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Chair

The Honourable Larry Bagnell

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•(1105)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): I call the meeting to order.

Good morning. Welcome to the 32nd meeting of the Standing Committee on Procedure and House Affairs of the first session of the 42nd Parliament.

Today we begin our study of the Chief Electoral Officer's report, entitled "An Electoral Framework for the 21st Century: Recommendations from the Chief Electoral Officer of Canada Following the 42nd General Election".

I would like to remind members that today's meeting is being televised. Allow me to introduce our witnesses.

From Elections Canada we have Marc Mayrand, Chief Electoral Officer; Stéphane Perrault, associate chief electoral officer; and Michel Roussel, deputy chief electoral officer, electoral events.

In case there are any journalists listening and for the public, I will set the context. It is that after an election, the Chief Electoral Officer for Canada does a report, and in the report there are recommendations. Those recommendations come to this committee. Traditionally, this committee goes through the report. There are well over 70 recommendations. Apparently, it took 25 meetings the last time, so it's a lot of work. Then that goes as a recommendation to the government to implement, and often much of it gets implemented into legislation.

Just so people are not confused, this is totally separate from the electoral reform committee. There's another committee making proposals and going across the country at the moment. A number of members of this committee are on that committee. It is looking at revising the electoral system to have another voting method.

This particular report is on the technicalities of the voting, such as how you appoint poll clerks, how you do ridings, whether you have electronic voting, and all the technicalities that would fit into any system of Parliament.

After we have the opening remarks, we'll go into the regular round of questioning. The Conservatives would prefer that. Each party should pick who's going to speak first for their round of questioning.

Welcome back, Mr. Mayrand. I know this is your last report. We've enjoyed having you here many times. You've stimulated us with a lot of good new ideas. I know there's a lot in this report. It will take us a lot of meetings, but it'll improve the electoral process in a modernized and vastly changing world. Whatever system we're

going to have in place, the technicalities that I know you're proposing would fit in all those systems. We want to make sure that voting is fair and that everyone can vote as easily as possible. I know you have lots of recommendations to that effect, and we look forward to hearing from you.

Mr. Marc Mayrand (Chief Electoral Officer, Elections Canada): Thank you, Mr. Chair, and good morning.

I am very pleased to be here today to present my recommendations for improving the administration of the Canada Elections Act. The changes proposed in the report aim at building a more modern and inclusive electoral framework. I believe these amendments are essential to bring the Canada Elections Act into the 21st century, irrespective of any change to the voting system.

The report comprises two parts. The first part, consisting of two chapters, is a narrative that describes what I see as the most important recommendations and their objectives. The second part contains three tables of amendments. Table A covers the recommendations discussed in the narrative; table B offers additional substantive recommendations that would improve the administration of the act; and table C lists a series of minor or technical amendments.

I have structured it in this way to facilitate your work, given the number of recommendations contained in the report. I would urge you to concentrate your immediate attention on the narrative, as it covers the most pressing issues. You may even wish to consider reporting on this series of amendments before any other.

I believe we are at a critical point in the administration of Canadian elections. If we do not act to modernize several core aspects of our electoral process, I fear we will fail to meet Canadians' expectations in 2019.

Elections Canada is committed to an ambitious modernization agenda that aims to leverage technology to improve election delivery and services. Legislative changes must be in place well in advance of the 2019 election for us to fully realize these improvements for the benefit of Canadians.

The recommendations I have made to modernize the act are inspired by three main themes. The first is accessibility and inclusiveness, the second is flexibility and effectiveness, and the third is fairness and integrity. Before I address these three themes, however, I would like to make a general observation about the Canada Elections Act.

It is well known that many components of the act are anchored in the 19th century, when the first elections in Canada took place. While it has served us well over these many long years, it is clear from recent experiences that the electoral process set out in the act is showing signs of strain. In many respects it has failed to keep up with the times.

The Canada Elections Act is not a law that lends itself well to technology, for instance. It provides little opportunity to scale voting services to meet local and changing needs. It also fails to provide the flexibility required to improve the working conditions of election officers or the flow of voters at polling stations. This was obvious in the last election, with significant lineups at advance polls.

On the regulatory side, the political finance regime has expanded dramatically in scope and complexity over the last decade, and yet its requirements are still mostly met by volunteers. If these volunteers contravene the act, they may face criminal prosecution, as this remains the only form of sanction. This is out of step with modern regulatory regimes.

It is time to bring the act into the 21st century. It is possible to do so without losing any of the essential safeguards that protect electoral integrity and fairness.

A key theme that you will see reflected in many of the recommendations in my report is accessibility and inclusiveness. These concepts underlie Canadians' ability to exercise their constitutionally guaranteed rights to vote and be a candidate.

Of particular concern to me is access for voters with disabilities. Canada has ratified the United Nations Convention on the Rights of Persons with Disabilities, which guarantees people with disabilities the right to fully and actively participate in political life. While we have made significant strides in Canada in recent years, more still needs to be done.

My report contains several recommendations aimed at removing barriers to the full electoral participation of voters with disabilities. Among them is my suggestion that Parliament provide a clear directive and a simplified approval process for Elections Canada to conduct pilot projects on voting technologies that would benefit voters with disabilities.

● (1110)

Many of these voters rely on technology as a necessity, not just as a convenience, in their daily lives. We need to explore ways to give these voters better opportunities to vote independently and in secret.

I have also recommended that parties and candidates receive a higher level of reimbursement for campaign expenses they incur to accommodate voters with disabilities, such as providing closed-caption videos or hosting events at accessible locations with sign language interpretation. This measure would give Canadians with disabilities more opportunities to participate in political life.

Another important group in terms of accessibility and inclusiveness is young electors, who are often hard to reach. Although the National Register of Electors includes 93% of Canadian electors overall, the average coverage of electors aged 18 to 24 is only 72%. Allowing young electors to pre-register with Elections Canada so that their registration activates on their 18th birthday would greatly

improve the quality of the voter list for this demographic. Once they turn 18, these young electors would receive a voter information card during an election, telling when and where to vote and bringing them into the electoral process.

I also recommend that the voter information card be accepted as proof of address at the poll, not as a stand-alone document, but together with another piece of identification. Youth, as well as other groups such as seniors and aboriginal voters, continue to experience difficulties in proving where they live when they go to vote. Allowing the voter information card to be used as proof of address, along with a second document establishing their identity, would increase access to voting for a number of electors.

A final recommendation that I want to highlight under the theme of accessibility is moving the vote from Monday to a weekend day, either Saturday or Sunday. This would benefit a large number of voters who would not have to fit voting into their busy workday. Weekend voting would also make it easier to recruit election officers and allow us to use more schools and public buildings as polling places.

● (1115)

[*Translation*]

The second theme I would like to address is flexibility and effectiveness in election administration. Long line-ups in the last election, particularly at advance polls, frustrated a lot of voters. This was especially true when voters arrived at their polling place and were told they had to wait in line for service at a specific table, when election officers at other tables seemed to be free.

Many voters, especially youth, were surprised to see election officers striking their names off a paper list with a pencil, with no computer or technology in sight. The act is very prescriptive as to who does what, when, on which form and in what manner at any given polling station. And the polling station is, by definition, the precise table at which each individual elector is assigned to vote. This is why voters are required to line up at one table, even when others are free.

I have recommended changes to allow for efficient voting operations that are scalable to local demand; take advantage of technology; and, as a result, are less labour-intensive. Specifically, I recommend that while the act should continue to prescribe functions at polling places, the activities and the distribution of labour among staff at a site should take place according to instructions from the Chief Electoral Officer, instructions that are moreover public and known long in advance.

Other amendments are needed so that voters may vote at any table in the school gym, for example, rather than only at one place where their name is on the list. Providing election officers with a searchable voter database, as opposed to paper lists, would ensure that the controls prescribed by the act remain intact.

From a voter's standpoint, these changes would result in faster service in a more modern and efficient environment. And there would be two other positive outcomes. With the ability to assign tasks in a more flexible manner, working conditions for election officers would improve. Also, with a more efficient process in place, Elections Canada would be able to fully leverage the benefits of technology to electronically manage not only the voters list but other forms and documents at the polls. Computerization, when well implemented, is a proven method of reducing record-keeping errors. It would contribute to increasing the confidence Canadians have in the integrity of voting operations. In addition, I recommend that returning officers be given more flexibility in hiring election workers. As you know, running an election is a massive undertaking; it requires some 285,000 people to be hired in a very short time frame.

Over the last decade, returning officers have had difficulty finding enough qualified and eligible people to work. It would help if the act's barriers to the timely hiring of the best people for the job could be removed.

Currently, returning officers are precluded from filling many key positions until they have considered names submitted by the candidates and political parties who came first and second in the last election. While parties and candidates should continue to be encouraged to submit names of capable workers, returning officers should be able to fill these positions from any source as soon as the writs are issued.

A final theme touched on by many recommendations in my report is fairness and integrity. This theme is particularly relevant with respect to the political finance regime. The 42nd general election was one of the longest in Canadian history. Although the election date is now fixed under Canadian law, the start of the election period is not. This creates uncertainty for political participants and allows the governing party to determine the spending cap, which is now adjusted to the length of the election. Providing a maximum length for general elections would help to reduce this uncertainty and increase fairness for all involved.

Another consideration is the complexity of the political finance regime, which has increased dramatically over the last 10 years. The official agents of candidates are volunteers who work hard to meet the myriad of reporting and other requirements that are imposed under the act. While a subsidy is provided to auditors for their work, nothing is provided to official agents. Granting official agents a modest subsidy for their work would recognize the importance of what they do. Tying the subsidy to certain requirements, such as filing returns within deadlines and participating in Elections Canada training sessions, would also improve the quality and timeliness of returns. This measure would promote transparency and encourage compliance with the regulatory regime.

It is also important to uphold compliance by means that are effective and proportionate. Currently, non-compliance is addressed using a criminal process model, where those who contravene the act's provisions are investigated by the commissioner of Canada Elections and, if appropriate, charged with an offence. They are then tried in the criminal courts.

This is a sensible process for the most serious offenders. It is slow, however, and carries a significant stigma. Many contraventions of the act do not merit such a heavy-handed approach. Several federal and provincial regulatory regimes now use a more streamlined approach for regulatory offences, which is to impose an administrative monetary penalty or AMP. Implementing an AMP regime would help to encourage compliance, furthering the important goals of transparency and fairness.

As well, allowing the Chief Electoral Officer to administer an AMP regime would permit the commissioner to concentrate on investigating the most significant offences under the act. To successfully pursue offenders, the commissioner has made it clear that he needs a number of additional tools, and I am therefore recommending them in my report. These tools include the power to compel testimony in the investigation of election offences, with attendant safeguards, as required by the Canadian Charter of Rights and Freedoms.

• (1120)

You may wish to ask the commissioner to appear before you to present his views on recommendations that touch on his enforcement responsibility. I also suggest that you invite the broadcasting arbitrator, who has statutory responsibilities linked to the broadcasting regime.

Mr. Chair, this completes my overview of the key themes and recommendations in my report. I strongly believe that federal election administration has reached a tipping point, and that action is required now to ensure we can continue to meet electors' expectations.

Lastly, changes will have to be in place well in advance of the next election for my successor to deliver an event that is inclusive, fair, and responsive to the needs of Canadians.

I am well aware of the number of recommendations that are being submitted to the committee and of the scope of those recommendations.

[English]

I want to stress that my staff remains available at any time to assist the committee in its work. It's also available to individual members who wish to receive a more detailed briefing on any aspects of the recommendations.

If I may, considering the scope of the report and the risk of disruption by extraneous events that could happen at any time and would take precedence over your study, I would suggest that the committee organize its review around the two chapters in the narrative, paying particular attention to table A. We would be happy to offer a technical briefing to the committee before it starts work on chapter 1 regarding the electoral process.

Upon conclusion of your review of chapter 1, I would suggest that you consider inviting the commissioner, the broadcasting arbitrator, and probably also representatives of the CRTC, as these three organizations play a role in the administration of our regime. Consideration could be given to staging reports, given the very tight agenda that exists. As various phases of the work are completed, it might be helpful to advise the government of your views on the recommendations so it can proceed as quickly as possible in designing a proper response.

I will leave that with you, Mr. Chair, but, again, rest assured that we are available to assist in any way possible in your work.

Thank you.

• (1125)

The Chair: Thank you very much. Those were some very important recommendations.

The last time we did this, you provided staff for a lot of the meetings to help us through the technicalities. Are you prepared to do that?

Mr. Marc Mayrand: Absolutely, yes.

The Chair: Okay, great.

David, I explained at the beginning that this happens after every election. He presented us with three reports. We're basically dealing with the third one, which has the recommendations. It's totally separate from the electoral reform committee that a lot of you are on, which is another process. We're dealing with the technicalities of the election that will fit under any system we adopt.

We'll go to the discussions, and the first person is Ms. Vandenbeld.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you for your presentation, for this very comprehensive report, and for returning to the committee once again.

I am pleased to see that you're talking about inclusiveness and accessibility and breaking down the barriers to people voting. I'm pleased to see the pre-registration for persons with disabilities and young people.

With respect to the voter ID cards, I know many of us saw that there were people—indigenous people, seniors, people who don't have a driver's licence, people experiencing homelessness, and some of the most vulnerable in our population—who weren't able to vote because they weren't able to use the voter information cards.

Do you have statistics or evidence or anything that would show the extent to which this impacted voter turnout in the last election and how this kind of a change would actually help?

Mr. Marc Mayrand: We have evidence from the labour force survey conducted by Statistics Canada in October, right after the election. It showed that roughly 170,000 electors did not vote because of issues regarding their ability to establish their identity, mostly for lack of an address. It's interesting, because in that survey it also shows that 50,000 of that 170,000 showed up at the polls and were turned away for that reason.

That's the evidence we have at this point. We know from past experience that it has been useful for specific groups to rely on the voter information card to establish their address.

Ms. Anita Vandenbeld: Of course, 170,000 is quite a significant number of people, especially those who were actually turned away.

Would allowing Elections Canada to go back to public information or public education programs be included? What kinds of programs do you propose, and would you be targeting that at some of these groups who face barriers in order to vote?

Mr. Marc Mayrand: There is a recommendation in the report that seeks to expand our education mandate, which is currently limited to those under the voting age. I think there are groups of eligible electors who face particular barriers whom we need to reach, particularly during the election but also between elections, to understand better what their needs are and how we can help overcome the barriers they face when voting, so there is a recommendation to that effect in the recommendation report.

Ms. Anita Vandenbeld: In addition to barriers to voting, there are also barriers that prevent people from becoming candidates, and of course access to financing, access to money, is typically one of these barriers, particularly for women and for other groups. Would your proposals to shorten the length of an election campaign, or at least not go to the length that we have had and also to add additional monetary sanctions, lead to more enforcement? Do you think that would lead to candidates being able to run, even if they don't have access to the money networks?

• (1130)

Mr. Marc Mayrand: I think there are two elements there.

The regime for the administrative penalty is designed to ensure better compliance, and better compliance not for the sake of compliance but for the sake of ensuring transparency and consistency in the administration of the law.

With regard to financial barriers that candidates may face, you will see in the second part of the report, in the second chapter, some recommendations regarding, for example, child care expense claims and expense claims related to disabilities, so we would recommend that the act create some incentives, again by reducing those barriers.

Ms. Anita Vandenbeld: Right now enforcement takes a very long time. I can think of cases in which a member sat for another six years before being charged or convicted. Do you think this option of being able to impose financial penalties for those infractions that are not of a criminal nature would speed up the compliance process and allow these things to go more quickly?

Mr. Marc Mayrand: I think it would. That's one of the reasons for such a regime. I think it would be much quicker than relying on the criminal system, because we're talking here about an essentially administrative process. It involves elements of due process, of course, but it would be much quicker than a traditional criminal court process.

Ms. Anita Vandenberg: My last question has to do with voting on weekends. I know that in the past there's been a proposal that if we vote on Mondays, we would have that be a national holiday so that people could go to the polls and participate in the election. We all know there are a number of volunteers who come out after five o'clock, and people vote after five o'clock because of their work schedules, but there are also a lot of people with precarious work schedules and other commitments on weekends, such as family commitments. From other jurisdictions or in your experience, is there anything aside from the advance polls and the high turnout at the advance polls, that would show that the turnout would be higher if we moved it to a weekend day?

Mr. Marc Mayrand: First of all, there's the evidence over the last two general elections, in 2011 and 2015. For those elections we had advance polls, in one case on an Easter weekend and in the latest example on a Thanksgiving weekend. On both occasions we saw a record turnout for advance polls, and significant increases.

For the first time, we also had voting at advance polls on a Sunday in the last election, and roughly 25% of the turnout was due to that Sunday voting.

Again it's early evidence, but there is evidence that electors appreciate the convenience of being able to vote on a weekend or even on a statutory holiday. That's for sure.

Whether there is... I'm sorry. I lost part of your question.

Ms. Anita Vandenberg: It was about making it a national holiday.

Mr. Marc Mayrand: Well, that's an option that I leave to your consideration. I didn't put it formally in the report, but it's certainly an option. Some countries have a statutory holiday.

Ms. Anita Vandenberg: How much time do I have?

The Chair: None.

Voices: Oh, oh!

The Chair: Could you mention which countries have voting on weekends? I think it's in your report.

Mr. Marc Mayrand: There are 80 countries around the world. About a dozen of them have it on Saturday and the rest on Sunday. I could provide the list to the committee.

The Chair: Yes, it would be good if you would provide that.

Mr. Reid is next.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you, Mr. Mayrand.

I'm the only member of this committee—I think I'm right in saying this—who has been on this committee throughout the entire term of your service, and that gives me a chance to thank you for what has seemed to me to be a uniformly dedicated, competent, and conscientious period of service. I am grateful. I know that the other members of the committee feel exactly the same way I do.

I have to say that I'm very sad to see you depart. I've always enjoyed the thoroughness with which you respond, and in particular how you respond in your follow-ups when we ask you to provide us with additional material and documentation. Having dealt with many

officers of Parliament, I think you are the most conscientious person I've encountered in that respect.

I wanted to ask you this, given that this is the last time you'll be appearing before this committee. On the other committee I sit on, the electoral reform committee, we will not have a chance to invite you back, given that our dance card is completely full. We have two meetings a day some days and we don't have any more space for witnesses, so this is it. I wanted to ask you, first of all, if you would be willing to come back in the future—once you've moved on to other challenges in life, as Mr. Kingsley has done—to provide expert testimony, particularly with regard to this particular report you've developed, which is unlikely to be dealt with within a year, but also with other matters.

• (1135)

Mr. Marc Mayrand: Of course, I'd be happy to do so if the committee wishes to invite me again as a private citizen. Who knows? You may get different views.

Voices: Oh, oh!

Mr. Scott Reid: It also allows a bit more freedom. I recognize that there are some formal constraints on you that you've been very careful to honour, in addition to those that are provided just by your careful nature; those might be removed, and that would be valuable to us.

I want to ask some questions that relate to several things, first of all to testimony you gave before the electoral reform committee last July. Second, there are the items that you did mention briefly—or the general subject matter, at any rate—in your report on the 42nd election.

At that time in July, I and a number of other members of the committee asked about the feasibility of conducting a referendum on electoral reform, given the tight timeline and the potential for redistribution under some of the models that are proposed, and so on. You submitted a very thorough response.

Those who say that a referendum cannot take place on electoral reform, as opposed to those who say it should not take place, have tended to provide a couple of arguments, one of which is that Elections Canada is not in a position to administer a referendum administratively. You responded a bit to that back in July. I am hoping that I'll be able to find out whether that is in fact the case or not the case.

Back in July, you stated in response to a question from me:

I can confirm with the committee that we've started to develop contingency plans, trying to identify what would need to be done.

You pointed out, of course, that a referendum has not been held since 1992, and said:

We've started to identify work that need[s] to be pursued to—

Have you made further progress in that regard?

Mr. Marc Mayrand: We have advanced our contingencies in that regard. We haven't done any public activities to suggest that we are actually getting ready, so that's why I insisted at the time—and would insist again today—that we needed six months' notice.

Mr. Scott Reid: Yes.

Mr. Marc Mayrand: There are several procurement activities, for example, that need to take place.

Otherwise, we continue to refine what I call a contingency plan, describing in more detail what needs to be done if we were to run a referendum—by the spring, I guess.

Mr. Scott Reid: Right. You mentioned in response to a question from Gérard Deltell at that meeting that you “would need to redo all the training manuals for elections staff” and you mentioned that this is necessary in order “to train the 255,000 Canadians who... administer elections”—I assume a similar number for referenda—and you estimated that “about 15 computer systems would need to be adapted”. Have you been able to do any work in that regard?

Mr. Marc Mayrand: Again, we have just identified the tasks to be performed, but we have not actually started to carry out those tasks.

First we need to update the regulation under the Referendum Act. That's the very first thing that needs to be done, because that sets out the specific tasks and the variances that exist with the normal conduct of an election. Bringing that regulation up to date would be the top priority for Elections Canada. It has been done once in the last 10 years, so it needs to be revised, updated, and tabled before Parliament.

Mr. Scott Reid: You in fact did an update to one aspect of the act: you drafted the regulations, which were then approved by order in council in 2010.

How much time would be required for you to do a similar update, if you were asked? Could you do so proactively?

Mr. Marc Mayrand: We would need to have it in place very early on, when the notice is given, because it's a key instrument that determines what will go into the manuals for the training of poll officials.

Mr. Scott Reid: Also, there's a tariff of fees which appears not to have been updated since 1992. I went through the act, and it appears to me that under subsection 542(1) of the act, it is done on your recommendation. The Governor in Council makes the actual regulation, but I gather that they are not empowered to do so unless you make a recommendation.

Would you be in a position simply to incorporate the fees that exist under the Canada Elections Act for those purposes, or would it require more than that?

Mr. Marc Mayrand: Given the time, I think that would be the likely approach. To the extent that the tasks are similar under an election or a referendum, we would propose the same tariff. Again, unless there are changes to the Referendum Act, it would be carried very much in the same framework as an election, so it would make sense to use the same tariff.

• (1140)

The Chair: Mr. Christopherson is next.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you very much, Mr. Chair, and thank you for your presentation, Mr. Mayrand.

I would just like to correct my friend Scott Reid. There are actually two of us who have served under the full tenure of Mr.

Mayrand. However, the distinction is that while Mr. Reid is prepared to give you thanks and he formed government on your watch, I'm prepared to give you thanks and we never won a damn thing under your watch. It just goes to show you that I'm still here, but that wasn't the plan. We were going to be over there.

You've done a fantastic job, and I hope that the House—and I'm sure we will, Mr. Chair—get an opportunity to thank you properly.

As someone who has been here for all of your time and who has done at least six or seven international election observation missions in other countries, in emerging democracies around the world, I can tell colleagues and Canadians how blessed we are to have someone of your calibre, your professionalism, and your international renown and respect at the head of our elections. We're proud of our election system, no matter what some governments try to do to it. You've just been a class act, sir, all the way through. I thank you very much for your service to our country on behalf of our citizens.

Mr. Marc Mayrand: Thank you.

Mr. David Christopherson: I want to mention—and I said this in camera, but I don't think I'm divulging anything—that I enjoy this exercise. It's a long, tedious exercise, but I have to say that I enjoy it. As someone who's been in public life now for over three decades, the Punch and Judy show, for those who might get that reference, gets old quick.

What is exciting and stimulating, I find, is when all of us set aside our party membership card and focus on one effort and on problem-solving. Given that the nature of our election laws is about making sure it's fair, it's not a partisan exercise. We bring our personal partisan experience, but in the main, the process involves all of us trying to make sure that we have a process that is as fair as possible to all the parties and all the candidates, one that all citizens get to participate in. It's challenging, and I find it very stimulating.

Given the group I've gotten to know on this committee, I look forward to a very stimulating exercise in trying to improve our system and keep as fair as it can possibly be.

How much time do I have left?

The Chair: You've used three minutes.

Mr. David Christopherson: Good. Thanks.

There are two items I wanted to raise. I'm so glad to see the VIC in there, the voter identification card, given what we went through in the last round, struggling to keep this thing alive. Let me say again that the lie was put out that the thing couldn't be trusted, yet we had evidence, time after time after time from experts, that it is arguably the most up-to-date piece of information that Canadians can have in terms of their current address. It has actually accessed all the major database centres in the country—the health centres, the drivers' licensing, income tax. It was frustrating as heck going around the last time and having this argument that there were problems with it, when the reality is it's one of the most up-to-date and accurate pieces of information we can have.

I'm so glad you're bringing that back. It confused people in the last election, and I submit it was meant to be that way. I say that straight up. A lot of that stuff was meant to slow things down, cause frustration, and make people either stay home or go home. I'm so glad that we're back, hopefully, on a more positive track.

There's one question I wanted to ask. I looked a couple of times and I didn't see it. Another one of the bugaboos that's in our current law is that all the federal parties, mine included, can submit their subsidy requests—\$50 million and \$60 million comes to mind—with no receipts required.

I'm assuming we're going to close that loophole somewhere, Mr. Mayrand.

• (1145)

Mr. Marc Mayrand: Yes, there is a recommendation. I'm not sure if it's in chapter 2 or...but there is a recommendation.

Mr. David Christopherson: I thought so. I couldn't find it. It also links with the issue of—just cut me off, Chair, when my time comes, as I know you'll do.

It's compelling testimony. Again, you can take an investigation only so far, but if you tell the police—and as a former solicitor general I know a bit about this too—that at the end of the day they can't force and compel, or the courts compel, to get the testimony, how far are you really going to get in an investigation?

We saw evidence, time and time again, of people who refused to be interviewed, refused to give answers, and there was no ability on the part of our officials to compel them to give that testimony.

Again, simple things like receipts to back up requests for tens of millions of dollars of taxpayer money seem to me to be something we should fix. If there's an investigation going on, there needs to be the ability to compel testimony. That's something I hope we close off and improve.

I want to mention too that I liked your idea of the interim reports. This can go on awhile. As I said, it's tedious and it can go on for a while. There may be merit, Chair, in looking at breaking it off into chunks that we could then forward to the government, hopefully for their consideration or to put before the House, and then on to the government for their consideration to start putting it into legislation.

I think that's our goal. Rather than wait for the whole thing, all or nothing, let's get what we can in chunks and pieces, get it enacted, and then at the same time keep working here.

Anyway, I'm looking forward to this exercise. I want to end where I began in thanking you sincerely, sir, for all that you've done for Canada. It has made a difference. Thank you.

Mr. Marc Mayrand: Thank you very much.

The Chair: I'm sure the committee agrees with all the commendations of all the members of the committee. Thank you.

Following up on David's last point, though, I think you have broken it into logical pieces for the committee to do. Can you repeat what those separations are in your report?

Mr. Marc Mayrand: Basically, there is what we call the narrative, which consists of two chapters. One deals with the electoral process, and that's where you will find the recommenda-

tions around modernization, inclusiveness, accessibility. The second chapter of the narrative deals with the regulatory regime, mainly political financing. That's where you will find the provisions that deal with various aspects, and I would point out that broadcasting needs to be updated, as well as the power of the commissioners and the administrative penalty regime that we propose.

Table B sets out a number of substantive recommendations that I believe deserve your attention, your consideration, and your study, but did not necessarily fit easily in part A.

The third table you'll find is table C, which is basically a list of technical minor amendments that are more meant for the PCO and drafters at the justice department. My view is that there are no substantive policy issues involved, but we need to harmonize language sometimes or clarify a point here and there. However, there's no substantive policy impact, I would say.

The Chair: Could we do an interim report on the recommendations in table A?

Mr. Marc Mayrand: Yes.

The Chair: And give it to the government, and then do another one on table B?

Mr. Marc Mayrand: Yes.

The Chair: And the last one's administrative.

Mr. Marc Mayrand: Yes.

The Chair: That makes sense. Okay.

Go ahead, Mr. Graham, please, for seven minutes.

[*Translation*]

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): First, I want to thank you for being here and for the work you have done during your term. We are very proud of it.

In recommendation A2, you suggest using electronic lists that would enable voters to vote at any polling station in a single polling place. Why limit that to polling stations and not make it possible to vote anywhere in the district?

• (1150)

Mr. Marc Mayrand: Theoretically, the electronic list that we are proposing would include the electoral list of the entire country, which would be available at every polling station. We are recommending to the committee that we be able to organize voting differently. Instead of doing it at a specific table, it could be done any of the tables in a polling place. In fact, when a voter appeared with her voter information card, a barcode could be scanned and automatically make the connection with the electronic electoral list. As the voter progressed through the process, her name would be struck and she would be registered as having received a ballot or having voted, depending on the stage she had reached.

The advantage of that, apart from book-keeping, would be to accelerate the process. The voter would go to the first free table. This is somewhat comparable to the model of a bank branch. The model we currently have is obsolete. There are not a lot of places today where you are required to wait at a single cash that is half-prepared to receive you.

We therefore recommend, for the moment, that this flexibility be permitted at polling places. We could definitely go further. The experts will be able to inform you further in future discussions. We could definitely allow voters to go to any place in a district, or even in the country, but I believe that raises issues that should be discussed.

Mr. David de Burgh Graham: Could there be a note on paper, which would be printed as we go along, if only to verify a software error or to serve as proof?

For example, when I went up to the scrutineer and gave him my name, it would be permanently printed.

Mr. Marc Mayrand: Printing is always a possibility. I will take this opportunity to emphasize that we are not talking about electronic voting. We keep the paper ballot at this stage.

We could consider another element. As voters' names are struck off and the voters have voted, the information would be available to candidates on a portal. They could consult it to determine exactly who has voted and at what time.

Mr. David de Burgh Graham: So there would be no more bingo cards.

Mr. Marc Mayrand: There would be no more bingo cards, but rather an electronic system that would be accessible by means of a PIN. Obviously, controls are necessary. It would therefore be possible for candidates to have real-time access to what is going on in the polling places throughout the district.

Mr. David de Burgh Graham: You also recommend that there be a list of citizens 16 years of age and over who have a driver's licence.

I am curious. Why are you limiting yourself to a list of citizens 16 years of age and over and not proposing a list of all citizens from birth? You could obtain all birth certificates, and when people reached the required voting age, their names would already be on the list.

Mr. Marc Mayrand: We do not have access to that data at this time.

Mr. David de Burgh Graham: That is a philosophical question. I am curious.

Mr. Marc Mayrand: I will give you some background. Our main suppliers, whether it be the Canada Revenue Agency or the motor vehicle bureaux, have data on young people 16 and 17 years of age who have begun to work or drive. A few years ago, that data was forwarded to us, but at some point somebody checked the privacy rules and told us to drop the practice. We were not authorized to gather that data.

We recommend that we have access to that data and that young people 16 and 17 years of age also the actively entered in the registry. That could be combined with a civic education program in schools. We should ensure that, when they reach voting age, young

people are automatically informed of their polling place and receive all the information that is provided during an election.

We think that could considerably improve the services offered to young people.

Mr. David de Burgh Graham: In recommendation A31, you suggest that subsidies be paid to official agents rather than to auditors.

• (1155)

Mr. Marc Mayrand: I do not think I understood the question.

A voice: What do you think of the mechanism for financial agents?

Mr. Marc Mayrand: There is already an expense reimbursement mechanism. There is another mechanism for auditors who receive the subsidy when the audit report is submitted. We would use virtually the same mechanism for official agents. However, that would be subject to a condition: that the report be prepared on time and that it be complete.

We also propose to make the subsidy subject to the condition that the official agent has completed the training offered for his position. On those conditions, he would receive the subsidy, which would vary based on the amount of expenses and revenues during the campaign.

Mr. David de Burgh Graham: I am going to ask one final question because I have virtually no time left.

What advice would you give your successor?

[*English*]

Mr. Marc Mayrand: I think he will get plenty of advice.

What I've tried to do throughout my term has been to really focus on viewing everything from the perspective of electors.

There are two main considerations: I think the electors have to be at the centre of anything we do, and we need to have the greatest consideration of fairness for all. I think if you keep to those two things, you cannot do too much wrong. With a few other tips, you could do very well.

[*Translation*]

Mr. David de Burgh Graham: Thank you, Mr. Maynard.

[*English*]

The Chair: Thank you, Mr. Graham.

Now we're on to Mr. Reid for five minutes.

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

First of all, my apologies to Mr. Christopherson. I can't imagine how as memorable an experience as serving 10 years with him on the committee slipped my mind.

Mr. David Christopherson: Not in committee, in the House.

Mr. Scott Reid: Oh, in the House. Okay, fair enough. That's memorable too, actually.

Mr. Mayrand, I wanted to return to something you said in your testimony before the electoral reform committee back in July.

You indicated in your opening statement at that time, “I note that the government has committed to having legislation in May 2017, which I am comfortable with.”

I wanted to ask you what you mean by this. You can see why this is important as the House tries to move forward to deal with the legislation. Do you mean by this that as long as the legislation is completed, no further amendments are possible, which in practice means it's through both the House and the Senate and has royal assent, or at least that it's through the House and it's unlikely to be amended by the Senate, or do you mean something less? We have the broad parameters. We know now it's MMP and not STV.

I'll let you try to respond to that.

Mr. Marc Mayrand: Again, depending on what comes out, certainly my preference is that the bill would advance through committee, have been reviewed and discussed, be at least at the report stage, and hopefully have received third reading in the House.

We need certainty. Depending on the scope of the changes—and they may be very significant—we need a degree of certainty. It may not be absolute certainty, but we need a certain degree of certainty so that we can embark on the preparation, which cannot be delayed unduly.

Mr. Scott Reid: One of the problems that has become evident from witness testimony at the elections reform committee has been that certain kinds of changes to the system—I don't want to suggest all of them, but certain kinds—would potentially have to go before the Supreme Court for a reference.

For example, if you increased the number of seats in the House as a way of achieving some kind of additional list system—there have been suggestions to add, for example, 15% to the House—that might affect the proportionate representation of the provinces, which is guaranteed under section 53, if I'm not mistaken, of the Constitution Act, 1867, and you'd want to be sure before you proceeded that it was acceptable. Therefore, it is conceivable that you'd have a situation in which you would need to submit a reference case to the Supreme Court, and they would obviously take some time to respond back.

If this were layered on top of your attempts when you conceivably could start making changes and you then discovered they couldn't go forward, I don't need you to tell me this would be a problem, but the question is, how much of a problem? Is it a catastrophic problem, or is it something that could still be sorted out?

●(1200)

Mr. Marc Mayrand: It may lead to some costs, as we say in the jargon, in the sense that we have to rely on a proposal to do anything, and the best proposal would be what has been submitted to Parliament and, hopefully, endorsed at third reading, let's say, in our scenario. We would have to begin some work and advance the work that absolutely needs to be done if we want to be able to run the new system in 2019.

It's nothing new. We see from time to time that legislation is disputed on the basis of constitutional challenges. We saw that with

citizens abroad in the last election, and there were even cases on the ID requirements. In those situations, we have to be ready for a possible scenario that may result from a court ruling. We need to take that contingency into consideration.

It did happen for citizens residing abroad. In the first instance, the court did rule in a certain way. We made changes to respect the court ruling, and suddenly the court of appeal, just before the election, changed course and reversed the decision, so we had to revert back.

I'm not sure how else we can deal with those situations. We need to be ready and agile enough to adjust quickly if events suddenly occur.

Mr. Scott Reid: I don't have enough time. I'll come back in the third round with additional questions.

The Chair: Thank you.

Ms. Petitpas Taylor, go ahead, please.

[*Translation*]

Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.): Thank you for being here with us today and for answering our questions. We very much appreciate it.

You mentioned in your report that computerization could be an essential tool for reducing errors and that it would help increase the confidence Canadians have in the integrity of voting operations.

How much time would it take to implement the computer system?

Could it be in operation for the next election?

Mr. Marc Mayrand: If the recommendations are approved and the government adopts these measures and amends the act accordingly, the system could be in operation for the next election. That is our objective.

We feel that computerizing the procedures would help greatly reduce the amount of paper used in polling stations. It would also have the effect of simplifying election workers' duties. There is no justification for complex forms when we can use smart forms that prevent anyone from moving on to the next stage of the questionnaire if he or she has not understood the previous question.

This is the kind of system we want to establish to ensure better record- and file-keeping in the polling stations. Those files would then be electronic.

Hon. Ginette Petitpas Taylor: I was a new candidate in the last election, and I found the amount of paper we received at the office inconceivable. So I am very pleased to learn we are headed in that direction.

Mr. Marc Mayrand: As you will see as well, with regard to the nomination of candidates, we also recommend that a significant amount of that kind information should be put online.

Hon. Ginette Petitpas Taylor: I am glad to hear that too.

[English]

Perhaps just to reiterate some of Mr. Christopherson's comments, I was really pleased to see that one of the recommendations was to reverse the ban on using voter information cards as a form of identification.

Could you perhaps outline or elaborate on the importance of the voter information card and could you describe how its use as identification could impact some groups of Canadians—perhaps Canadians in remote areas, people who are in long-term care facilities, or even our indigenous communities?

Mr. Marc Mayrand: The voter information card is the main instrument through which electors find out when the election is, when they can vote, and where they go to vote. It's an essential document that is sent across the country to each and every elector who is registered.

With regard to identification requirements, we find that there are groups of people who are more challenged when it comes time to prove their address—which is a requirement, I should mention, that is very exceptional around the world. There are very few jurisdictions that have a requirement to establish address. Even in Canada, there are only two or maybe three provinces, three jurisdictions, that require it. The federal level is the only one that does not accept either a note or the voter card as an alternative to proof of address. We are the only ones in that regard.

It is particularly significant for aboriginals living on-reserve who do not have an address. In many cases, there is no addressing system there, yet often we will have visited those reserves, knocked on doors, and registered those people, so we know where they live.

It's similar with seniors, and with the demographic trends and the aging of our population, I think the problem is going to get larger, not smaller. We have many seniors who live in seniors' homes where, again, we do enumeration and leave a form with them telling them we've seen them and they are registered, yet those people often don't have documents with them. They've been left with their family members or those who take care of them. We've seen incidents of people not being allowed to vote because they did not have any of the documents authorized under the legislation. Allowing the VIC—the voter information card—or the form we leave with seniors as a piece of ID establishing their address would help resolve that problem.

I would also point out, because it is something I care about greatly, that it's important to recognize that most seniors have voted all their lives. Voting is important to them, and very often it's the one act they can do on their own, depending on their stage in life. I think the solution that relies on attestation does not respect the dignity of our seniors. Again, I think having that document, which is issued by an official authority, would be more respectful of their dignity.

• (1205)

Hon. Ginette Petitpas Taylor: *Merçi.*

How much time do I have?

The Chair: None.

Mr. Reid, go ahead, please.

Mr. Scott Reid: Thank you again.

The analogy that came to my mind during your last response to a question from me was that if a plane doesn't have enough fuel to either return to its original point or get to its destination, it hits a point of no return. I'm really asking if such a thing is imaginable in the situation of starting to work toward a new system in the context of dealing with a reference to establish the constitutional validity of the new model. I am emphasizing this primarily in connection with models that involve adding ridings to provinces, although it could come up in other situations as well. Under such a scenario, is there a point of no return at which you have a problem—you can't simply abort the landing and return to your point of origin, which is, of course, first past the post?

Mr. Marc Mayrand: I think I've mentioned on several occasions that we need at least two years. Two years back from 2019 brings us to 2017, as I have indicated. I rely on the commitment of the government to introduce and have legislation in place by, I believe, next spring. After June 2017, I think my successor will get very anxious and nervous about being able to conduct an election under a significantly changed system.

Again, there is still time, but the time is short, without a doubt.

Mr. Scott Reid: Obviously, all the questions I've raised regarding a Supreme Court reference as to constitutionality apply to a referendum as well, because the real problem from your perspective is having certainty as to which direction to start travelling in.

Mr. Marc Mayrand: Yes, and again, I indicated in previous testimony that a referendum would have to be held essentially no later than the end of next spring. We're talking about June of next year, 2017, at the latest. In order to get there, for Elections Canada to get ready, we need six months' notice. Again, it's very tight, but we're still within the timelines.

A critical milestone for me will be the report from your committee. That would give us a sense of the consensus on the type of system that's being considered, so at least we can prepare some contingencies and start thinking more clearly about what the scenarios are.

Mr. Scott Reid: I appreciate that. One of the problems we have is that the minister came before our committee the day after you attended, and she was asked directly by Elizabeth May whether, if the committee makes a recommendation, the cabinet will follow that recommendation as to a system, and the minister's response was, "We'll take it into consideration."

Therefore the practical difficulty we have is that unless the government alters its position and says it will accept the committee's recommendation, you won't be certain as to which direction we're going in until the actual draft legislation is produced, which, as I understand it, would be taking place no earlier than when the House resumes sitting on the last day of January or the first day of February, something like that.

I think that is actually the conundrum that you're likely to face, unless the cabinet proactively indicates prior to December 1 that they will accept the recommendation of the committee, full stop.

• (1210)

Mr. Marc Mayrand: You're absolutely right, I think, but the committee and the reaction of the government to the report of the committee will at least be indicative of future direction. Right now, I don't know, and we don't have any.... If there is a system that's being contemplated seriously, an alternative system, at least we can start doing some contingency around it and begin to understand what it actually means in terms of delivery, but at this point there's too much on the table. It would be a useless effort, in my mind.

Mr. Scott Reid: I have no more time, except once again to say, speaking personally this time, how much I appreciate your outstanding service over the past decade. Thank you very much.

Mr. Marc Mayrand: Thank you very much.

The Chair: Just before we go to the next questioner, do the witnesses need a washroom break or coffee or anything?

Mr. Marc Mayrand: I'll get a bit of water.

The Chair: Go ahead, Mr. Chan, please, for five minutes.

Mr. Arnold Chan (Scarborough—Agincourt, Lib.): I was going to suggest that we take a break. I know you've gone a solid hour. It's up to you, David. I think the last two on the speakers list are you and me. I think I have the last five-minute round, and you have three minutes. I just want to give members of the committee an opportunity to go grab lunch. If you want to just keep plowing through until one o'clock, I'm good either way.

The Chair: Actually, we're just going to 12:45 p.m., because we have committee business.

Mr. Arnold Chan: At 12:45 p.m. we're doing committee business. Scott, how do you want to do this? Do you want just keep going?

Mr. Scott Reid: I'll go along with whatever the majority wants.

Mr. Arnold Chan: If our witnesses are fine with continuing straight through to 12:45, then we shall do so. Let's carry on, then.

I wanted to simply chime in along with all of my other colleagues and say, Mr. Mayrand, and to your colleagues from Elections Canada, thank you for all of your work and for your service these past nine years as the Chief Electoral Officer. I think that this report and the other two reports you tabled are a testament to your service to our country, and I want to thank you as well.

As I went through this report, I was particularly heartened by the recommendations and suggestions. I think the report reflects the point you made that at the heart of it, it is about fairness for electors and for Canadian citizens. I personally have very little that I couldn't endorse in terms of moving forward.

I do have one very specific pet project related to electoral district associations, and it was referred to in your report. I just wanted to probe you briefly on that particular point.

I support the previous decision to bring EDAs under greater scrutiny under the Elections Act. I do have some problems with the way it's currently administered or the way in which sanctions are applied, and I just want your thoughts on that. I agree that there

needs to be greater transparency, and the current system, I think, does achieve that, but my concern is that sometimes what actually goes on within EDAs and the sanctions that are potentially applied to them may not in fact match.

Let me give you a situation that happens within political parties, and I'm sure my colleagues can see that the situation could arise. Sometimes the transition between candidates or between riding associations is not an easy one, to put it diplomatically. Sometimes the requirement to actually file the EDA's returns is not within the control of the new riding association, yet the sanctions that are applied right now could include deregistration of the riding association—essentially penalizing the individuals currently in control of the riding association—or the loss of the ability to issue tax receipts. These sanctions apply to the riding association, as opposed to the individuals who were actually in control and who would have had information about the activities of, let's say, a previous riding association.

Do you think there is still a gap in terms of how that reporting takes place and how sanctions would be applied?

• (1215)

Mr. Marc Mayrand: That matter would deserve a much longer discussion than we can have in this forum.

There are still offences, under the act, for those individuals involved. As I mentioned, these are criminal offences, so this is not the most suitable forum. This committee could look at the legislation to see whether there's a need to reinforce the statutory responsibility of the officers in charge of the EDAs at the time.

The act considers that unless you deregister the EDA, the same entity continues, from the perspective of the legislation and from the perspective of transparency of the financial transactions. It's the same entity, and the act does not distinguish whether there is a new board or new management at the EDA.

The best way, in those cases, may be—and I say this with great caution—to deregister the association, but you still need to file a final report of that association and register anew.

It is a problem in the system. The fact that it relies very significantly on volunteers, I think, is a big factor in all of this. We could look at ways of making it a little bit more effective and fair.

Mr. Arnold Chan: I think the suggestions and other provisions dealing with giving you greater powers so that this could be done not just through criminal enforcement but through sanctions, including fines or something like that, might at least provide you greater flexibility and at the same time give Canadians confidence regarding the transparency of reporting.

I'm struggling with a particular situation of not being able to get my hands on certain decisions of a previous electoral district association. My association is under a compulsory requirement to file for transactions over which I had no control and about which I have no details, yet I bear the consequence of the way the act is currently set up.

Mr. Marc Mayrand: It's the association, indirectly.

Mr. Arnold Chan: I just simply table that point.

The Chair: Thank you, Mr. Chan.

Go ahead, Mr. Christopherson, for three minutes.

Mr. David Christopherson: Thank you, Chair.

I have just two things. I wanted to mention, on providing a subsidy to the official agents who complete Elections Canada training and file the returns, that this is a growing job. I'm so glad that you're starting to concentrate on that.

Tyler Crosby, behind me here, my staffer, was my campaign manager. For all intents and purposes, nobody worked harder than he did, hopefully with the exception of me. Nobody worked harder than he did. I have to tell you, for the chief financial officer after the campaign it is flat out, and no one sees it. It's a thankless job, and if you make a mistake, the seat is on the line. It's huge.

Richard MacKinnon is my guy now. We can't give him a subsidy, but I can give him a shout-out and tell him thanks. Every one of us has someone like that who gives a big part of their life, and quite frankly they have to be really competent, high-functioning people who get it. It's not child's play, so I'm really glad to see you moving on that one.

The last thing I wanted to mention was that notwithstanding the fact that we're seeing more and more evidence that referendums are not necessarily the magic elixir for every question in front of a democratic nation, we should at least have a referendum that works if we need it, but right now we are not in any kind of condition, really, to conduct a modern referendum.

A lot of work was done—and Mr. Reid, of course, was here then—during the minority governments. We spent a lot of time doing good work on referendums and on prorogation, for instance.

I just want to mention to colleagues that if we do start to look the Referendum Act, rather than reinvent the wheel, there's an awful lot of that good basic foundational work from constitutional experts and other people like Mr. Mayrand. It's there and available.

If anybody thinks right now that we can just pull a referendum off the shelf and have a state-of-the-art fair referendum process that works, that person is mistaken. I will just leave that with the committee.

Maybe we can hear your thoughts on how much work is needed for it to be state of the art and to have something that would reflect the kind of referendum process we would like to have.

• (1220)

Mr. Marc Mayrand: It certainly needs an update, just to reflect all the changes over the last decade and a bit more, since 1992, that have occurred in the electoral process itself and in the electoral legislation. The two are closely interdependent.

The other question for this committee to consider—and it's not for Elections Canada—is whether in this modern age there are alternatives to how we run a referendum. I understand that in B.C. they run plebiscites by mail. I understand that in P.E.I. next month they will be running a plebiscite online and by phone. There's nothing about those modern alternatives that's available under our federal statutes, which causes a significant cost to a federal referendum.

Mr. David Christopherson: Thank you, sir.

Thank you, Chair.

The Chair: Okay, we've finished two rounds. I'm just going to open it up to any committee members who have any further questions.

Go ahead, Mr. Chan.

Mr. Arnold Chan: I wanted to follow up on another matter. It's with respect to costs.

A lot of the proposals that you've put in here.... I'll give one example. It's extending the voting hours at advance polls, moving it earlier, from, let's say, noon to nine o'clock. One thing is that doesn't give me a sense—and I guess this would be tabled through your estimates—of what the potential incremental costs would be for each of the particular proposals that you have within all these changes.

As I said, I think most of these changes are really good, but I think it's also fair and transparent to Canadians to have a sense of what those incremental costs might be, just so that we have a sense of their potential impact.

That was one question. There's a second question I want to table quickly, and this wasn't covered in your report. Given that you've been administering this act now for nearly a decade—and of course the changes took place before you became Chief Electoral Officer—I wanted to get your thoughts on the consequences of the elimination of the voter enumeration system and the establishment of the permanent voters lists.

I think your report indirectly deals with some of the challenges, such as new voter registration, particularly for those who are turning 18, and of course new Canadians, particularly those who may not be filing income taxes or those without fixed addresses.

I wanted to get your thoughts in terms of the efficacy of the current system and the participation rates of those under the new permanent voters list as opposed to.... Because on occasion you get complaints from voters that there used to be voter enumeration in every election. I recognize it was a very expensive system, but by the same token, there was confidence that the people who lived in your electoral district were picked up in that enumeration process and could exercise their franchise and there was a lot less uncertainty as to whether you were on the voters list.

Mr. Marc Mayrand: There is certainly a range views on that issue. I can speak of our experience.

First of all, we need to not forget that we still do enumeration during an election campaign. We do it in a targeted fashion, in neighbourhoods with high mobility and all these things. We do targeted revision on reserves, for example. There is still a form of enumeration taking place for exactly the reasons you mentioned—people are highly mobile or hard to reach—so we do enumeration there.

One of the reasons—and think my colleagues across the country at the provincial level would agree—is that it's increasingly difficult to reach out to people through enumeration. We often knock at doors, but nobody answers. People are busy. They have different schedules. It's a challenge to recruit workers to do that kind of work. Even StatsCan is moving away from those surveys. The other thing—and it's unfortunate—is that in many cases, we can't find staff, for security reasons, who would go into certain neighbourhoods, yet they're probably the neighbourhoods that would most benefit.

As an alternative, we have the permanent register. What we did last time around also was launch our online registration service. That allows any Canadian at any time, at their convenience, to add themselves to the register or change their address, for example, if they've just moved recently.

Of course, looking at it from a cost perspective, the national register as a permanent list is much cheaper than enumeration. Yes, we lose contact with electors. Perhaps one way to offset that is to beef up the civic education program that exists.

I just want to take up one point. You inquired about the cost, which is absolutely legitimate. Of course, many of those recommendations don't bring any additional costs. Some of them bring extra costs, of course; an example is opening advance polls for longer periods of time. We estimate it's probably \$500,000 an hour to have those polls open. With what we're proposing, we're talking about \$6 million per election.

Civic education, registering youth at 16 or 17, would also have a cost. It's very preliminary, but we estimate that it's between \$5 million and \$10 million. We estimate that the first round would be more expensive. When the system stabilized, it would be a regular program, and the costs would come down. These would be the larger cost increases caused by those recommendations.

Of course, I can't speak for modernization. Now technology at the poll will be something else, but until we have devised a system, it would be premature to talk about it.

● (1225)

The Chair: Go ahead, Mr. Graham.

Mr. David de Burgh Graham: Thank you.

I have a couple of questions related to recommendations 21 through 24, which is maximum length for an election period, allowing appointment of returning officers from outside the riding, and so forth.

My question is, why do we limit preparation of hiring to the writ period? Could we not have that all set up in the weeks and months leading up to an election, now that we know when the elections are going to take place?

Mr. Marc Mayrand: If we have certainty about the election period, that would make it easier. There are some staff. Returning officers' key staff are trained before the writ is issued, of course. The 285,000, however, we can hardly train much in advance because they need to know when they will be available and if they are available, but the earlier the better. That's why we put in those recommendations to not wait until the night before advance polls open to train people, which happens too often.

The other advantage of what we're proposing is that we would be able to specialize the task for poll officials so that their curriculum of learning would be somewhat narrower than what they have now. Hopefully, that will help them perform their functions.

Mr. David de Burgh Graham: In the same spirit, knowing the elections are going to take place on a specific date, aside from legislation that introduces changes, what is stopping us from sending out our overseas ballots months ahead of time and having that whole process stretched out to make it much easier for overseas voters to participate?

Mr. Marc Mayrand: They can register. They have to register, and normally in the year of an election we will contact citizens overseas and issue pamphlets inviting them to register. That's the first thing they have to do. When the election is called, we issue the ballot kits. We do a bit of work prior to the writ, but again, not enough of them are registered.

● (1230)

The Chair: But your recommendation is that they can pull the forms off now electronically, so they don't have to wait to get them in the mail. That's a recommendation.

Mr. Marc Mayrand: Yes. In fact, the changes we're recommending are that they could download the ballot electronically and send it back to us with their own envelopes. Rather than having to wait to receive a kit from Elections Canada, they could save that time. They could register online, download their ballot, and send it back according to the procedure that has been described on the site.

Mr. David de Burgh Graham: Mr. Mayrand, you talked about the use of one polling station to vote at any table, and in the recommendation you mentioned the need to perhaps put the poll numbers on the back of the votes. Would that be at print time, or when the RO signs the back of the vote, would he then also write the poll number? How do you see that?

Mr. Marc Mayrand: We would have to look into that in more detail. This thing is suggested as a way to ensure that we continue to have poll-by-poll results.

One of the downsides of allowing people to move around, in terms of voting, is that you may not get as granular a result as candidates and parties like to have. An option to proceed ahead and preserve the poll-by-poll result would be to ensure that the ballots indicate the poll with the ballot.

Another way also is to use scanners. If the committee agrees, we would be ready to do a technical briefing on these aspects of modernization. We've done one with political parties recently. It went quite well, and I think it would inform your discussion as you start looking at the recommendations.

Mr. David de Burgh Graham: You were talking also about the ability to do pilot projects. If you wanted to do a pilot project, what is the process that you'd have to go through, in brief?

Mr. Marc Mayrand: Currently?

Mr. David de Burgh Graham: Yes. In the next by-election, if you have some that are coming and you wanted to try these things, what would be the process to make it happen?

Mr. Marc Mayrand: There are two types of pilot, just to be clear: one that involves a change to the Elections Act and one that does not involve a change to the Elections Act.

I'll give you the best example. Opening a special ballot office on campuses across the country did not require changes to the act, but we did a pilot on it in the last election.

If the pilot requires a change to the act, we need to present a business case, a proposal to this committee, and get your approval to proceed. We need to redraft the legislation to reflect what the pilot will be about, and understandably we will report to the committee afterward.

I would also have to run the same process in the Senate. You can appreciate that two committees looking at the same proposal may have different views, different requirements, understandably, and also may have very different timelines. That's why I'm saying we're just talking about a pilot to test something. In my view, the approval of this committee should be sufficient for testing a change.

Right now, in fact, there's another tier. If it deals with electronic voting, it requires not only two committees' approval, but the whole of Parliament to approve the pilot, so by the time we'd be ready to run the pilot, the election would be gone. There's a practical consideration that we're putting forward.

The Chair: Thank you.

Go ahead, Mr. Schmale.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much for your comments today. They're greatly appreciated.

I have a point of clarification. We talked a few moments ago about potentially moving election day from Monday to possibly a weekend, and maybe this is where the clarification comes in.

Given the fact that advance polls take place usually over the weekend and offer flexibility of hours, and we had almost 70% voter turnout nationally in 2015, was this more to help with the hiring of competent staff? What was the objective of that?

Mr. Marc Mayrand: There are three considerations.

There's the ease of recruiting qualified people to do the work. It would be easier on a weekend.

There's also having access to facilities. Right now the challenge for returning officers to secure schools for voting is tremendous. Increasingly school boards, for reasons of security, will not allow voting procedures to take place during a school day. One option to deal with this is to move it to Saturday or Sunday.

The other thing is that there is evidence that of the electors who did not vote—we're talking eight million who did not vote in the last election—about 50% pointed out that it was due to everyday life issues they were facing on voting day. Many of them were suggesting that they had a conflict with their work schedule. We think these electors would have been able to vote. We're talking about a population of probably around a million electors who would benefit directly from that measure.

These are the three reasons we're pursuing this change.

● (1235)

Mr. Jamie Schmale: Thank you.

Your recommendation A17 is about potentially removing the signature requirement, which would keep the process moving along in long lines. I guess in order to do that, you would have to use, as you pointed out here, the bar code scanner. I find that even today you still have to sign for certain things, so I think one more check—

Mr. Marc Mayrand: Oh, yes. That's a very valid point. This is for electors who are properly registered and who show up at the advance poll with their ID and their voter information card.

Mr. Jamie Schmale: Okay.

Mr. Marc Mayrand: If you're not registered or if you need to change your registration, you would still have to sign the traditional forms that in those cases you have to fill in. It's really to deal with the mainstream electors who come with their ID and voter information cards and are at the right place. Currently you have to search the paper registry. You have to enter into a book, by hand, the name and the address, and you have to have it signed. If it takes two minutes and you have 10 or 15 electors in line, you're already 30 minutes late.

I think that's the purpose of this recommendation.

Mr. Jamie Schmale: Okay. Thank you.

The Chair: Thank you.

Ms. Petitpas Taylor is next, and then Mr. Kang.

Hon. Ginette Petitpas Taylor: I have a quick question.

It's hard to believe that last year at this time we were in full election mode, working very hard, all of us. We also remember that it was a 78-day campaign. Can you describe the consequences, if any, of extended election periods like the one we experienced last year?

Mr. Marc Mayrand: I can certainly speak for Elections Canada. I won't speak for candidates and campaigns.

The main challenge, which I'm sure you faced as well with your volunteers, was retaining people on board for twice the normal length of a campaign. Many ROs, returning officers, faced that challenge. We had people who could not be available for the extra month. That kind of thing changes all your preparation, your training, your readiness.

Another very concrete example is that we constantly monitor or maintain an inventory of sites across the country. Normally we're looking for sites available for about 36 to 40 days. Suddenly, with 78 days needed, landlords were not willing to enter into those leases. You had to either renegotiate or find another place. That happened to a large extent.

These are not insignificant administrative impacts. Most importantly, it did delay the opening up of offices across the country, and it did, in a way, deny some services to electors that they are entitled to from the moment the writ was dropped. That's why I'm advocating for more certainty.

The Chair: The last questioner is Mr. Kang.

Mr. Darshan Singh Kang (Calgary Skyview, Lib.): Thank you, Mr. Chair.

Sir, do we know how many Canadians overseas are eligible to vote in elections?

Mr. Marc Mayrand: We have a register of citizens residing abroad. I would have to look up the figures again, but it's roughly 5,000 Canadians residing abroad. There is an estimate of the population of Canadians abroad that runs over a million, but as I said, very few are registered.

• (1240)

Mr. Darshan Singh Kang: If all of those other one million registered, then they would be eligible to vote.

Mr. Marc Mayrand: They would have to register and they would have to have been away from Canada for less than five years. That's the current status of the law. If they've been away for more than five years or haven't resumed residence in Canada, they can no longer vote. I say that with a caveat, because the matter is before the courts. The Supreme Court will be hearing it next winter, in February or something like that.

Mr. Darshan Singh Kang: Okay.

When you talk about mail-in ballots, they could be prone to abuse if one family member mails in ballots for the whole family. What kind of checks and balances do you think should be in place to stop that abuse?

Mr. Marc Mayrand: We have checks and balances to ensure that these are properly qualified electors, but I will not deny that this is an unsupervised voting process. We rely on the honesty and the good faith of Canadians.

We have also a system that provides a criminal offence for this type of interference with voting, and we also are relatively easy to reach if someone wants to bring to our attention, or the commissioner's attention, any irregularities with regard to voting.

Mr. Darshan Singh Kang: Yes, I know it would be based on an honour system, but by the time we find out, it would probably be too late to charge anybody with an offence.

Mr. Marc Mayrand: That's already the system in place. Whether you print your ballot or you get it by mail, the issue will be the same. The system assumes that those who rely on voting by mail will do it as independently and secretly as all other electors. I'm sorry to say that I don't know how we can allow those people to vote otherwise. It's a compromise we have to make.

Mr. Darshan Singh Kang: Okay. Thank you.

The Chair: Thank you.

I will excuse our witnesses again, on behalf of Parliament and the committee. I think we owe a great deal of debt to you for a great job done over the years in keeping our democracy strong. On behalf of all of us, thank you, Mr. Mayrand.

Voices: Hear, hear!

Mr. Marc Mayrand: Thank you very much, Mr. Chair.

It has been a true honour for me to serve you all for these many years. Some of you may have found that it was too long, but it was a pleasure, and it gave me a unique perspective on the type of work that is done here. I've always tried to bring to this committee the information that you needed as members to do the daunting task of reviewing legislation or reviewing reports, such as the one we discussed today.

I saw my role as making sure that you had all the information you needed to do your work. I also stayed away from providing any views or opinions that would indicate any tilt toward any political views.

I truly enjoyed my time with this committee. I always took the work seriously, and it was a pleasure and an eye-opener to see how parliamentarians.... I think Canadians should see more often how parliamentarians, despite what we see in the media, manage to work together to do what they think is best for the citizens in this country. It's not an easy task, and I don't necessarily envy you.

I'll be glad to go back to my civilian life and find again my right to vote, which I abandoned 10 years ago. When I vote in 2019, you know that I will be looking to see how modernized we've become.

Thank you very much. *Merci beaucoup.*

Voices: Hear, hear!

The Chair: I'll leave a couple of minutes for people to talk to the witnesses informally, and then we will clear the room, please. We'll go in camera for 10 minutes of committee business. Thank you.

[Proceedings continue in camera]

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