Chair: We now have G-19.

No, wait, I now have NDP-38.1, which has to do with the next clause, I think.

Mr. Craig Scott: With the amendment from Ms. May having been voted down on the government side, therefore this new procedure....

The Chief Electoral Officer also recommended what Ms. May had put forward. Since that's not going ahead, he then said that we need a technical amendment. On this one, I don't know why I guessed in advance, but the government hasn't put in a technical amendment on this. Basically it would make it workable, apparently, from the perspective of Elections Canada.

The amendment reads as follows:

(1) If the copy of the documents prepared under paragraph 162(i.1) is missing, the returning officer may open the ballot box and the envelope that contains the copy of the documents.

(2) The returning officer shall not open an envelope that appears to contain ballots.

I sought legal advice from counsel at Elections Canada, because this is a very technical point. This is exactly the wording they said would accomplish the goal of making sure that when these documents are passed on, if any are missing then they'll know where to go to open an envelope to find them. That's all this is seeking to achieve. I'm going to plead a kind of ignorance in the sense that it's very technical, because I don't understand enough about which envelopes things get put in and which don't.

I'm wondering if the government had looked at it, because it was one that—

• (1340)

Mr. Tom Lukiwski: I wonder if we could just let that stand until perhaps right after question period. I haven't seen that before, Craig, so I wouldn't mind taking a look at it if I could.

Mr. Craig Scott: I'm happy to stand it as long it takes to.... The point being that apparently there could be issues because there's no authority for Elections Canada to open the ballot box, except when expressly given authorization. This would be the authorization needed if these documents were missing. That's what it's intended to do. So when we consult, that's the purpose.

We can stand it.

(Amendment allowed to stand)

The Chair: We'll come back to it after we come back, which then gives me G-19.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Basically, it's just a motion regarding the attestation requiring that returning officers compile a list of all of the people who have taken oaths, signed attestation oaths, co-signed, that type of thing, to determine whether or not there was anyone who had voted twice or attested twice. That's all it is, a security measure more than anything else.

The Chair: All in favour?

(Amendment agreed to on division)

(Clauses 68 to 73 inclusive agreed to on division)

(On clause 74)

The Chair: That brings us to NDP-39.

Mr. Scott.

Mr. Craig Scott: I'd like to just explain this briefly. I had mentioned, I think, to Ms. May what the rationale was and I'm not sure I've spoken to anybody else.

At the moment what's happening with clause 74 is that the ban on transmitting broadcasting results from polls is being lifted. I understand the rationale that in the new communicative universe we live in, word can travel through many other means other than through broadcasting. The sense of that being an effective barrier has been diminished; however, it remains the case that broadcasting is one of the main ways in which people will receive their information.

When they know the results from polls that have closed in other time zones, we believe that it's reasonable to assume that an

unspecified number of people may have their voting pattern affected by that. They may decide not to vote if it looks like the election.... If you're in B.C., for example, the election has already been determined and there's still an hour, an hour and a half, left in your time zone, you may not turn out.

That is the primary reason why there was a broadcasting ban in the first place. Therefore, the only way to create full parity and equality of voting across the country, so that every voter has the same condition—no voter knows the results elsewhere until after they've voted—the only way to do that is to preclude Elections Canada from transmitting the results to the public before all polling stations close.

The fact of the matter is, there's a very close real-time closing of stations in the country now, so the gap won't be that long. But in some parts of the country people will have to wait just a little bit longer in order for people, primarily in British Columbia and Alberta, to get a chance to vote without knowing the results elsewhere that, as I said before, could affect the way they vote.

I move, Mr. Chair, to replace section 329 with the following:

The returning officer shall not transmit the result or purported result of the vote in an electoral district to the public before the close of all the polling stations in Canada.

I'm happy for that to go to an immediate vote because, again, we have lots to do.

• (1345)

The Chair: I'm calling the question on amendment NDP-39.

(Amendment negatived)

The Chair: We'll go to government amendment 20.

Mr. Tom Lukiwski: Thank you.

I so move, Chair.

It's a technical amendment to change a cross-reference to reflect the new numbering provisions in part 18 of the act. The change will make sure the cross-referencing is correct.

The Chair: I'm on amendment G-20, yes. Are there questions?

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

(Clause 74 agreed to on division)

The Chair: Amendment PV-40....

Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

This recommendation, members of committee may recall, was made by Duff Conacher, the witness for Democracy Watch, in which he suggested we take this opportunity under the fair elections act to create a legislative framework for the leaders' debate. I think we'll all agree that the leaders' debate has become a very significant pivot point during election campaigns and I think a lot of Canadians assume that there are some set of rules and that Elections Canada supervises them.

Probably all of us around this table know it's basically a large cartel of public and private broadcasters—CBC, Radio Canada, TVA, Global, and CTV—that makes a decision among the news directors, generally in consultation with the leaders of the more established parties, and there are no rules. Since there are no rules they can be applied rather inconsistently. So this amendment as proposed by Duff Conacher of Democracy Watch would suggest that the Chief Electoral Officer would henceforth have the ability to set the number and date for election debates, supervise them, invite to the debate the leader of every party in the last election that either had a candidate elected under that party's banner or had won 5% of the vote, and then require all the broadcasters in Canada to broadcast the debate.

This is in the interest of fair, transparent, and consistent leaders' debates for greater public information and engagement in electoral campaigns.

So I submit to you amendment Green Party-40.

The Chair: Thank you very much.

Mr. Scott.

Mr. Craig Scott: Yes, I'd like to say a few things about this.

First, in terms of its general thrust, although I don't know the exact details, I'm personally very sympathetic. I have to say it is not something I have worked through with the party and I'm a bit concerned that we haven't had.... This is not something that there was discussion on in terms of witnesses or the Chief Electoral Officer, unless I'm mistaken.

Ms. Elizabeth May: There was a witness who put this forward, Duff Conacher.

Mr. Craig Scott: But has the Chief Electoral Officer forwarded this as something he thinks should be added? If not, I honestly think this is something that needs more tweaking. It is going to get voted down I have a feeling and I would almost—

Ms. Elizabeth May: I'd like to be on the right side of the vote.

Mr. Craig Scott: No, no, but I want to make a suggestion.

The Chair: Mr. Scott has suggestion that may help us all.

Mr. Craig Scott: I want to make a suggestion that we have proposed a series of three or four transitional clauses that require the Chief Electoral Officer to report after consulting all the parties on a given topic. One is de-politicizing the polling stations. Another is on independence, making sure there is a report within a year or two years—I can't remember—after the next ended polling day.

If you were able to put in a transitional clause to say this has to be looked at and reported on, then I would be sympathetic. In my party mode I would be sympathetic.

• (1350)

The Chair: I have Mr. Lukiwski first, so we'll go there first.

Mr. Tom Lukiwski: Yes, quickly....

I was obviously being facetious, Craig. I respect your intellect very much, but I also agree with you on a couple of things. My point primarily is that this shouldn't be in the act. This is a function of an election, I agree with that, but it's not a procedural thing. This is

something that's always been agreed upon among parties and I think it should continue to be so.

I can understand where Ms. May is coming from, wanting to entrench in there that perhaps she be included in all future debates, but this is something I believe should be discussed among the parties running in an election and should not be ensconced in the act itself.

Mr. Craig Scott: On that point, I'm not prepared to go that far. I think there's a public-good issue here that does need to be thrashed out because the dynamics of negotiations include power dynamics that exclude smaller parties. I just don't think it is ripe for being stuck in the act right now, given the lack of groundwork to get us to that point.

The Chair: Do you want to make a quick remark?

Ms. Elizabeth May: Very quickly, my difficulty is this. I would be more than happy to see any progress made in this area. It's not solely, as Mr. Lukiwski suggests, about me or my party. The fact that something so pivotal to Canadian democracy has no rules at all is worrying to a lot of people, and was to at least one witness.

I don't think I'm in a position to make any changes because the way the rules this committee adopted impose upon me, my option might be to take it to report stage as an amendment to this bill, suggesting it be a transitional stage. As a matter of procedure, I think I am stopped from putting forward changes to my own amendments in the midst of committee hearings. I'm only allowed to bring forward, when I can, 48 hours ahead of clause-by-clause and not make up amendments on the fly as a full member of committee could do.

The Chair: Then the best I could do is call the question on PV-40.

(Amendment negatived)

(Clause 75 agreed to on division)

(On clause 76)

The Chair: On NDP-40—

Mr. Simms, do you have a point of order or a suggested amendment?

Mr. Scott Simms: Yes, and I would humbly suggest—first of all, does NDP-40 come before mine?

The Chair: That's my understanding.

Mr. Scott Simms: I'll let it go.

The Chair: Let's go to NDP-40 then. Mr. Scott, it has some depth to it. Do you have time to move it and have this discussion before we break?

Mr. Craig Scott: We do.

I also want to take a moment before that. There seems to be some confusion and some Twitter traffic about the previous amendment that's been voted down. NDP-39 is simply a regulation on when Elections Canada can release the polling information. It is not a ban on transmission. It is only once the information is released that it can be transmitted, but it is a ban on releasing the information until the last poll in the country closes.

The Chair: Great, but it was defeated.

Mr. Craig Scott: It was defeated but we have some misinterpretations going on now on the Internet.

The Chair: You should be paying attention to our committee. I'll follow the Twitter.

Mr. Craig Scott: Okay, on NDP-40, this probably is the last one we'll have time for. This is the first in this new part of the division in the act on the voter contact calling services. This is a section that very much ties into the March 2012 NDP House motion that all parties voted for, calling for legislation within six months to deal with the issue of deceptive communications, and phone calls in particular. We all know that specific area, along with what else was in the motion, which was the access of the Chief Electoral Officer to campaign receipts, never did get tabled until almost 18 months after it was supposed to be.

That said, it is now in the act, which was very belatedly tabled, with so many other things that we didn't expect. Generally, this section of the bill is something that we welcome. I have serious concerns, which will be reflected in the amendments, that there are some gaps that make it overly minimalist for its goals and those amendments are seeking simply to make it that much better within the terms of the system being proposed.

This amendment is specifying that "the calling service provider shall not block the display of its telephone number when contacting voters", "at the beginning of the call, the name of the person or group on whose behalf the call is made and their party affiliation, if any," has to be indicated, and at the end of the call, a telephone number for contacting.

It could well be that indirectly, through a rather Byzantine knock-on effect of legislation, current CRTC rules may well insert this, but there is a lot to be said for clarity in the specific legislation about these identification requirements.

Finally, this was asked for by the Chief Electoral Officer. That's why it's being proposed.

•(1355)

The Chair: Is there further discussion on NDP-40?

Seeing none, I'll call the question.

An hon. member: Actually, could we have a recorded vote?

The Chair: We can do that.

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

The Chair: At this point we will suspend.

Mr. Tom Lukiwski: I have a question.

I think I know the answer, but I just want to be sure. We have a lot of paper in front of us. Is it going to be secure? Can we leave everything here as is; we don't have to pack up and bring it back?

The Chair: Mr. Simms, on that same point...?

Mr. Scott Simms: No. It's not on that point. It's on a different point.

The Chair: I'd say yes to what Mr. Lukiwski had to say.

Yes, Mr. Simms.

Mr. Scott Simms: If I'm not mistaken is my amendment coming up next?

The Chair: No, it's a couple more away yet.

Mr. Scott Simms: Oh, I'm sorry.

Carry on.

The Chair: When we come back we'll go to a couple of other things. We did want to revisit NDP-38.1 when we come back. We'll discuss that during our time away and then we'll carry on with where we are in the stack. We will suspend.

•(1355)

(Pause)

•(1520)

The Chair: We're back. We'll move as forward as we can, knowing there is a looming deadline.

Ms. May, we are at PV-41. It's deemed moved, but please tell us what you think about it.

You see my lifelong time in the restaurant business; I always ask people questions the minute they start munching on anything.

Ms. Elizabeth May: I didn't know we shared a background in the restaurant business. This is something we can discuss on another occasion.

So to give you quick service, sir, I will tell you that this amendment aims to create greater retention of the records that are being set up. I do want to let Tom know that I do support creating the retention of scripts and additional message recordings. The creation of the division on the voter contact calling services is a good step.

I would like to improve that by increasing the time that this information is retained, from one year to five years. That's the effect of my amendment.

Thank you.

•(1525)

The Chair: Thank you.

Mr. Simms, I will just let you know that your Liberal-27 amendment is identical. It's as if we're talking about you already.

Is there anything further on PV-41?

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

The Chair: That is defeated, and therefore Liberal-27 also.

I am now moving on to PV-42, Ms. May

Ms. Elizabeth May: Thank you.

We're now looking at page 41 of the bill. The amendment is to replace lines 34 to 39 in clause 76.

This is again relating to the new voter contact retention periods. This one, at PV-43, is following a recommendation that we did receive at the committee from the Chief Electoral Officer to cover live calls made by internal services of political parties or their electoral district associations.

The amendment replaces the words “third party that is a corporation or group” with the words “person or group”. This amendment will bring proposed section 348.08 in line with the matching registration counterpart that has been proposed—

The Chair: You're one ahead of me.

Ms. Elizabeth May: I'm one ahead? I thought you were on PV-43.

The Chair: No, I'm on PV-42.

Ms. Elizabeth May: Oh, I'm sorry, Mr. Chair. How did I...?

The Chair: Remember all that was just said about PV-43. It was very similar to the last one, and also it's identical to Liberal-28.

Ms. Elizabeth May: I'm sorry, Mr. Chair. You're quite right.

PV-42 is identical, and that's all I need to say. It extends the retention period from one year to five years.

The Chair: Do I see a hand on this one? No? Okay.

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

The Chair: That is defeated, and therefore Liberal-28 is the same.

Mr. Simms, your new one is Liberal-28.1. We'll call it “Simms II”. Carry on.

Mr. Scott Simms: It sounds like a boat in the America's yacht race.

I will explain this, so I want everyone to open the bill itself and turn to page 40. Go down to proposed subsection 348.06(2) under “Time for filing and contents”.

I'll read proposed subsection 348.06(2):

For each election period to which the agreement applies, the registration notice shall be filed not later than 48 hours after the first call is made under the agreement and shall set out

That's what I'm looking at here because we may have a problem if there's a filing of 48 hours after the first call is made, if it's the day before election day itself. I'm citing a possibility of abuse here, because the rationale is simply that in the 48-hour period, if you make these calls with a robocall—mostly robocalls—if the call is made and then you have 48 hours, that could go past election day itself. Remember, I'm not talking about the writ period. I'm just talking about election day. This is the day prior to election day if the calls are made.

So if there is skullduggery at play—as I'll describe it—many people could call the CRTC to report the calls, but the CRTC will have no idea what the script of the call is, who is making them, and who is receiving them.

So there is a potential for abuse here and I hope that we can close that by amending this to say that prior to the call, you register. I don't have a specific time in there. I'm open to suggestion, but I'm more concerned about the fact that there is that 48-hour period after you make a call to report it. If those calls are made the day before election day, then that could cause problems for election day only to be answered after.

I'm open to questions. Maybe we should let this stand for a while. I understand this is new to everybody. I don't want to be rushing it.

●(1530)

Mr. Tom Lukiwski: Could we let it stand? We'll probably get back before five o'clock, so we can still have the debate.

Mr. Scott Simms: Yes, please.

The Chair: We're okay with that?

Mr. Tom Lukiwski: Do we have copies of that, though? Did you just verbally give us what you'd like to do or have you got hard copies?

Mr. Scott Simms: I so move, yes.

The Chair: We have it written someplace, but we only have one.

Mr. Tom Lukiwski: As long as we can get a copy of it.

The Chair: It's only in English.

Mr. Tom Lukiwski: That's fine.

The Chair: We've been doing things on the fly.

Mr. Tom Lukiwski: Well, prior to five o'clock....

Mr. Scott Simms: The language itself is basically that page 40, lines 36 and 37 be replaced with and the quotation I'm using here is, “be filed prior to the first call being made under the agreement and shall set out”. So I'm saying prior to the first call being made as opposed to the 48 hours, no later than 48 hours.

Mr. Tom Lukiwski: We need to get a hard copy and I'll get a quick analysis done and get back to you.

The Chair: Right. So we'll move on from there, but let's arrange that to happen.

Mr. Scott Simms: I appreciate your patience. Thank you.

The Chair: If the chair slips or sleeps, either one, catch me just before 5:00 to make sure we do bring that one up.

Mr. Scott Simms: Thank you very much.

The Chair: If that's the case then, we'll stand the rest of this clause because that makes an amendment to it somewhere in the middle of it.

Mr. Craig Scott: The voter contact calling services, the whole clause?

The Chair: Yes.

You're not agreeing to this?

Mr. Craig Scott: No.

Mr. Tom Lukiwski: If you want to go forward we're fine with that.

The Chair: Just for a little while....

Mr. Tom Lukiwski: There would have to be enough time for the rest of these to be debated and it would be five o'clock.

Mr. Craig Scott: I think in the past we've been standing things to a little bit further ahead.

The Chair: I'm at the will of the committee. I understand where we are, but the problem is that people want to discuss this with their helpers.

Mr. David Christopherson: Mr. Chair, could I make a suggestion? Maybe we'll say that at four o'clock we either move to this immediately or upon concluding whatever we're doing at 4:00 the next item will be this. That gives us ample time to do a little research, a half an hour, and some points we'd like to get on the record. What do you think?

Mr. Tom Lukiwski: I know what you're doing and I agree with you, Craig. You have a number of amendments in here that you want to discuss and I'm fully agreeing that we should. As long as I can get the hard copy now, so we could just—

The Chair: It's either that or we carry on with the other amendments in this clause.

Mr. Scott.

Mr. Tom Lukiwski: We're agreeable to that as well, if you want to do that.

Mr. Craig Scott: Can I propose that we break for five minutes, because I think that's probably all the time we would...?

Mr. Tom Lukiwski: It might be. I just need a copy of it.

The Chair: That's great.

Mr. David Christopherson: Give us five, and then we can pick up where we are and keep going. How's that?

The Chair: Okay; it's four minutes.

Mr. David Christopherson: All right.

The Chair: I'm counting.

• (1530) _____ (Pause) _____

• (1535)

The Chair: We're back.

Do we have a chance to discuss Mr. Simms' clause—"Simms II", I called it—whatever it is? It's Liberal amendment 28.1, to be official.

I have Mr. Lukiwski first.

Mr. Tom Lukiwski: I was going to get our PCO officials to make comment first on what Mr. Simms is proposing.

The Chair: Okay, we'll hear advice from the far end of the table.

Mr. Marc Chénier: Mr. Chair, the bill at different places requires registration notices to be filed within 48 hours. In our opinion, it doesn't really matter whether you put it before the first calls are made, because the CRTC doesn't enforce any other thing than the registration rules. That's the only thing they enforce, so whether it's before the first calls are made or 48 hours after the calls are made, they would still be able to enforce whether or not the registration notices were filed as per the requirements of the act.

The Chair: Go ahead, Mr. Simms.

Mr. Scott Simms: I appreciate that, but this is why I was saying.... Maybe I'm being way too suspicious about people who want to make bad calls. We are worried about the outcome of the election, as distinct from the outcome of what the CRTC says.

An hon. member: I understand. I see what you're saying.

• (1540)

The Chair: Is there further comment on this amendment?

Mr. Scott.

Mr. Craig Scott: We're happy to support it, but I think it's a major shift throughout the document.

The Chair: It's a bunch of changes.

Mr. Craig Scott: Yes. If one thinks that a policy choice was made for the 48 hours, I can understand its not being within the idea of the amendment, but we will support it.

The Chair: Okay,

I'll call the question on Liberal-28.1.

Mr. Scott Simms: Can I have a recorded vote, Chair?

The Chair: Sure, you can.

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

The Chair: We will now move on to amendment PV-43.

Now we are into the one we were talking about before.

Ms. May.

Ms. Elizabeth May: You're going to get a sense of déjà vu all over again.

I'm sorry, Mr. Chair, to be jumping ahead, but since you've already heard some of it, I'll just refresh everybody's memory.

This deals with a recommendation from the Chief Electoral Officer to clarify what is meant by "person or group", to ensure that the language would be inclusive of political parties. It is part of a general attempt to cover live calls and to ensure that, as between proposed new sections 348.08 and 348.09, we have consistency in language.

The Chair: Okay. Thank you.

Are there comments on amendment PV-43?

Mr. Scott.

Mr. Craig Scott: I note simply that this is a discrepancy that I think I drew attention to in the House. I would be happy to vote for it.

The Chair: All right. Then we'll go to the question.

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

The Chair: We are on amendment NDP-41.

Mr. Tom Lukiwski: Mr. Chair, could I just ask a question?

The Chair: Yes.

Mr. Tom Lukiwski: The amendment Mr. Scott brought in before we broke for question period, NDP-38.1—

The Chair: Yes, he wanted it somewhere later.

Mr. Tom Lukiwski: I'm just wondering when we're getting to that. I hope I didn't miss it.

Mr. Craig Scott: Whenever you're ready....

Mr. Tom Lukiwski: Yes, we're fine any time. I just wanted the chair to put it in his rotation someplace.

The Chair: If it's okay with you, Mr. Lukiwski, we'll finish clause 76. At the end of it, we'll go to it, just so we keep all clauses together, or try to do that.

On NDP-41, go.

Mr. Craig Scott: NDP-41, which I will move, is to insert a new section after proposed section 348.11 on page 43.

Just to set this up, it follows the new provision that says the CRTC “is responsible for establishing and maintaining a registry, to be known as the Voter Contact Registry, in which all documents” listed elsewhere are to be put.

What we're wanting to add is that the CRTC:

shall keep all documents and information filed in the Voter Contact Registry for at least seven years after the day on which they are provided.

The rationale is that when we asked the CRTC how long documents would be kept, it turned out to be a guesstimate. But the guesstimate at the time was seven years. Subsequently we heard that it actually might vary according to different government policies. We were referred to a government policy link on how long different kinds of documents are kept.

This is in the spirit of both the length of time that was being suggested, five years and 10 years in general, and the fact that the CRTC can be the ultimate guarantor of making sure that documents that are filed with it do not disappear. It's a government agency with the capacity. There will be absolutely no problem along the lines of what the minister was bringing up in the House about different organizations with different capacities and lifespans not being able to keep documents.

Even when some of the actors who have to keep documents at the moment only for one year, and that will change in some context to three years with the government's amendment, if any of them go bust or don't do a proper job, or whatever, then we really need to know that any of that information that has been passed on will at least be available in the CRTC's hands.

On some level, all of the discussions—including stuff I have been pushing hard on—about the one-year retention period being such a problem because it's so short, can be solved by knowing that whatever the CRTC receives, they have to keep for seven years. That's all this is about.

It's actually, I think, an extremely important amendment, but not one that I think in any way goes against the spirit of what this section is supposed to be all about, the voter contact registry's purpose. It would change nothing about how the whole system works other than insurance that documents won't disappear.

• (1545)

The Chair: Mr. Lukiwski, on that...

Mr. Tom Lukiwski: Yes, I have just a question. Maybe our officials can answer this or perhaps they can't. What is the practice now of the CRTC in terms of document retention, i.e., if they retain certain documents for 3, 5, or 10 years, after that period of time what happens? Are they just destroyed? Are they archived? Do you know what happens?

Mr. Marc Chénier: When the representatives from the CRTC appeared before the committee, I remember them saying that in accordance with their retention agreement with Library and Archives, they retain them for seven years. But I'm not sure what value these documents would have and whether they would be maintained in the archives afterwards.

Ms. Natasha Kim: The only thing I would add is that under the government information retention management policy, there would be obligations in terms of publishing information banks, and that sort of thing, with the retention period played out according to types of information. Maybe that's what was being referred to.

But I don't know what the retention period is. They did say seven years.

Mr. Tom Lukiwski: I recall that, now that you've brought it up.

The reason I asked that.... It's one thing for the CRTC to retain records in their own shop, but then if they're destroyed, they're destroyed. If, however, they're archived and can be accessed in case there were some need to go back.... It's kind of an important consideration.

Does anyone know?

The Chair: Mr. Scott, can you help?

Mr. Craig Scott: No. Beyond the fact that I'm worried that whatever the archiving policies are, at least as long as we know that their own voter contact registry, which is called a live archive, has the documents for at least seven years....

The reason I'm insisting on it is that indeed you're correct. I think I mentioned that the CRTC representative said seven years, but don't quote me on that kind of thing. Then when we received the written reply there was no specification, it just said, “See this link for government policy on retention”.

To me that was enough. If seven years was the sense, seven years makes sense anyway, but also I have to say policies can change. So by having it in the act...and it doesn't preclude keeping things longer, if the government policy is that you have to keep it for 10 years and then you archive forever. This just says at least seven years.

The Chair: Okay.

Mr. Tom Lukiwski: Before you call a question I'll see if I can get the attention of my colleague Mr. Reid so he can participate with us.

The Chair: I would have spoken slowly at that point.

We will have a recorded vote on NDP-41.

(Amendment negated: nays 5; yeas 4)

The Chair: We are on NDP-41.1.

Mr. Craig Scott: I'm going to have to say that was my best shot for one that I thought the government would be going with us on.

Maybe this one....

At the top of page 44—I will be moving this obviously, 41.1, to amend 348.15, which reads in part:

disclose to the Commissioner any document or information that it received under this Division that the Commissioner considers necessary for the purpose of ensuring compliance with and enforcement of this Act, other than this Division.

This amendment is simply a way of replacing the word “necessary” with “relevant”, “that the Commissioner considers relevant for the purpose of ensuring compliance”.

I'm worried that the standard of necessity is unnecessarily high. I'm reminded that the word preceding it is “considers” so it really should not be something second-guessed by the CRTC. If the commissioner says to them, “I consider this necessary” that really should be the end of it. Nonetheless, the commissioner will internalize this standard and “considers necessary” is higher than “considers relevant”.

To be enforceable this system depends completely on the link-up between the CRTC and the commissioner, because the CRTC's role, apart from being a recipient, is actually very limited and our colleague from Privy Council mentioned this earlier about how very little the CRTC does on some aspects of this.

I think giving the easiest possible access to these documents and information should be a priority. Where it says, “the Commissioner considers necessary”, it should be “the Commissioner considers relevant”.

• (1550)

The Chair: So we're changing the word from “necessary” to “relevant” in NDP-41.1

I'm calling the vote.

Mr. Craig Scott: A recorded vote....

(Amendment negated: nays 5; yeas 4)

The Chair: We'll go to NDP-41.2.

Mr. Craig Scott: Okay, so I will move NDP-41.2. It's an insertion at the top of the page, adding some provisions to the.... The section that I just spoke about was the duty of the CRTC to disclose when the commissioner asks for information on this necessity standard.

There is nothing in the amendments on creating this automated call and live-voice call system with the CRTC. There's nothing that states any affirmative duty on the part of the CRTC to alert the commissioner, if, for some reason, a suspicion or a pattern of some sort seems to be revealed that some employee who's involved in or charged with this division notices.

One reason this is important, to go back to an analogy between the relationship between the Chief Electoral Officer and what will be the now moved commissioner in the DPP... Sheila Fraser appeared and said that unless you specifically provide the mechanisms for sharing, then you have to make sure that somewhere else in the law there are provisions for proactive sharing by the agency. If not, there could be this weird gap.

Now, if it turns out that there are existing rules under the CRTC where they do have some kind of duty to alert the commissioner, then I wouldn't have any problem, but I've not been able to find any such rules, and I'd much prefer, again, that it's all cleanly part of the same regime in the act.

What this says is that the CRTC shall inform every employee whose work is related to this new voter contact registry system, that “if her or she suspects an offence under any provision of this Act has

been committed, he or she has a duty to inform a designated Canadian Radio-television and Telecommunications Commission official.” Through that official, obviously, the CRTC shall then, upon receiving that information, “refer the matter to the Commissioner for investigation.”

It's just a neat mechanism. That's neat in the sense of clean, not neat in the sense of cool. It may be both—

Mr. David Christopherson: It's cool nonetheless.

Mr. Craig Scott: It's to ensure that there is some kind of a proactive duty, and then a mechanism to link the commissioner up. Because otherwise all we're left with is the commissioner, through other information, knowing whether, and what, and when to ask for things. Then and only then is the duty triggered to give him anything.

So this again I have to say, folks, is one of the weaknesses, gaps, potentially only small, potentially very large loopholes in the way this regime has been drafted, from my perspective.

• (1555)

The Chair: Thank you, Mr. Scott.

On NDP-41.2, any further discussion?

Mr. Craig Scott: A recorded vote....

(Amendment negated: nays 5; yeas 4)

The Chair: We move on to NDP-42.

Mr. Craig Scott: Thank you, Mr. Chair. I will move this, NDP-42.

This one very simply states, as I read it:

This Part applies to any calling service provider, whether it is located inside or outside Canada.

This is, to use not too fancy a language, an extraterritorial application clause. I would say I could well have worded it as for greater certainty, because in certain aspects, the CRTC, like any agency, has developed ways in which its rules can apply to actors calling into Canada, etc. But the fact of having this specifically stated is important because the general rule of interpretation of Canadian legislation, in the criminal realm especially, is that our criminal laws and our offence laws apply territorially, unless it's clear that they are intended not to.

“Territorially” can be extended interpretively to include connections and links that start somewhere and end up in Canada, and obviously calling would be like that. But there are all kinds of ways one can imagine that offshore activity, where calling service providers, whether illicit or not—but those who are being hired, say, by a political party or a candidate—can be sitting outside Canada. My understanding from recent information is that more and more calling service providers in Canada now have branch plants, not to say that they've necessarily moved entirely from Canada.

One of the worst scenarios would be that somehow or other, we end up with confusion after this enters into place, into force, about whether or not the CRTC can just creatively interpret the whole thing to apply to external calling service providers. But there is absolutely no doubt by virtue of putting this in.

So every single obligation that any calling service provider has under here, specifically applies to calling service providers outside of Canada by virtue of this clause, and that's what I'm intending.

The Chair: Thank you.

Mr. Lukiwski.

Mr. Tom Lukiwski: I think I got what Craig was saying but I'll be quite honest, I'm not quite sure. I'd like to get the PCO people to give an opinion on this one.

Ms. Natasha Kim: In general, there can still be territorial jurisdiction in Canada over an offence where part of that offence happens in Canada. So in the case of calls, for example, the person receiving the call would be in Canada, and that would form part of the offence, so the territorial principle would still apply. In the example that was given, for example if a party has entered into an agreement with a calling service provider outside of Canada, there would be jurisdiction over both if there was an issue there for enforcement, and obviously the party would be there, in Canada, to enforce against as well.

So, in our view, there's not a gap here, and for greater certainty it can create problems if it creates an inverse inference for other clauses, such as offences. So if we're being specific here, there could be issues for negative interpretations elsewhere.

The Chair: Okay.

Tom's still on, but that was Tom's question.

Mr. David Christopherson: Would the same provisions apply if there wasn't a Canadian-based headquarters at all, that is, they contracted with a non-Canadian entity so there's no Canadian presence? Would everything you said still apply?

Ms. Natasha Kim: I believe it would. The CRTC gave examples where they had presented notices of offences against calling service providers outside of Canada. But in the case of the fair elections act, the political entities or the third parties would have to be Canadian, or connected to Canada somehow.

Mr. David Christopherson: Ah, so it wouldn't apply. They could only use one that has a Canadian base to start with.

• (1600)

Ms. Natasha Kim: Well, the party that would be entering into an agreement with the calling service provider would be.

The Chair: The NDP as a Canadian party....

Mr. David Christopherson: Not just would be, but has to be, is that correct?

Ms. Natasha Kim: In terms of the political entities involved or the third parties involved, there's generally a connection to Canada.

Mr. David Christopherson: Sorry, not generally.... Must they, or not? Please.

Ms. Natasha Kim: The political entities...? Definitely. The third parties, so long as they're not incurring expenses to a certain limit....

The Chair: I think your party's staying in Canada.

Mr. David Christopherson: I'm just trying to make sure we have the interpretation right.

Thanks, Chair.

The Chair: Mr. Scott.

Mr. Craig Scott: I think that the answers are—from everything I know—completely accurate. Although the concern about whether or not, by putting this in this part, it could create a negative inference elsewhere in the act, I guess what I would say is that in the hands of certain judges, it might. Those are the kinds of judges that engage in overly formalistic technical approaches to the law. So I recognize that as an issue.

I would state unequivocally on the record, that it is not the intention. This is a self-contained part. That being the case, it would be an outside risk. I would be inclined, but for time, to actually draft an amendment that's saying this shall have absolutely no impact for inference anywhere else in the act. But my own view is that it is a pretty minor risk that the courts would take that view, especially if we go on record now saying that it is not the intention of the amendment. It's intended to be limited to this section, and have no prejudicial impact on the esoteric application of any other part of the act.

On that basis I guess I would like to go forward with the amendment with a recorded vote.

The Chair: A recorded vote on NDP-42, please....

(Amendment negated: nays 5; yeas 4)

(Clause 76 agreed to on division)

(On clause 67)

The Chair: On NDP-38.1 in clause 67, Mr. Scott, did you want to...?

Mr. Craig Scott: I won't go into detail. This is just to remind everybody that this was already moved as an effort to deal with the question of opening ballot boxes in order to search for the documents that now are allowed to be sent to parties after an election. The Chief Electoral Officer said that if, in fact, those documents could now be transmitted upon request to parties after an election, he needs specific authority to go into ballot boxes if any of the ones that have been put together for this purpose prove to be missing.

I didn't have much more understanding of the issue than that, and left it with Mr. Lukiwski.

The Chair: Mr. Lukiwski, on that issue....

Mr. Tom Lukiwski: Before I make a comment, again I'm going to ask our colleagues at PCO to clarify when the boxes can be opened, in what circumstances they can be opened, and who is eligible to be present when the boxes are opened.

Mr. Marc Chénier: There's already a provision in the act for the ballot box to be unsealed if the statement of the vote, which is the result at the polling division, isn't available at the validation of results. In that case, the returning officer can go into the box to retrieve the copy of the statement of the vote. But this is done at the validation process, where the candidates' representatives are present. Our concern with this provision is that it seems to allow for the ballot box and the envelopes to be opened without candidates' representatives present to ensure there's no improper stuff happening with the election documents.

Mr. Tom Lukiwski: Thank you for that. The reason I asked is that I wanted to get some validation because it's been a standard practice, for all the right reasons, any time a ballot box is opened. Regardless if we're looking for documents, there are still ballots in there—ballots that were cast by Canadians. That's why candidates' representatives are always present. I fear that if we move away from that, we're moving in the wrong direction. So I can't support the amendment as proposed.

• (1605)

The Chair: Thank you.

Mr. Scott.

Mr. Craig Scott: Well, on that basis, I'd be prepared to withdraw it, simply because it's an attempt to implement something that Elections Canada requested, which nobody else has seen fit to try to attend to. We got advice that this would do it, but it is a valid concern. All I would say is that the view is that it could result in a very patchy framework of providing these new documents. That may be the consequence, and we might end up having to come back to amend it if that's what the Chief Electoral Officer says, but I have no problem just withdrawing it.

The Chair: I need unanimous consent to allow Mr. Scott to withdraw it.

Some hon. members: Agreed.

(Amendment withdrawn)

(Clause 67 agreed to on division)

The Chair: We went backwards for a moment. It's like we ran really fast and the earth turned the other way, and we went backwards. Now we're going back to where we are. Yes, that was like Superman. That was a Superman reference for those of you who are into it.

(On clause 77)

The Chair: We're on PV-44. Ms. May.

Ms. Elizabeth May: It could have been a *Harry Potter*, Hermione Granger, reference.

Sir, the PV-44 is in keeping with recommendations from Democracy Watch and the Chief Electoral Officer, that the records should be kept not for one year but for five years.

The Chair: There are some others that go with this one, right?

A voice: LIB-29 is identical.

The Chair: LIB-29 is identical, and of course, would be dealt with at the same time.

There is also a line conflict with G-21, so we will wait and see how this turns out to decide how that will work.

So, here we are on PV-44.

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

The Chair: It is defeated, and therefore so is LIB-29, which moves us, then, to G-21, and there will be no conflict.

Mr. Tom Lukiwski: Yes, which I move, and of course, this one asks that service providers keep the scripts and recordings, as well as all records of when they were used, for a minimum of three years.

The Chair: Hearing no discussion on G-21—

Sorry?

Mr. Craig Scott: I'd just like to acknowledge that this is one of the changes the minister announced, and that it's indeed appreciated that it's extending from one year to three years. I think that's much more reasonable. The one year would have been a serious problem, because I think there's one part of this section.... This is division 2. In division 2, the scripts and recordings are not actually forwarded to the CRTC. The CRTC, under the current act, does not get hold of these. So the only way they can be accessed is to make sure those who have them retain them. One year was really ridiculous, so three years is a minimum. We will be moving an amendment to try to get the scripts and recordings sent to the CRTC, but in a minimalist framework. This is a minimal change that we will be voting for.

The Chair: Okay.

Mr. David Christopherson: Chair, I have a question, maybe to staff.

I'm going on the assumption that this motion won't carry, but whether it does or not, right now, whether it's one year or three, the provider has those records. If it changes to three—just to make it easier—and that company goes bankrupt halfway through the second year of the three years, what happens to that information?

If the CRTC doesn't have it right from the get-go—obviously I'm laying the groundwork for our amendment that is coming up—then merely saying that the information, the script, the audio recordings, all of it should be forwarded to the CRTC immediately, for a whole host of reasons, one of which is that I'm wondering what happens in the event of a bankruptcy....

Mr. Marc Chénier: Unfortunately, I don't have an answer for the committee at this time.

Mr. David Christopherson: Theoretically, if they went bankrupt and the information was not there, has anybody violated a law?

• (1610)

Ms. Natasha Kim: I imagine it would depend on provincial rules around what happens to companies after that sort of event arises, or on federal rules around such a case. There would be someone who would be responsible as part of that company, but we're not aware.

Mr. David Christopherson: It would seem to me, Chair, with respect, that they have given the best answer they can to the best of their ability, but it doesn't give us the guarantee. There's a good chance, I'm hearing so far, that even if we go to three years and the company goes bankrupt, all of that information could be lost.

Again, putting on the tinfoil hat that Mr. Lukiwski would like to have fitted for all of us, what would stop someone from setting up a company at the beginning to do it with the sole intent of having it disappear after 18 months? There go the records. Now what do you do, I ask the staff through you, Chair?

Mr. Marc Chénier: Unfortunately, again we're unable to assist the committee on this issue.

Mr. David Christopherson: So there are clearly, Chair, all kinds of loopholes here. I would hope, since we know that the government is very sincere about wanting to make sure these records are kept, that somewhere there would be an amendment to ensure that under no condition can this information disappear—unless, of course, they vote for our amendment, which says that all that information is sent to the CRTC right from the get-go, and then we don't have a problem.

I would hope the government would support that, or have their own amendment. Certainly they wouldn't leave something as potentially blatant as this, in terms of potential fraud, as wide open as it seems to be here, Chair.

The Chair: Mr. Christopherson, I'll remember that you've already spoken to that amendment when we get to it.

Mr. David Christopherson: I can still speak to it, Chair.

The Chair: Of course you can.

Mr. David Christopherson: I just can't repeat myself. I know how those rules work, as you recall.

The Chair: We're on amendment G-21.

Mr. Tom Lukiwski: I'm not sure I detect real sincerity in those comments.

The Chair: There wasn't much there, was there?

On amendment G-21—

Mr. David Christopherson: But there was a credible point there.

Voices: Oh, oh!

Mr. David Christopherson: Well, there was. This stuff could disappear and you could easily set that up, and there's no answer. They don't mind.

The Chair: The answer is in the vote.

On amendment G-21, those in favour please signify.

An hon. member: I ask for a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: That has carried—

Mr. David Christopherson: Now fix it.

The Chair: —and now I'm at amendment PV-45, which includes amendment LIB-30 in some way. They're the same thing.

Which of you would like the honour?

I think I'm going to go with Ms. May. She gets so little time.

Mr. Scott Simms: I was just about to say that I think you should go to Ms. May.

Ms. Elizabeth May: All I can say is that now that the retention period has moved to three years, I'm assuming that the motion that both the Liberal amendment and my amendment move to a five-year retention, will the government amend to ensure that it's five years in all cases, or merely three, as in the case of the last amendment?

In other words, is my amendment still relevant, given that we just adopted three years?

The Chair: You're just adding two years, apparently.

It's to a different clause.

Ms. Elizabeth May: Yes, but it's again to a five-year period.

That explains my amendment and also the Liberal amendment.

The Chair: Thank you.

Is there further conversation on amendment PV-45?

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

The Chair: That is defeated, as is amendment LIB-30.

Amendment PV-46 is identical to amendment LIB-31.

Ms. Elizabeth May: This amendment again makes a change to a five-year retention.

Just to make sure we're not losing track, this would replace line 2, on page 45, under clause 77, and instead of one year it would be a five-year retention period.

The Chair: Is there further discussion on amendment PV-46?

Seeing none, I call the question.

(Amendment negated)

The Chair: The amendment is defeated. That also defeats Liberal-31.

Amendment PV-48 is all by itself.

Speak for yourself, Ms. May.

•(1615)

Ms. Elizabeth May: It may be there's a reason that other parties don't want to do what my amendment will accomplish. My amendment is consistent with recommendations from the Chief Electoral Officer. We're regulating the calling activities of political parties. We know that we often hire—people hire—third-party firms to do automated calls. However, there are also calls made by political parties, by their own volunteers, sometimes by staff, but they are live calls made within political parties and electoral district associations.

This is on the recommendation of the Chief Electoral Officer, which the Green Party supports. The amendment, PV-48, would amend clause 77, at page 45, to include a new section 348.19, which would ensure that during an election a person or a group—which is a term that is inclusive of not just the third-party robocall firms or third-party groups, but would include political parties—is using its own internal resources to make live voice calls for any purpose relating to the election. Those voter contact calling services would also fall under this act, in terms of retention of scripts, retention of information, and so on.

It takes the existing section and basically applies it to political parties.

The Chair: Thank you.

Mr. Scott.

Mr. Craig Scott: I'd only note that this in fact is not one of the recommendations from the CEO. It's something that escaped their attention.

It is something that I did bring up, so, as we did on the last one, we'll be voting for this.

The Chair: Thank you.

I call the question on amendment PV-48.

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

The Chair: On Liberal-32, Mr. Simms....

Mr. Scott Simms: Yes, sir.

I'm going to be brief on this one, as I'm sure there are other things you want to get to.

It is what it is. It says, "which the script was used, for five years after the", so we're keeping the script for five years instead of one year.

This replaces line 13, which makes the distinction, on page 45.

I'll leave it at that.

The Chair: Super.

I call the question on Liberal-32.

(Amendment negated)

The Chair: On amendment NDP-43....

Mr. Craig Scott: Mr. Chair, I'll just alert you now that with regard to NDP-43, NDP-44, and NDP-45, I won't move those.

The Chair: Good.

Mr. Craig Scott: Is it good because I didn't move them?

The Chair: They're moved to the pile that's already been completed, or it's no longer going to have to have to have any—

Mr. Craig Scott: All right, I won't take offence then.

A hon. member: You have the floor on 43.

Mr. Craig Scott: I won't move 43.

The Chair: Oh, none of it either?

Well, then, on NDP-46.

Mr. Craig Scott: Amendment 46, I will move.

The Chair: Okay, then move away.

Mr. Craig Scott: I can't move away any further and still be part of this.

NDP-46 is an amendment to insert into the clause a proposed new section 348.2 that in summary takes care of many of the issues that, bit by bit, some of the amendments from the NDP and primarily from the Liberals and the Greens have been trying to accomplish. It basically sets out that calling service providers—who are often called robocall firms, but may also provide live voice call services—have to file with the CRTC a list of all telephone numbers that were called as well as a copy of each script and recording.

I'll repeat that. They have to file a list of all telephone numbers called as well as a copy of each script and recording. Phone numbers are nowhere mentioned in the new provisions. The Chief Electoral Officer appeared before us and said that they need to be. The fact of having to chase down the numbers called under a contract between a

calling service provider and a party, for example, would seem to make no sense, if you could simply say that you have to retain these phone numbers and also convey them. That's what filing with the CRTC means.

The scripts and recordings simply refer to the fact that these have to be retained. But at the moment they don't have to be sent to the CRTC. To go back to Mr. Christopherson's good point and my earlier point, it was that if the CRTC—although this has now been voted down, let's just hope that the CRTC has longer retention policies than one, three, or even five years—ends up with documents or recordings or phone numbers in its hands, there is less chance that they won't be found at the stage of compliance and investigation. So we want those sent to the CRTC as well under the system. The calling service providers themselves then have to keep them for five years.

The next provision does exactly the same thing. It mirrors the previous one, but it makes the burden on every person, group, or third party—and person or group includes parties—a bit less than that for the calling service provider. This is their business, so five years makes sense; but for everybody else it would be three years. However, there was a provision requested by the Chief Electoral Officer, which is that although they must keep copies of the scripts and recordings for three years, if they are requested by the commissioner to keep them for up to five years, they have to do so.

So this is a parallel structure involving phone numbers, scripts, and audio recordings, all having to be sent to the CRTC. The calling service providers have to keep them for five years; for everybody else, it is three years, with the option for the commissioner to ask that it be extended to five.

That's the structure of the amendment. I don't think it could be any more obvious how it both fits within the scheme but also enhances and fills some gaps. What are those gaps, again? They are that phone numbers, audio recordings, and scripts do not have to be sent to the CRTC under the government's proposal. Also, phone numbers don't even have to be retained by anybody.

That is the purpose of this amendment, and I think I moved it.

• (1620)

The Chair: Okay. That was amendment NDP-46.

Mr. Christopherson, do you wish to speak on that one?

Mr. David Christopherson: Thanks, Chair.

I just want to underscore the points made and introduce a couple of new thoughts. Given the fact that this material is not just being kept for interest's sake, it could ultimately be evidence in potential criminal charges. If it's potential evidence in a court proceeding, why would we take the risk and leave it in private hands, given that we're talking about digital information that can be sent so easily? It's not like it's onerous or expensive or back in the day when it had to be all paper. It's potential evidence in court cases being kept in private hands, yet almost the push of a button would guarantee that that information remains in the public domain by virtue of being with the CRTC.

There are a number of other benefits, Chair.

Number one, the procedure for getting the information, for accessing it and releasing it, would become standardized so that once the first request came in to the CRTC, they would then, if they haven't already, put together the policy and the procedures whereby they could and/or would release the information. After that, every request would just follow the same standard, the same policy of the CRTC, and we have the added benefit that that policy can be looked at by the public because the CRTC is in the public domain. Not only that, if you think conversely that that same information resides with all these multiple, private entities, the ability to get information in a timely fashion...especially since there's no power to compel any kind of evidence that the Chief Electoral Officer has been asking for. So this really important, critical evidence is in the hands of a multitude of private entities, and each one may or may not be the easiest to work with in terms of responding to requests for information. So, at best, we could end up with a patchwork, where some give the information in its entirety and some don't. Some refuse to give it, and we have to go through a whole procedure. Others are dragging their heels. All these problems are quite legitimate and can come up, and they're all avoidable. It's all of that, including the issue I raised earlier about a company being structured just for the election, performing this function, and then wrapping up after the election. There's no means under the law to get that information.

So, all of this information is being left deliberately in the hands of private individuals and private companies, yet it's public information. We're actually making laws that force them to give that information. So this amendment just makes all the sense in the world. With a push of a button, that information is transferred over to the CRTC. There it is in the public domain. It's accessible, it's transparent, and everything's fine. We avoid all those other concerns, including anybody who has tried to set up a front organization. It wouldn't be a front. It would be a real organization, a real numbered company, and then it just evaporates six months after the election.

All those concerns, Chair, every one of them is dealt with by adopting this motion.

So, if the government is serious about wanting to make sure there's a trail so that officials can go back and confirm that everything was done according to the rules—but that trail could be disrupted if we leave it the way it is—we could correct all of that with one motion. We could make sure that that information is there should it be requested afterwards. If they don't support this, then, again, one has to be suspect, and history will tell. We'll just see what happens after the next election, and we will see if they don't support this now how this measure being in place would avoid those potentials. I'm willing to bet they're going to be there. We won't know for sure till it happens, but we could be super safe and super sure if we just pass this motion.

So I put it to the government that if they are serious and sincere about wanting to actually have this information, this potential evidence accessible after the election, then the only thing that makes any sense is to put in a law that says they have to push the button that sends the information into the public domain, and then the goal the government says they want to achieve, can be, with the guarantee.

•(1625)

Right now, like a lot of things, it sounds good, but the end result may be very different.

Thank you, Chair.

The Chair: That's all I have on my list.

So on NDP-46, I am calling the question.

Mr. Craig Scott: A recorded vote, please....

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

The Chair: We move on to Liberal-33. It's fairly similar.

Mr. Simms.

Mr. Tom Lukiwski: Chair?

The Chair: Yes, Mr. Lukiwski.

Mr. Tom Lukiwski: Is this either similar or identical to NDP-43?

The Chair: Even NDP-49, they're very similar but they're....

Sorry, NDP-43...?

Mr. Tom Lukiwski: NDP-43, I said.

The Chair: It was not moved.

Mr. Tom Lukiwski: Oh, in lieu of this. All right. I understand.

The Chair: Mr. Simms.

Mr. Scott Simms: I'll make this very brief, then.

I so move that LIB-33 amend line 14 on page 45, for those who want to check it. "The calling service provider, person or group—or third party"—I'll draw your attention to proposed paragraph (a)—"at the request of the [CRTC], file with the Commission a list of all the telephone numbers that were called under the relevant section;" and "keep the list for one year after the end of the election period."

I certainly do feel that this goes a long way to cutting down, curbing the behaviour that we saw. I'm not pointing any fingers or naming any names, but I certainly feel that this goes a long way in curbing that nefarious activity that we witnessed a while ago. So I hope that everyone gives us their support.

The Chair: Thank you.

On LIB-33, hearing no further comment, all those in favour?

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

The Chair: On PV-49....

•(1630)

Ms. Elizabeth May: Thank you, Mr. Chairman.

A good part of my amendment is very similar to the one that was just defeated, but it has additional clauses that are worth describing.

As you can tell, the goal here, and again these were recommendations from a number of witnesses, certainly the Chief Electoral Officer and Democracy Watch, and a few others, I believe, calling for the preservation of the telephone numbers that were called as an integral part of keeping track of the use of these kinds of campaign tools, especially if they're going to be misused. It would be a very good way to check, for instance, if it was a legitimate call or an illegitimate call, based on robocall servers having a list of the telephone numbers. If a telephone number was called that was never on that list, you'd have a pretty good sense you're looking for someone else.

But the second part of my amendment also deals with the commissioner having the ability to...and it is part of Elections Canada's brief at the bottom of page 6. There should be a mechanism not involving a court order for the commissioner to obtain access to call scripts or recordings, or to request that they be preserved beyond one year if a court order is anticipated. This particular provision that I'm putting forward is actually modelled on something that may look familiar to government members on the other side. It's actually modelled on Bill C-13's preservation demand provisions in the online bullying bill, to ensure that there can be a request that material be preserved before it might be destroyed in the ordinary course of business.

So I think I've probably given you enough details on this, Mr. Chair. It does make the system more robust. More critical information is preserved, and it is also more accessible to the Commissioner of Canada Elections, who without having to go to court for a court order, can just ask the companies that have that material in their possession to retain it and preserve it.

Thank you, Mr. Chair.

The Chair: Thank you very much.

Anything further on PV-49?

Hearing none, I'll call the question.

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

(Clause 77 as amended agreed to on division)

(On clause 78)

The Chair: Government-22....

Mr. Tom Lukiwski: Thank you, Chair.

I so move.

Before I speak to G-22, I would also let the opposition parties know they should have copies of a further amendment that we are proposing, which I had given everyone. It's 351.2.

The Chair: It's what number?

Mr. Tom Lukiwski: It concerns a proposed new section 351.2. I'm sorry if we have additional.... I thought they were....

•(1635)

The Chair: I have a new amendment called 39.1.

Mr. David Christopherson: Did you say 39.1?

Mr. Tom Lukiwski: Do we have additional copies?

A voice: No, we don't have that one.

Mr. Tom Lukiwski: Oh yes, we talked about doing it verbally.

The Chair: You move it; you hand it.

Mr. Tom Lukiwski: Right. We do have additional copies. I had been advised earlier that the best way to do it is to explain it verbally and then hand out copies. I don't know whether we can make additional copies, but Chair, I'll ask your direction on this. Even though proposed new section 351.2, the one I'm going to be introducing, is consequential in many respects to amendments G-22 and G-24, did you want to deal with G-22 first?

I'll tell you what it's about. Let me explain it; it might help.

We could probably deal with amendments G-22 and G-24 at the same time. These are dealing with third parties. Concerning amendment G-24 specifically, you may recall that in his 2010 report the Chief Electoral Officer recommended that amendments be made to the Canada Elections Act to ensure that third parties have a connection to Canada. This bill requires third parties to certify that they have a connection to Canada. To ensure that illegitimate third parties cannot skirt the rules, it's important to have a clear prohibition in the act. Amendment G-22 is consequential to G-24.

So that's what we're dealing with in the case of those two.

Now, the additional amendment, which I'm going to read to you and then hand out.... It's proposed new section 351.2, and I want to ask the officials of the Privy Council their opinion. We say:

For greater certainty for the purposes of subsections 350(1), (4), and section 351.1, if election advertising is transmitted during an election period, it shall be considered advertising expenses, regardless of when it was incurred.

In other words, we're saying that third parties should have a cap of \$500 during an election period, but if any ads were produced prior to an election itself—say, for example, if a television ad was produced six months prior to a writ and cost \$10,000 but only aired during the election—the production costs should be considered an election expense.

It would be the same thing if—I don't know whether you can actually do this—someone wanted to prepay election ads before the election. Clearly it's an election expense, at least in our....

That is what this amendment introducing a new section 351.2 is about. I don't know whether we can get the staff to make copies and hand it out, but that's what it's—

The Chair: We have to be in the right spot first, Mr. Lukiwski. I think we are, but....

Mr. Tom Lukiwski: But now we're on amendment G-22. Frankly, amendments G-22 and G-24 are interconnected.

The Chair: But they're amending two different clauses, so I'm going to make you deal with them in each clause, because there are other amendments too.

Mr. Tom Lukiwski: That's fine.

The Chair: Do you want to do amendment G-22?

Mr. Tom Lukiwski: Yes.

The Chair: Do you want to go on it first?

Mr. Tom Lukiwski: Sure. David has a question. Maybe I would....

Mr. David Christopherson: Again we have two different subjects, and now we're bouncing back to the first subject, about the third party having to be a Canadian entity.

I don't want to belabour the point, but again, in the case of a bankruptcy we'd still be in the same situation. Or in the case of somebody who is just being difficult, recalcitrant, or won't cooperate, none of those problems change. They are still there with this. All this does is mandate that there has to be a Canadian connection to the work.

A voice: This is for advertising.

Mr. David Christopherson: Yes, it's for advertising, right.

The Chair: Here we are. An affirmative vote on amendment G-22, which was just moved, would then also be an affirmative vote on the one you were just given or are about to be given, which has the proposed new section 351.2—

Mr. Tom Lukiwski: Are they making copies? We should have it in a couple of moments.

The Chair: —as well as on amendment G-24.

So the three of them are consequential to each other.

Mr. Craig Scott: Do we have time to ask a question of the Privy Council folks?

The Chair: Do we have a chance of what?

Mr. Craig Scott: Do we have a chance to ask a quick question while we are waiting?

The Chair: Sure, go for it right now while we're waiting for a copy.

Mr. Craig Scott: It's because this is starting to deal with advertising.

Clause 78's changes begin:

350 (1) A third party shall not incur election advertising expenses of a total amount of more than \$150,000 in relation to a general election.

The kind of scenarios Tom was just describing are exactly the scenarios that I understood this to be dealing with. Is that correct?

Mr. Marc Chénier: That is correct. There is a current drafting deficiency in the act, because it only makes subject to the limit those expenses that were incurred during the election period. The bill proposes to remove that language and to provide that any expense in relation to an election is covered.

Mr. Craig Scott: That means that if you spend money on the production of an ad and then that ad is aired during the election period, you have to account for the “pre” thing. You can't just load up before.

•(1640)

Mr. Marc Chénier: That's correct, because the definition of election advertising expense in the act includes the production costs.

Mr. Craig Scott: Okay. Let me say in advance that this is why we have amendment NDP-47, because for two months now there have been some members of civil society who think that this provision actually means that you can only spend \$150,000 from the last

election through to the end of the next election. I've been doing my best to tell them, no, I don't think that's the right interpretation. So this helps.

Thank you.

The Chair: Thank you. We're off that and back to—

Mr. Tom Lukiwski: I'm sorry, but Craig makes a good point. We want to be really clear on this, because there is perhaps some confusion out there—or maybe purposeful confusion.

I mentioned one other scenario possibility, not just on the production costs but of someone's pre-paying television ads. Honestly, I don't know whether you can do this, and I used to be in the business. I'm not familiar with it, but I've been told that literally you can prepay a bunch of television ads a month or two months in advance and then not incur anything during the 37-day writ period.

So in your interpretation, would this capture that as well? Would it be considered an election expense?

Mr. Marc Chénier: Under the provisions of the bill, that is a correction that is made to the act to ensure that they would be covered.

The Chair: We'll hear Mr. Christopherson on the same issue.

Mr. David Christopherson: This is just to nail down that I understand it.

Is the legal principle the same as getting your signs printed ahead of time? If you bring the signs into the campaign, even if they are from the last campaign you have to count them as assets at full cost. Is this attempting to do the same thing, so that there is no way to use something in the campaign that avoids the cap? That's what this would do.

Is that a fair connection for me to make in comparison?

Mr. Marc Chénier: That's correct.

Mr. David Christopherson: Very good. Thank you, and thank you, Chair.

The Chair: Does everybody know where we are?

Then, could they explain it to the chair?

I'm at amendment G-22. If there is no further discussion on amendment G-22, shall it carry?

The vote will apply to the one that is being or has been handed out. It also covers amendment G-24.

Mr. Craig Scott: Does this new amendment carry with amendment G-22, or is this going to be separate?

The Chair: A yes on amendment G-22 will be a yes on the new one and on amendment G-24, apparently.

Mr. Craig Scott: Right.

All I would say is that this new amendment is exactly what I was trying to do with amendment NDP-47. We will be voting for it, and I think it's going to result in the government's having a complete winning streak of not voting for a single NDP amendment.

The Chair: There you go. You're looking for motive where maybe none applies.

Some hon. members: Oh, oh!

Mr. Craig Scott: No, I know. Nonetheless, I will support it.

The Chair: The question is on amendment G-22.

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

The Chair: That votes passes amendment G-22, the one that was just distributed, and amendment G-24.

Mr...uh...Christopherson.

Mr. David Christopherson: “Dave” will work, but I hear you.

The Chair: Yes, I was at that part. I just couldn't get the last name.

Mr. David Christopherson: That's okay. I was waiting to hear “repetition”.

I talked to you earlier, Chair, about this. At five o'clock we end this process and move into another phase. I had asked whether we were going to have a little break, and I wonder whether we can make it a 15-minute break. I am asking a favour. Otherwise, it requires, if we come back in five or ten minutes—we have a couple of things we have to do—that we would have to bring substitutes in for five minutes.

I'm just asking whether we could have a 15-minute break at five o'clock as we switch from debating the clauses to doing pure voting.

•(1645)

The Chair: I know that this night is always the time when people are trying to get out of here and go on to other things too, so I'm going to go to Mr. Lukiwski.

Mr. Tom Lukiwski: We know—the press release is out there—that you're doing a scrum at five o'clock. We had a deal for five minutes, David, and I want to stick to five minutes. If you want to bring people in, you're still going to do what you're going to do, but let's keep this going.

Mr. David Christopherson: Just remember when you want a favour that what goes around comes around.

I accept that. Thank you. I have a good memory.

Mr. Tom Lukiwski: I hate giving out favours when you're going to go out there and crap all over us.

Some hon. members: Oh, oh!

Mr. David Christopherson: Every favour I do, you can do that to us.

Some hon. members: Oh, oh!

The Chair: I might remind you that the chair has given you just about everything you asked for during this study.

We'll carry on now. I think amendment G-23 is where we are.

Mr. Lukiwski.

Mr. Tom Lukiwski: I move that amendment.

This is a motion that would increase the spending limits applicable to third parties in cases where the election period is longer than the minimum 37 days, for an election year.

As you know, the spending limit of all other electoral parties in elections going beyond 37 days goes up exponentially. We're just saying that the same rule should apply to third parties.

The Chair: Okay, are we clear on the amendment? We are voting on amendment G-23.

If I were just to say C-23, we'd do the whole thing, isn't that right?

Some hon. members: Oh, oh!

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

The Chair: We are on amendment LIB-34.

Mr. Scott Simms: Thank you, sir.

The changes have some unintended consequences. Foreign corporations, groups, and individuals are now permitted to spend to the limit without registering, and the offences are, first, overspending for not registering.

What I'm hoping to do is fix a related offence or add a new one so that—this is the important part—non-Canadian third parties who cannot register because of a lack of ties to Canada are still not allowed to spend more than \$500.

The Chair: Thank you.

I forgot to state that amendment PV-52 is identical, so it is caught in this—

Mr. Scott Simms: Okay, and I so move.

The Chair: You move it, which gets us to that point.

So, on amendments LIB-34 and PV-52—

Mr. Scott.

Mr. Craig Scott: Let me note that I believe this was one of the provisions that had been picked up by the Chief Electoral Officer and which I thought the minister had indicated he had no problems fixing, so I'm glad that the Liberals and the Greens have picked it up. We had it to bring forward, but we won't need to now.

So thank you.

The Chair: Thank you.

The vote is on amendments LIB-34 and PV-52.

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

The Chair: Where am I?

On NDP-47, Mr. Scott, what is your intention on proceeding with this?

Mr. Craig Scott: It seems to accomplish the same thing as the government amendment—more eloquently, of course—

Some hon. members: Oh, oh!

Mr. Craig Scott: —but I will decline to move it.

The Chair: That gives us clause 78 as amended.

(Clause 78 as amended agreed to on division)

The Chair: Amendment G-24 has now been dealt with.

We're on amendment G-25.

Mr. Tom Lukiwski: This is strictly consequential to amendment G-24.

The Chair: Okay.

Mr. Scott.

Mr. Craig Scott: No, sorry.

The Chair: I'll call the question on G-25.

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

(Clause 79 as amended agreed to on division)

(On clause 80)

The Chair: We're on amendment NDP-48.

Mr. Craig Scott: Thank you, Mr. Chair. I will move amendment NDP-48.

Amendment NDP-48 refers to the fact that Bill C-23 has increased the maximum contribution by individuals to \$1,500 from \$1,200, which represents a 25% increase. This is one of the provisions that we express concern about, because although to some it may feel like a small amount, it is 25%, \$300 more.

We had testimony from a professor from UNB who indicated that in fact wealthier Canadians make up the vast majority of those making donations above \$200. Being able to give an extra \$300 on top of \$1,200 is actually something that will disproportionately favour wealthier Canadians for whom that extra bit is not a big deal. It probably will be enhanced by the fact that there do not appear to be any consequential tax amendments, so there are no extra tax credits available. Anybody giving that extra money would be doing it strictly out of their own pocket.

We do feel that this actually belies the government's claim, at least the minister's claim, that somehow this bill gets rid of big money. There are attempts—I will give him credit for that—in the banking section. We feel their attempts went wrong. They actually won't accomplish the goal, but that was an attempt. Here it's absolutely contrary to the purpose, as is the big provision that would have exempted fundraising expenses for previous donors, which I know the government is now intending to remove. We'll only get to that after five o'clock. Nonetheless, issues of big money and money politics were created by Bill C-23, and this indeed is one of them.

We are moving that the \$1,500 individual donation across four different categories be returned to what it currently is, which is \$1,200.

• (1650)

The Chair: Thank you.

Is there any further discussion on amendment NDP-48?

A recorded vote has been asked for.

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

The Chair: That also negates amendment BQ-5, by the way. That brings us to amendment PV-53—

Mr. Mike MacPherson (Legislative Clerk, House of Commons): It wasn't identical. It just had a line conflict, so we still have to vote on it. It is deemed moved.

The Chair: Amendment BQ-5 is deemed moved. So all those in favour—

Ms. Elizabeth May: What about amendment PV-53?

The Chair: I'll get to amendment PV-53 right after we vote on amendment BQ-5.

On amendment BQ-5, all those in favour?

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

The Chair: We're on amendment PV-53.

Ms. May.

Ms. Elizabeth May: On the same area, financing of election campaigns, this amendment speaks to the changes in Bill C-23 that substantially increase the donation that a candidate can make to their own campaign. Much as Mr. Scott noted what it means that wealthier people can donate more, I think the personal financial situation of a candidate is even more relevant.

We want Canadians of all walks of life to be able to run for Parliament on an equal playing field. Bill C-23 as now written allows a candidate to be able to increase their own donation from \$1,200 to \$5,000, and for party leadership candidates, from \$1,200 to \$25,000. These changes substantially increase the ability of wealthier Canadians to put themselves forward within their political party for leadership and on the hustings as a candidate for Parliament.

The effect of my amendment, as recommended by the organization Democracy Watch, is to delete these increases that disproportionately benefit the wealthy.

The Chair: Thank you.

On PV-53, is there further discussion?

Mr. David Christopherson: I have a question.

• (1655)

The Chair: Is it on that?

Mr. David Christopherson: It's on this one, yes.

To the government, if anyone would be kind enough to answer through you, Chair, I'm not aware that the Chief Electoral Officer or anybody else made these recommendations for increases. Can the government give us some indication of where these great ideas came from to bring more money in?

The Chair: Mr. Reid, if you would?

Mr. Scott Reid: Inflation.

Mr. David Christopherson: Inflation? From \$1,200 to \$5,000—

Ms. Elizabeth May: How about to \$25,000?

Mr. David Christopherson: —and then \$5,000 to \$25,000...? That's inflation? It's inflated, all right. I don't know about inflation.

The Chair: I know I made the mistake of letting you ask questions across the table. It's always a mistake when the chair lets you do it. Please, through the chair, if you would, so we don't get into accusing each other of things.

Mr. David Christopherson: I just wanted to underscore that it's a silly answer.

It looks like Mr. Lukiwski is going to give us—I hope—a good one.

Mr. Tom Lukiwski: If you recall, David, one of the problems we've had in the past, and particularly in leadership campaigns with respect to the Liberal Party, is unpaid loans. We still have loans going back to 2006, where they haven't contributed themselves but they've taken out loans and never paid them back, which in fact should be a de facto contribution. If nothing else, if that's going to continue, this at least allows the leadership contestant to contribute to his own campaign, and we get out of the loan business, at least up to that limit.

Now, some may argue that it's too much money. Leadership campaigns for a federal party cost a lot of money. Everyone knows that, so \$25,000 I think is a legitimate threshold. You're probably going to spend far in excess of that if you're a serious candidate, but at least this gives an opportunity for a candidate at that level to kickstart it with a contribution of his own.

At the local level, frankly, I don't know how many candidates would contribute up to \$5,000. Most battles are funded through contributions by supporters and everything else. I just think that these are acceptable amounts.

Mr. David Christopherson: All right, but here's the thing. I don't disagree with the idea that there was a bit of a shell game with the previous Liberal leadership; we've been around that many times. Yes, that didn't work. That stunk. But I have to tell you that turning around and making it easier for anybody to use bigger amounts of money, regardless of what it's for in our system, is going in the wrong direction.

One of the things that was great about our system, and still is to some degree—now we're on that slippery slope, though—is that an ordinary person can get involved in politics and can actually get elected and take a seat. Down in the States, that is not easy at all. If you're not independently wealthy, you had better have good friends who are independently wealthy. We're starting down that road, and it's the wrong direction.

Thanks, Chair.

The Chair: Mr. Reid? I have about a half a second here before I have to go on to something else.

Mr. Scott Reid: The point of not allowing big money into campaigns is to prevent people from being corrupted by the influence of others. You're not going to be corrupted by your own influence. If you can't have at least \$5,000 to launch a leadership campaign, then it's going to be very difficult to do even the basic things—the long-distance calls, the basic mailings—to get started. It actually would wind up handicapping people who are not already an inside candidate, so I think it just opens up the gates a little more freely.

Mr. David Christopherson: If I might, first of all, my first point was that nobody recommended it and I didn't hear where it came from, other than, again, that the government thinks it's a great idea. The fact is that it's more money that individuals can bring to the political system. That goes against the philosophical foundation of our system and it's just wrong. It's just wrong.

The Chair: Thank you.

On PV-53, those in favour?

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

The Chair: With about a minute left, I'd like to ask the members, while we still can before five o'clock, if you have anything left in the stack of motions or amendments that you'd like tell us now you'd like removed, it would make life a lot easier.

Mr. Craig Scott: That's more organization than...

The Chair: No, but occasionally as we got to numbers, you've declined to move them.

Mr. Craig Scott: That's right, but that's been based on the flow, so we can pull them as we go.

Mr. Tom Lukiwski: Yes, it shouldn't take much longer, Chair.

The Chair: At five o'clock, in about one minute, they'll all be deemed moved and they will be voted on without debate.

Mr. David Christopherson: Now I think it is going to take us a lot longer.

Mr. Craig Scott: [*Inaudible—Editor*]...they'll be deemed moved.

The Chair: Yes. That was the motion.

Mr. David Christopherson: I'm here all night anyway.

Mr. Craig Scott: I can't help you, then, with removing—

The Chair: Anyway, it's now five o'clock and so, first of all, I would like to thank our guests from the PCO who have been here to help us with this and for your answers for all the questions.

I thank the committee for its work on the amendments. So far, we did get through a significant number of them, and I thank you for that.

We will now break for a very short five minutes, and then we will come back and we will go on, as per the motion of March 4, or whenever it was, that all will be deemed moved and will be voted on without debate.

I suspend the meeting for five minutes.

• (1700) _____ (Pause) _____

• (1705)

The Chair: Let's go ahead. I'm going to close things up because we're going to go at a fairly good speed.

Mr. Peter Julian (Burnaby—New Westminster, NDP): I have a point of order, Mr. Chair. Thank you very much.

I want to clarify things, since points of order are permitted by the committee motion that was adopted by the majority Conservatives just a few weeks ago.

Some hon. members: Hear, hear!

Mr. Peter Julian: Yeah, well, I'm not sure the public is going to be particularly impressed by that “hear, hear”, given that this committee now has to go through over 200 pages of the unfair elections act and dozens and dozens of amendments without even having any sort of debate.

My question and the reason I raised the point of order to start, Mr. Chair, is that I don't see our Privy Council representatives there. Of course, there will, I believe, be points of order on the admissibility, perhaps, of certain things brought before this committee. This is... well, the only way to put it is that it's an appalling abuse of what should be a process of due diligence, but it's no surprise to us. We've seen three bills rejected by the Supreme Court from this government over the last month.

So, will representatives from Privy Council be available, at the table, for points of order that will come up over the next few hours?

The Chair: No, they will not.

Mr. Peter Julian: Could you please explain why, Mr. Chair?

The Chair: Because as we moved to this portion they were excused.

Mr. Peter Julian: But they are present in the room. There are questions of admissibility that will come up and points of order.

The Chair: All admissibility issues will be handled by the chair because it will be on whether the amendment is in order. It would be admissible in that way.

Mr. Julian, I know you're not a regular member of this committee, but I take some offence to your premise because I, even a man of my size and shape, have bent over backwards to give all of the time we could to all of the witnesses requested. Every witness requested was asked to come and present. Many sent briefs also. For you to suggest, at this late date, that we haven't given enough time for this—I could certainly give you a number of cases where time was used that might have been used for what we wanted to do today, even during clause-by-clause over the last couple of days.

As the chair, I take some offence that you're telling me we've somehow mismanaged the process. I'll stop you there.

I'll go to Mr. Cullen.

• (1710)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Briefly, Chair, I can't speak for Mr. Julian. I'm not sure that offence was intended. I can understand how you may feel that way.

I suppose just on a procedural question, to aid the committee going through the certain number of clauses, to have officials near the table wouldn't.... I'm not sure it would present.... I understand you have advice on admissibility that is given to you by the clerks. Yet I've also seen opportunities at committees where, if the expertise is in the room that sometimes extends beyond the clerks' knowledge, it's not necessarily cumbersome to have the government officials at least on hand—and they may not be called on.

To clarify, I understand that this has been a difficult process, certainly from the opposition's point of view, in trying to have some sort of understanding and justice brought to this bill. But I want to understand the resistance only in having the officials just sit at the table to offer any guidance on some admissibility issues to committee members from both sides and yourself.

The Chair: The point we're moving forward to now is where we will, without debate, have these bills voted on. The only question could be on admissibility. The only way you would get to a point of order—other than admissibility—would be through debate and we're not going to do that. We're going to be moving forward.

Mr. Nathan Cullen: Then perhaps I could just understand the process and the adoption. I've read the motion as it's been carried. If a clause, either an amendment moved by the opposition or by the government is being interpreted, I understand the limitations that have been set by the motion carried by the government to not allow debate on any of those motions. But questions of admissibility and clarification of admissibility are they also deemed to be debate? I thought there was an opportunity in those just to have a....

The Chair: You, of course, should ask the chair that question, and we then we'll say “yes, it's admissible” or “no, it's not”.

Mr. Nathan Cullen: Oh, I see.

The process you want to use is that if we get to one and we have any points, because these have not been debated yet, the government may have the same question. The ruling goes to you. You check with the clerks.

The Chair: I'm going to use the other way. If they are in this stack, they are admissible or I would have already been told that.

Mr. Nathan Cullen: Okay, so this is sort of negative option billing. I'm not sure that's the correct analogy for this.

The Chair: That's how I plan to proceed.

We're moving forward.

If I'm right, I'm at NDP-49. There will be a recorded vote on NDP-49.

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

The Chair: On NDP-50, a recorded vote....

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

The Chair: On NDP-52—sorry, it's 51.

Mr. Peter Julian: Sorry, Mr. Chair, just so we don't skip an amendment, as you have just done, could you proceed slowly, so we know it's at the—

The Chair: My clerks will make sure I'm on the right one when it's time.

Thank you for your help, Mr. Julian.

On NDP-51, a recorded vote...

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

The Chair: On NDP-52, we'll have a recorded vote, please.

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

The Chair: Next, BQ-6 is inadmissible. It's gone.

The next one is clause 80.

•(1715)

Mr. Nathan Cullen: That's right.

To be clear, the one that was just ruled out, was that—?

The Chair: It was to delete a clause. It was superseded by another one.

Mr. Nathan Cullen: I'm confused.

The Chair: Well, we haven't done the clause yet. Now we're going to vote on the clause, and that will tell you whether it's staying or not.

On clause 80, we'll have a recorded vote.

(Clause 80 agreed to: yeas 5; nays 4)

The Chair: Clause 81—

Mr. Peter Julian: I'm a bit confused, Chair.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Is it BQ-6 that we're referring to right now?

The Chair: BQ-6 was to delete the clause. We're going to vote on the clause, and that will decide whether it's deleted or not.

(Clause 81 agreed to: yeas 6; nays 3)

(Clause 82 agreed to: yeas 6; nays 3)

(Clause 83 agreed to: yeas 5; nays 4)

The Chair: Clause 84, a recorded vote...

Mr. Nathan Cullen: I'm sorry, just to be clear, did we hear a decision on the last vote?

The Chair: Yes, it carried.

Mr. Nathan Cullen: Okay.

(Clause 84 agreed to: yeas 6; nays 3)

The Chair: We will have a recorded vote on BQ-7.

(Amendment negated: nays 9; yeas 0 [See *Minutes of Proceedings*])

(Clause 85 agreed to: yeas 6; nays 3)

The Chair: On Liberal-35, we'll have a recorded vote.

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

The Chair: We'll move on to NDP-53 with a recorded vote.

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

The Chair: We are voting on PV-55 with a recorded vote.

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

The Chair: We are on NDP-54 with a recorded vote.

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

The Chair: We are on NDP-55 with a recorded vote.

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

•(1720)

The Chair: We're on amendment NDP-56, with a recorded vote.

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

•(1725)

The Chair: We're on amendment NDP-57.

Mr. Nathan Cullen: Could I have a recorded vote?

The Chair: Certainly you can.

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

The Chair: Are we on PV-56? We did amendment NDP-57.

Mr. Nathan Cullen: We'll verify; trust us.

The Chair: We did amendment NDP-57, and now we're on amendment PV-56. Does it carry?

Mr. Nathan Cullen: Could we have a recorded vote, please, Chair?

The Chair: We'll have a recorded vote.

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

The Chair: I think I'm on amendment NDP-58.

Mr. Nathan Cullen: Could we have a recorded vote?

The Chair: We'll have a recorded vote for amendment NDP-58, certainly.

(Amendment negated: nays 5; yeas 3 [See *Minutes of Proceedings*])

The Chair: We're on amendment G-26.

Mr. Nathan Cullen: Could we have a recorded vote, please, Chair?

The Chair: If amendment G-26 carries, the next five amendments would then not be voted on.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: It carries, which means we don't vote on amendments LIB-36, NDP-59, PV-57, BQ-8, and NDP-59.1. That will be in *Hansard* for you.

Mr. Nathan Cullen: Chair, we had similar understanding except about the very last one, amendment NDP-59.1. Can we just clarify through the clerk? We had amendment G-26 nullifying amendments LIB-36, NDP-59, PV-57, and BQ-8. It may be just a mistake on our part, but we want to clarify through the clerk that amendment NDP-59.1 has also been nullified by this.

The Chair: Yes, it's a line conflict.

Mr. Nathan Cullen: It's a line conflict. Okay, thank you, Chair.

The Chair: We're on amendment NDP-60.

Mr. Nathan Cullen: Was amendment PV-59...? I don't think that was—

The Chair: It was also nullified. Oh, sorry. We had a bit of an “x” beside it and your chair misinterpreted. So we're going to amendment PV-59.

Mr. Nathan Cullen: We'll take it a little slower.

The Chair: Let me know when we mess up.

The Chair: We're on amendment PV-59.

Mr. Nathan Cullen: Can we have a recorded vote, please, Chair?

The Chair: All right.

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

The Chair: We'll go to NDP-60 now. We're doing NDP-60, PV-61, and Government-27.

A voice: Yes, they're all identical.

The Chair: They're all identical.

We'll vote on NDP-60 and—

Mr. Nathan Cullen: We need this recorded, Mr. Chair—

The Chair: Oh, you want this one recorded.

Mr. Nathan Cullen: —for historical purposes, absolutely.

The Chair: All right.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: We move now to NDP-61.

Mr. Nathan Cullen: Slow down, Mr. Chair.

Could we have a recorded vote on NDP-61, please?

A voice: NDP...?

Mr. Nathan Cullen: Excuse me, what did we...? I thought we called NDP-61. NDP-61 wasn't carried within NDP-60, was it?

The Chair: No. We're here on NDP-61, which is identical to PV-62. One vote will suffice for the two because they're identical.

Mr. Nathan Cullen: Okay. I was just confused, because Tom talked about it as being PV... Okay.

To clarify for the record, we're voting on NDP-61, which will nullify PV-62.

Could we have a recorded vote, please, Mr. Chair?

The Chair: Yes.

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

Mr. Peter Julian: Mr. Chair, on a quick point of order, I want to clarify that NDP-60 did pass.

The Chair: Yes.

Mr. Nathan Cullen: Can we do that again with another NDP amendment?

The Chair: We are on Liberal-37.

Mr. Nathan Cullen: A recorded vote, please....

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

The Chair: Now we're on PV-63.

An hon. member: A recorded vote, please....

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

The Chair: Government-28, all those in favour?

Mr. Peter Julian: Recorded vote, please....

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: We're going to NDP-62, which is identical to G-29. We'll have a recorded vote on it, but whatever happens to one, happens to the other.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: I have G-30 next.

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

The Chair: Now we have a recorded vote on NDP-63.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: Wow, what a friendly group.

I say that we're at LIB-38, which is identical to NDP-63. Isn't that what we just did?

A voice: Yes.

The Chair: So LIB-38 has been passed.

PV-64 is also identical to it, so we won't vote on it.

•(1730)

I'm at amendment G-31. No. Give me just a second.

We're at clause 86 as amended, and I would like to know if you're all in favour of that.

(Clause 86 as amended agreed to)

The Chair: We're on amendment BQ-9.

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

The Chair: We're on amendment BQ-10.

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

(Clause 87 agreed to on division)

The Chair: We're on amendment PV-65, and we'll have a recorded vote.

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

(Clause 88 agreed to on division)

The Chair: I'll now move to amendment NDP-64, but it is also identical to amendments LIB-39 and PV-66. There's another line conflict later on, but we'll get to that too.

Let's see what happens under NDP-64, with a recorded vote.

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

The Chair: So the three of them are defeated.

Now we're on amendment G-32, and we'll have a recorded vote on this.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

The Chair: Excellent job. We need to vote on clause 89.

(Clause 89 as amended agreed to on division)

(Clause 90 agreed to)

(Clause 91 and 92 agreed to on division)

The Chair: I now have amendment Government-33 in my hands.

Mr. Craig Scott: Can we have a recorded vote?

The Chair: I've just been told there's a spelling mistake that's been changed on this page.

Shall we vote on this? We'll have a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [See *Minutes of Proceedings*])

(Clause 93 as amended agreed to on division)

•(1735)

The Chair: We're on amendment Government-34

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

•(1740)

(Clause 94 as amended agreed to)

(Clauses 95 and 96 agreed to)

The Chair: I go then to Liberal-40. It's identical to PV-67, so a vote for one will be a vote for all.

I hear a call for a recorded vote.

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

The Chair: Both are defeated, a two-for-one special on those. I am now at G-35.

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

(Clause 97 as amended agreed to on division)

(Clauses 98 and 99 agreed to on division)

The Chair: We have NDP-65, and a recorded vote.

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

The Chair: Before we vote on clause 100, because that will be significant—a triple-digit clause—we're going to pause just for a minute.

•(1740)

(Pause)

•(1755)

The Chair: We'll come back to order. We did a bunch in a run there, and I'm thankful that you all cooperated, and we did a bunch of work.

We are now, from a straight significance point of view, at clause 100.

(Clauses 100 to 106 inclusive agreed to on division)

The Chair: We have to wait on clause 107. This one has a new motion. We have, in fact, new Liberal amendment 40.1 and a new government amendment, whatever it is. They're identical, so a vote on one will be a vote on both.

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

(Clause 107 as amended agreed to on division)

The Chair: I now have amendment Liberal-41.

All in favour? No, there's a line conflict. Amendment PV-68, NDP-66, and NDP-65.1 all have a line conflict, so let's move on to voting on amendment Liberal-41.

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

The Chair: It is defeated, as were all the others that were attached to it.

No, it's just a line conflict. They're not similar enough for me to go that fast, okay.

So now we're going to amendment PV-68.

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

The Chair: Amendment NDP-65.1....

An hon. member: A recorded vote.

The Chair: Certainly.

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

The Chair: Amendment NDP-66....

Mr. Craig Scott: Amendment NDP-66 was not cut?

Can we have a recorded vote, please?

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

The Chair: Amendment NDP-67....

Mr. Craig Scott: A recorded vote, please...?

The Chair: Certainly.

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

The Chair: I'm on amendment Liberal-42.

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

The Chair: On Liberal-43....

• (1800)

Mr. Scott Simms: Recorded vote...?

The Chair: We'll have a recorded vote on Liberal-43.

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

The Chair: We go to amendment Liberal-44 with a recorded vote, please.

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

The Chair: Now to Government-36; there is a line conflict with the next one, but let's see how we go.

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

The Chair: So then amendment NDP-68 no longer needs to be voted on, Liberal-45 and PV-69 also.

Can we throw in just a couple more?

NDP-69....

Mr. Craig Scott: A recorded vote, please, Mr. Chair....

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

The Chair: We go to Liberal-46, which is identical to NDP-70. So we'll vote on Liberal-46 and it will be the same.

I have Liberal-46 and a recorded vote.

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

The Chair: It is defeated, as is NDP-70 and PV-70.

I now have NDP-70.1.

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

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

The Chair: We go to NDP-71. There are a couple of line conflicts here. Yes, Liberal-47 and PV-71 are identical, so we'll vote on NDP-71.

We'll have a recorded vote but we'll take care of all three of these.

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

The Chair: I go to NDP-72. Liberal-48 is identical to that so we'll just do those two.

Okay, so NDP-72 and Liberal-48.

• (1805)

Mr. Craig Scott: A recorded vote, please...?

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

The Chair: On NDP-73—

Mr. Craig Scott: A recorded vote, please...?

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

The Chair: PV-72, all in favour? Any opposed?

You have to keep up, folks.

Do you want to get there? I'll let you get there.

I'd like to point out that at the meeting on Tuesday there were three different amendments that we handed to everyone and you know, you all put them in your books.

So PV-72, all in favour?

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

The Chair: Are we all at NDP-74?

Mr. Scott Simms: On a point of order, did we cover PV-73?

The Chair: PV-73 is here. If one was adopted, it got to go through.

That's what it is. NDP-73 and PV-73 are the same. They've already been voted on. Sorry, that's where we were.

We're now on NDP-74.

Mr. Craig Scott: Could we have a recorded vote, please?

The Chair: Certainly, you may.

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

The Chair: I'm at NDP-75.

Is that where everybody else feels they are?

Mr. Craig Scott: Indeed, and this is also so important that I'd like a recorded vote.

The Chair: That's a good plan.

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

The Chair: Does everyone remember way back, when we went paperless? Wasn't that good?

The next time we do clause-by-clause, we're doing it paperless, right? We could do it from home.

Where am I at?

I have NDP-76 in my hand, or do I have a clause before that?

No, it's NDP-76.

Mr. Craig Scott: Mr. Chair, I'd like to request a recorded vote.

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

(Clause 108 agreed to on division)

The Chair: That leads me to Liberal-49, which is identical to PV-74.

Mr. Craig Scott: A recorded vote...?

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

The Chair: I will go then to Government-37, I believe, unless there is a clause in the middle of this. I don't think there is.

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

(Clause 109 as amended agreed to on division)

(Clause 110 agreed to on division)

The Chair: I now go to a new clause PV-75. All in favour?

An hon. member: On division.

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

The Chair: On amendment PV-76....

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

(Clause 111 agreed to on division)

The Chair: On amendment PV-77, all in favour?

An hon. member: On division.

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

The Chair: On amendment PV-78....

An hon. member: On division.

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

The Chair: On amendment PV-79....

An hon. member: On division.

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

The Chair: On amendment G-38.

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

(Clause 112 as amended agreed to on division)

(Clauses 113 and 114 agreed to on division)

The Chair: On amendment PV-80—

• (1810)

Mr. Craig Scott: May we have a recorded vote?

The Chair: Certainly.

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

The Chair: On NDP-77....

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

(Clauses 115 and 116 agreed to on division)

The Chair: On amendment Government-39, all in favour? Opposed?

If it was just adopted—as it was—NDP-78 goes away, Liberal-50 goes away, and PV-81 goes away.

Mr. Craig Scott: I didn't realize that there would be that line conflict. Could I call for a recorded vote on G-39?

The Chair: You'll allow me to return to that?

An hon. member: Are we on Government-39?

The Chair: Yes, we are returning back to the one you voted positively on, but Mr. Scott wants a recorded vote on it, so it is G-39, which also would cover NDP-78, Liberal-50, and PV-81.

• (1815)

Mr. Scott Reid: The point is that it's Government-whatever.

The Chair: Yes, it's amendment G-39.

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

(Clause 117 as amended agreed to on division)

(Clauses 118 to 127 inclusive agreed to on division)

The Chair: We are on amendment NDP-78.1.

Mr. Craig Scott: Could I be indulged with another recorded vote?

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

(Clauses 128 to 133 inclusive agreed to on division)

The Chair: We are now on amendment NDP-78.2

Mr. Craig Scott: I know this is a surprise, Mr. Chair, but could I possibly have a recorded vote?

The Chair: You certainly may.

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

(Clause 134 agreed to on division)

The Chair: We move to Liberal-51 with a recorded vote.

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

(Clause 135 agreed to on division)

The Chair: We have NDP-79.

Mr. Craig Scott: I'm thinking hard about whether to ask for a recorded vote, but on balance, yes, please.

The Chair: Okay, we'll do it.

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

The Chair: I have NDP-80.

Mr. Craig Scott: Just for completeness sake, we'll have a recorded vote on this.

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

(Clauses 136 to 145 inclusive agreed to on division)

The Chair: We have PV-82.

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

(Clauses 146 to 150 inclusive agreed to on division)

(Clause 151 agreed to)

The Chair: We have Government-39.1.

• (1820)

Mr. Tom Lukiwski: Is the amendment a new one?

The Chair: Yes.

An hon. member: It's a government one. I tabled it.

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

The Chair: We have G-40.

Mr. Craig Scott: A recorded vote...?

The Chair: A recorded vote on Government-40.

(Amendment agreed to: yeas 8; nays 1 [See *Minutes of Proceedings*])

The Chair: That means PV-83 is already taken care of.

(Clause 152 as amended agreed to on division)

(Clauses 153 and 154 agreed to on division)

The Chair: We'll go to NDP-81.

Mr. Craig Scott: Chair, may I withdraw that motion?

The Chair: I believe they have all been deemed moved. Can he withdraw it?

Mr. Craig Scott: The government will be voting for another one of ours.

The Chair: Okay. We're going to vote either way, because there's another one exactly like it.

So NDP-81, are all in favour?

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

The Chair: That then defeated Liberal-52 and PV-84.

I'd like to point out that I can see the table now.

Are you all in favour of G-41?

A voice: Is G-41 not the same?

The Chair: Hang on, we're checking. It's the same size and shape. We've determined that it's on 8 1/2 by 11 paper.

No, they're not identical so we'll vote on G-41.

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

(Clause 155 as amended agreed to)

The Chair: Now to BQ-11....

An hon. member: On division.

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

(Clauses 156 and 157 agreed to on division)

The Chair: Liberal-53, it has some other stuff here too.

• (1825)

Mr. Scott Simms: A recorded vote, please...?

The Chair: If it's adopted we can't go to another one, so we'll see what happens here.

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

The Chair: That moves us to Government-42.

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

The Chair: Government-43....

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

The Chair: Government-44, it's a roll.

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

The Chair: Government-45....

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

(Clause 158 agreed to on division)

The Chair: Shall the schedule carry?

(Schedule agreed to on division)

The Chair: Shall the short title carry?

Mr. Craig Scott: Could I have a recorded vote, please, Mr. Chair?

The Chair: A recorded vote on the short title....

Mr. David Christopherson: We don't agree with it. It's wrong. It should be the unfair elections act.

(Short title agreed to: yeas 5; nays 4)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill, as amended, carry?

Mr. David Christopherson: We would like a recorded vote.

The Chair: I'll allow it. This is a recorded division on the bill, so we know where we're at.

(Bill C-23 as amended agreed to: yeas 5; nays 4)

The Chair: Shall I report the bill to the House, as amended?

Some hon. members: Agreed.

The Chair: Shall we reprint the bill?

Some hon. members: Agreed.

The Chair: That completes it. Thank you very much for your cooperation.

Mr. Craig Scott: Thank you to our legislative clerk.

The Chair: Thank you to all of our staff.

Mr. David Christopherson: The staff did a good job.

The Chair: Thank you for the special hell we put you all through.

We will see you all back in room 112-North on Tuesday.

The meeting is adjourned.

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