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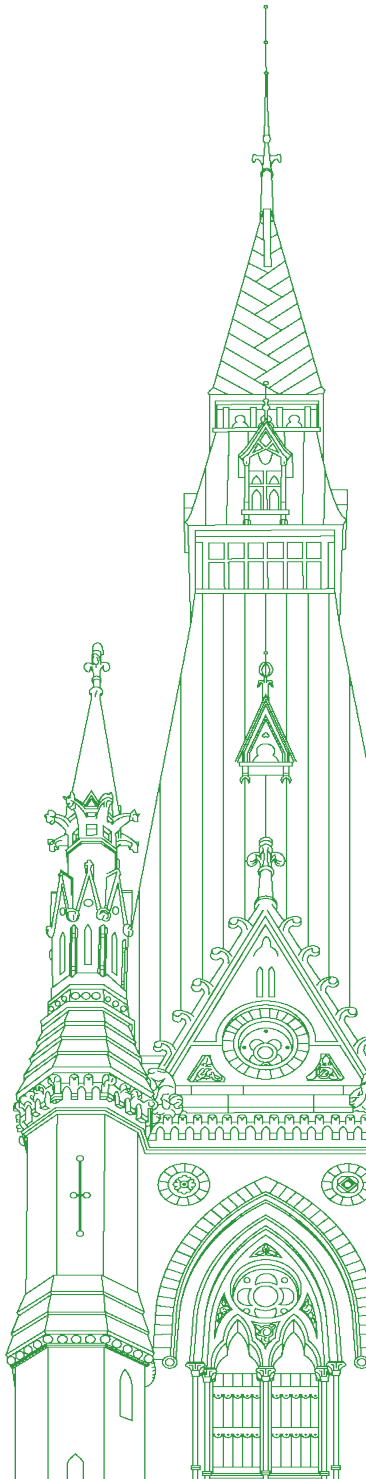

Chair: Chris Bittle

Standing Committee on Procedure and House Affairs

Thursday, May 28, 2026

● (1105)

[*English*]

The Chair (Chris Bittle (St. Catharines, Lib.)): I call this meeting to order.

Welcome to meeting number 35 of the House of Commons Standing Committee on Procedure and House Affairs.

Pursuant to Standing Order 108(3), the committee is meeting to begin its clause-by-clause study of Bill C-25, an act to amend the Canada Elections Act and to enact an act to change the name of certain electoral districts, 2026.

Today's meeting is taking place in public in a hybrid format, pursuant to the Standing Orders. Before I continue, I'd ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio feedback incidents and protect the health and safety of all participants, especially our interpreters.

I'd like to remind witnesses that committee members may ask questions in either French or English. If you need interpretation, please take a moment now to prepare your earpiece and select in advance the listening channel you need, in order to take full advantage of the time allotted for questions and answers.

I'd like to make a few comments. As a reminder, all comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, use the “raise hand” function. We will do our best to manage the speaking order.

I would like to provide members of the committee with a few comments on how the committee will proceed with the clause-by-clause consideration of this bill.

This is an examination of all clauses in the order in which they appear in the bill. I will call each clause successively. Each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on.

Amendments will be considered in the order in which they appear in the package that each member received from the clerk. Amendments have been given a number in the top right corner to indicate which parties submitted them. During debate on an amendment, members are permitted to move subamendments.

In addition to having to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill—both of which were adopted by the House when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown.

If you wish to eliminate a clause altogether from the bill, the proper course of action is to vote against that clause when the time comes—it's not to propose an amendment to delete it.

Once every clause has been voted on, the committee will vote on the title of the bill itself. An order to reprint the bill may be required if amendments are adopted, so that the House has a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments, as well as any indication of deleted clauses.

I thank members in advance for their attention, and I wish everyone a productive clause-by-clause. Please have patience in your chair. This is the first time I'm doing it from the front of the room. I've done it many times from the side of the room. I expect we will all get through this.

I'd like to welcome the officials who are joining us here today. From the Office of the Chief Electoral Officer, we have Karolyn Savard, general counsel and senior director, legal services, and Trevor Knight, general counsel, legal services.

From the office of the Commissioner of Canada Elections, we have Chantal Richard, executive director and senior general counsel, legal services, and Jean-Michel Kalubiaka, senior counsel and director, legal services.

From the Privy Council Office, we have Rachel Pereira, director, democratic institutions.

We will proceed.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed. The chair calls clause 2.

(Clause 2 agreed to)

The Chair: There is a proposed new clause 2.1, from the Parti vert.

Ms. May, would you like to introduce it?

Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I need to put on the record that, on every occasion, I appear under the format of motions that are identical and that are passed by every committee immediately following every election. They were originally designed by the Prime Minister's office under Stephen Harper to deprive me of rights I would otherwise have to present substantive amendments at report stage. I apologize for taking a moment to explain that I'm here under rules the committee passed that make a mockery of the notion that the committee is the master of its own process, since miraculously identical motions were passed at the same time by all committees simultaneously, depriving me of rights that I have.

In this case, Mr. Chair, the amendments I'm bringing forward are exactly what was in Bill C-65, which died on the Order Paper on January 6, 2025. At one point, at least, the government approved the suggestions being made through Elections Canada. In testimony before this committee in relation to Bill C-25, I put a question to the Chief Electoral Officer about the recommendations that were previously made, and about the support of Elections Canada for changes that were previously made. I'm not a witness, so I won't say what specific impact it had on my party in the last election, but Bill C-65 and its changes died on the Order Paper.

Amendment PV-1 is very straightforward. It's saying that we support the increased integrity measures found in Bill C-25, but we don't want these measures to raise barriers to entry for candidates running as independents, candidates in smaller parties or candidates in small, remote communities. The amendment speaks for itself. It's very straightforward. In effect, it says that it should be 75 signatures on the nomination papers. With all the other rules in place, and with a witness present, it would be 75 electors from that electoral district.

Again, given that this was in previous legislation, I hope committee members will see fit to accept the amendment.

Thank you.

● (1110)

The Chair: I have Mr. Cooper and then Madame Normandin.

Michael Cooper (St. Albert—Sturgeon River, CPC): Thank you, Mr. Chair.

I oppose this amendment.

One hundred signatures is hardly a barrier. We represent approximately 100,000 constituents. The idea that someone needs to find 100 electors to endorse their candidacy or it's a barrier to getting on the ballot is simply not credible. If anything, the threshold ought to be increased. I'm not proposing this, but if you're going to adjust the number, I would suggest that you might want to move it upwards, not downwards.

I would also note this with respect to ridings that are remote, rural or northern: The Canada Elections Act already takes that into account—or Parliament has taken that into account—by fashioning schedule three ridings, where the signature requirement is only 50 electors.

The Chair: Thank you so much.

Madame Normandin.

[*Translation*]

Christine Normandin (Saint-Jean, BQ): Thank you, Mr. Chair.

I support the proposed amendment. When the Standing Committee on Procedure and House Affairs was discussing the longest ballot committee, we realized that there was value in prohibiting an elector from signing more than one candidate's nomination paper, which can be an additional barrier in remote ridings, however. I think it's perfectly reasonable in light of potential amendments to the bill in the next few hours.

The Chair: Go ahead, Ms. Kayabaga.

[*English*]

Hon. Arielle Kayabaga (London West, Lib.): Thank you, Chair.

I want to say that I agree with my colleague opposite on this amendment.

The Chair: Thank you.

Is there any further debate?

Since there seems to be some division, can we call the vote, please?

The Clerk of the Committee (Christine Holke): The vote is on PV-1.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: We will proceed to PV-2.

Madam May.

[*Translation*]

Elizabeth May: Thank you, Mr. Chair.

[*English*]

This is, again, consistent with what was in Bill C-65. We want to improve the fairness and administrative efficiency by making the nomination window larger than it is in the current bill.

Just to reflect again.... Under the terms of the motion that was put forward, I can't enter into debate, so under those terms, I wasn't allowed to enter into discussion as to why it can be more difficult to collect 100 signatures in 2026 than it was in 1990.

What we discovered is that electors are extremely reticent and skeptical as to why they should provide information to a stranger on the street in ways that, in 2025 and 2026, aren't the same as in 2019. There's a large degree of resistance to providing personal information. You have to explain to someone on the street why you want their name and that it's not a scam. There's a lot more resistance and hostility in our current climate. It was to the point that volunteers were refusing to go back out, because they'd been harassed on the street for asking for information.

It matters, particularly in a snap election, to be able to collect the signatures. With this amendment—which, again, was in the framework of Bill C-65—we want to create the opportunity to start earlier, because collecting the signatures takes longer than it used to. You can run into a rainy day. We had electoral officers refusing signatures because they were smeared by the rain when they were brought to the electoral officer, having been collected on the street. People's electoral boundaries have changed, so sometimes they don't recognize the name across the top of the sheet.

All this is to say that this amendment, PV-2, is solely to ensure that you start collecting your nomination papers...that they can allow them to be filed from the first day of the pre-election period instead of only in the writ period.

Thank you, Mr. Chair.

● (1115)

[*Translation*]

The Chair: Go ahead, Ms. Normandin.

Christine Normandin: Thank you.

I have a question for the analysts.

In principle, the benefits I see in Bill C-25 may be somewhat different from those Ms. May raised.

I recall one Alain Rayes, who told us that if he wanted to sit as an independent after leaving the Conservative caucus, he wouldn't be able to fundraise for his campaign until the day the election was called, whereas the other parties could start fundraising before that and have their signs ready to go. In that regard, I see why this would be helpful to independent candidates who were serious and wanted a bit of funding to run their campaigns. As we all know, money is the lifeblood of any campaign.

The problem I have, though, is that if the candidate has to file their papers with the returning officer during the pre-election period, that means the returning officer, the office and staff need to be in place during that period. That's a lot of expenses to cover during a period where they may not be as necessary. That's what I'd like to ask the analysts about.

In your assessment, would this require that returning officers' offices be open several months ahead of an election call?

[*English*]

Trevor Knight (General Counsel, Legal Services, Office of the Chief Electoral Officer): At this time.... You could collect the signatures at an earlier time, and we wouldn't have to open the returning officer's office earlier if we made this change.

[*Translation*]

Christine Normandin: I want to be sure I understand.

Could the nomination papers still be filed with, and received and confirmed by the returning officer, even if there isn't necessarily a returning officer on duty during the pre-election period?

[*English*]

Trevor Knight: Under the current act, the returning officer can accept the nomination paper only during the election period, once the notice of election is issued, but the signatures could be collected by the candidate before then.

[*Translation*]

Christine Normandin: Thank you, but that doesn't answer my question.

Does the returning officer have to be identified once the pre-election period begins or only once the election is called?

Karolyn Savard (General Counsel and Senior Director, Legal Services, Office of the Chief Electoral Officer): I'll answer that.

Returning officers are always on duty.

I think you are asking about when the returning officer's office has to be opened. Yes, if nomination papers are being filed before the election period begins, offices would need to be opened prior to that date. Right now, I don't think that's possible. It's difficult as it is to set up the offices within the prescribed time frame, so this could create operational challenges.

Christine Normandin: Thank you.

[*English*]

The Chair: Go ahead, please, Ms. Fancy.

● (1120)

Jessica Fancy (South Shore—St. Margarets, Lib.): Thank you very much.

Through you, Chair, we would deem this amendment out of scope for the following reason. Based on the strong and free elections act proposing targeted priority amendments to the Canada Elections Act that further protect and secure Canada's elections and respond to expert recommendations like those today and from the public inquiry into foreign interference, the Chief Electoral Officer and the commissioner of Canada elections, it is our opinion that this statement falls outside the scope.

We will be opposing the amendment.

The Chair: Go ahead, Mr. Calkins.

Blaine Calkins (Ponoka—Didsbury, CPC): Just for greater clarity, right now any prospective candidate could go to the Elections Canada website, get the nomination papers, download them and print them, or whatever the case might be, and start collecting signatures if he or she chose to. Is that correct?

Trevor Knight: Yes, that's correct.

Blaine Calkins: Is there any reason why, for example, a coming into force date for a change of that form might be problematic for a candidate? For example, if the nomination paper form were to be changed by an amendment to the act, or through some other process or regulatory change, would that cause any problems? Let's say it came into force on the first day of the pre-writ period for a future fixed election date. Would that be problematic for candidates, or do you suppose that the old forms would work if people were to collect signatures beforehand, hypothetically?

Was I clear in my question?

Trevor Knight: You were clear in your question. I'm just hesitant to give a response to a hypothetical situation. It's not hypothetical—I understand why it's a question—but generally the rule is that if you use a form that is an older form but the substance of what is required by the act is there, then you can use that.

Blaine Calkins: It shouldn't be a problem, then.

Trevor Knight: Insofar as there is, for example, a warning added to the form, and they're using the form that existed before that warning was added, if I'm understanding your question—

Blaine Calkins: Yes.

Trevor Knight: —then presumably that would still be an acceptable form.

Blaine Calkins: Okay. It's a solution in search of a problem.

The Chair: Ms. May, be very quick.

Elizabeth May: Again, just to clarify what the amendment is about, yes, you can collect ahead, but to make sure that the signature is accepted, you have to be able to file it. The Chief Electoral Officer has to be able to look at it.

The amendment is to that issue. I appreciate the clarification that was just brought forward by Blaine.

Thank you very much.

The Chair: Go ahead, Mr. Kram.

Michael Kram (Regina—Wascana, CPC): Thank you, Mr. Chair.

With respect to filing the papers after June 30, that would mean opening the offices in every riding for the months of July and August in a fixed election year. Could the witnesses give a high-level estimate as to what the cost would be for taxpayers to have the offices open for those extra two months?

Trevor Knight: I'm sorry. I don't think I can give you a high-level estimate. This was my misunderstanding before. There are different ways to file right now, and those would continue. You can file a nomination paper online, in person or by email. I don't necessarily think that the opportunity to file earlier would necessitate opening the office solely for that purpose.

Michael Kram: Okay.

Trevor Knight: I'm sorry. I think I was unclear before.

The Chair: Seeing no further debate, we will call the vote, please.

(Amendment negatived: nays 11; yeas 0 [*See Minutes of Proceedings*])

(Clauses 2 and 3 agreed to)

(On clause 4)

The Chair: We are dealing with amendment BQ-0.1.

Go ahead, Madame Normandin.

● (1125)

[*Translation*]

Christine Normandin: Thank you.

I've talked about this a few times at committee meetings, so I won't spend 10 minutes explaining why this amendment is warranted. While I understand the desire to limit nomination paper signatures to one per elector, implementing that depends on other means that we will be debating today. Preventing an elector from signing more than one candidate's nomination paper seems to have an unequal number of pros and cons. Notably, as the Chief Electoral Officer indicated, it's impossible to check or cross-check signatures in a timely manner, to determine whether an elector has signed more than one nomination paper. Regardless, it wouldn't be grounds to disqualify a candidacy. The measure does not have any real coercive effect. The hope is that it will deter people by putting the responsibility on the elector as opposed to a person encouraging electors to sign multiple nomination papers.

As I see it, this also breaches the secrecy of the vote, since people will be told that they can't sign the nomination paper of more than one candidate. That could give the impression that they are supporting a candidate, even if that's not the case. At the beginning of the campaign, electors may not know who they are going to vote for and may want to see two candidates in the race. An elector who wants two candidates to run for the seat because it would make for a better debate is being prevented from signing both candidates' nomination papers. As far as I can see, the downsides of preventing people from signing more than one nomination paper outweigh the upsides. That is why we are proposing this amendment.

The Chair: Thank you.

[*English*]

Go ahead, Ms. Vandenbeld.

Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you, Mr. Chair.

I think we should keep this section of the bill. If we remove it, it's inconsistent with the purpose of the bill, which is to avoid those really long ballots with multiple candidates. We've seen that, if we go only with the official agent, it's not enough. This is really a way of preventing abuse, so I think we should maintain it.

The Chair: We have Mr. Cooper and then Mr. Calkins.

Michael Cooper: Thank you, Mr. Chair.

I understand the spirit with which this amendment has been brought forward, but I cannot support it.

The purpose of the amendment is to deal with what have been provisions of the act that have been abused. One of those sections relates to the collection of signatures by groups like the longest ballot committee that have taken multiple candidate nomination forms, gone to the same pool of 100 electors and gotten that same pool of roughly 100 electors to sign multiple candidate nomination papers to put on the ballot, which amount to fake candidates. By fake candidates, I mean people who are not running to get elected. They're not putting forward policy positions, and they're not campaigning. They're basically nothing more than a name on the ballot.

The intent of the act is that, for a candidate to get on to the ballot, the candidate must have the endorsement of 100 electors, not that a group of 100 electors can put on the ballot a seemingly endless list of candidates.

With respect to any confusion that electors may have in understanding that, with this change, they would be, under the law, permitted to sign or endorse only a single candidate per election, and that could be addressed by Elections Canada by including on the nomination form that you may sign the papers of only one candidate. In terms of there being any confusion or misunderstanding, that can easily be addressed.

I take it, based upon testimony from the Chief Electoral Officer and the minister, that Elections Canada would likely undertake amending the forms should this amendment to the act pass.

Are there pitfalls to it? Arguably, there are, but on balance, I think it is a reasonable amendment that is consistent with the purpose or intent of the act that a candidate must have the endorsement of 100 electors.

● (1130)

The Chair: Thank you so much.

Go ahead, Mr. Calkins.

Blaine Calkins: Thank you, Chair.

If this amendment is defeated, we revert to the changes that are in the act.

I would like some clarity. In a situation where an elector did sign multiple nomination forms for multiple candidates, how would that be adjudicated by the returning officer in that constituency? Would one of the five signatures count? Would none of the five signatures count? How would that be interpreted?

Trevor Knight: I assume that what you're asking is how it would work under the bill as drafted. Right now, under the bill, the candidate can't be refused on the basis of having multiple signatures, so I don't think any of them would be thrown out in that sense. It would be an offence to sign or to incite people to participate that way, but a person would still become a candidate if they had repeat signatures.

Blaine Calkins: Thank you.

The Chair: Thank you so much.

Seeing nothing further, I will test if this could be defeated on division or if you'd like a vote.

Let's have a vote. Okay.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Shall clause 4 carry?

(Clauses 4 and 5 agreed to)

The Chair: We'll go to proposed new clause 5.1.

We'll start with CPC-1. If CPC-1 is passed, G-0.1 cannot be moved.

Michael Cooper: Thank you very much, Mr. Chair.

This amendment is a security measure to better strengthen the integrity of the voting process with respect to ensuring that ballot boxes are appropriately secured. Elections Canada does have certain procedures in place, obviously, with respect to chain of custody and how ballot boxes are secured, but I would submit that those rules are simply inadequate to ensure the integrity and security of our elections.

At present, a DRO can take a ballot box from an advance polling location to store it at their home overnight. Yes, the ballot box is sealed and signed. There's an official transport bag. There are signatures required before the ballot box is sealed, taken home, brought back to the polling location and then reopened. However, the idea that DROs are taking ballot boxes, with potentially hundreds, if not thousands, of ballots, to their homes opens the door to potentially real problems.

Fortunately, to my knowledge, there hasn't been any major incident, but that is not to say that something like that might not arise. We shouldn't react when something happens that causes issues with the integrity of the voting process. Frankly, we should have the foresight to take preventative measures. This is one measure that I think is eminently reasonable. It's simply to require that ballot boxes be sealed and stored under lock and key at the office of the Chief Electoral Officer, and that there be video surveillance, so that there's no question about who has come in contact with that ballot box while it is being stored. If there is any tampering, there would be evidence of that to initiate any prosecution.

I recognize that there are some practical challenges, given the geographic size of certain ridings in rural areas and in the north, ridings like Nunavut, but this amendment would provide that the Chief Electoral Officer could specify alternative measures. It's not a one-size-fits-all amendment. It does give the Chief Electoral Officer flexibility where appropriate. In most ridings, certainly in virtually every urban riding, there is no reason for a DRO to be taking a ballot box back to their home. There is no practical impediment as to why they could not simply bring the ballot box to the office of the Chief Electoral Officer and store the ballot box or boxes under lock and key, with a surveillance camera. Yes, it may not be practical in all 342 ridings, but in the vast majority of ridings, it is quite logistically possible. It also provides that the Chief Electoral Officer can make certain exceptions where appropriate.

The integrity of the voting process is paramount. In order to ensure that the process is carried out, not only must the process be carried out with full integrity, but there must also be public confidence in that process.

● (1135)

This amendment, I believe, will help safeguard our elections and also enhance public confidence that our elections are being administered in a way that ensures that every ballot is counted and will guard against any sort of abuse or tampering with ballots.

Not only that, but just even in good faith, the idea that DROs are carrying around ballot boxes and, for example, are storing them in their homes, etc., in a G7 democracy.... That just doesn't seem to be up to the level that I think most Canadians would expect in terms of how the ballots they cast when they go out and vote are being secured.

The Chair: Thank you so much, Mr. Cooper.

We'll go to Mr. Jeneroux and then to Madame Normandin.

Matt Jeneroux (Edmonton Riverbend, Lib.): Thank you, Mr. Chair.

Right before this amendment, I think you raised the fact that there's a G-0.1 that is coming. I know there have been discussions with those on the other side.

I want to stress, before stating a position on this, that I definitely don't disagree with the principle and the spirit of what Mr. Cooper was saying. I just think there's an alternative approach, which we'll be providing.

We'll be voting against this particular amendment.

The Chair: Thank you so much.

[*Translation*]

Ms. Normandin, you have the floor.

Christine Normandin: Thank you.

Similarly, it's difficult for me not to support the principle here. However, I wonder whether it's necessary to specifically lay out in the bill the use of a three-point locking system or monitoring by video surveillance. Clearly, the elections act isn't reviewed annually. The technology referred to could become obsolete fairly soon, which would require that the act be reviewed and amended. The proposed measure could instead be introduced by regulation or through a simple directive of the Chief Electoral Officer, so I have questions about the appropriateness of using the act for this, instead of something more flexible. I will therefore be voting against the amendment.

● (1140)

The Chair: Thank you.

[*English*]

Seeing no further debate, I will call the vote.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll move on to BQ-0.2, Madame Normandin.

[*Translation*]

Christine Normandin: Yes, thank you.

This amendment stems from a recommendation made by the Chief Electoral Officer. The committee heard about the situation in Alberta, where voter data was leaked. In some cases, the names and addresses of women who were victims of domestic violence were made public. This amendment would implement exactly what the Chief Electoral Officer had recommended, by allowing an elector to be removed from the list to protect their safety, for instance, while ensuring their right to vote remained intact.

The Chair: Go ahead, Mrs. Brière.

Hon. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Mr. Chair.

While I am sensitive to the member's comments, the amendment doesn't include any circumstances in which an elector may request to be excluded from the list. For that reason, we cannot support it.

What's more, electors can already ask to be deleted from the national register of electors, which, in our view, has a lot more impact.

[*English*]

The Chair: Seeing no further debate, we'll call the vote.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: We will now turn to BQ-1, Madame Normandin.

[*Translation*]

Christine Normandin: I'll make a general comment on this amendment and those that follow pertaining to the same thing, in other words, the ability to vouch for another elector.

We live in a time when there are an increasing number of ways to prove our identity and when we all have thicker and thicker wallets full of cards. On top of that, we always want to prevent voter fraud. In light of all that, we are proposing putting an end to the practice of vouching for someone and their residential address. The amendment also reflects the fact that a single vote can make all the difference in some ridings, as we've recently seen.

For those reasons, this amendment and others seek to disallow the practice of making a solemn declaration for the purpose of vouching for another person or their residential address.

[*English*]

The Chair: Thank you.

Mr. Louis, go ahead.

Tim Louis (Kitchener—Conestoga, Lib.): I appreciate the amendment; however, I don't remember having that discussion. I believe this is outside the scope of what we're doing here for this bill. This isn't the place to have that discussion, but there might be others, so I will be voting against this one.

The Chair: Okay.

Yes, Mr. Jackson, go ahead.

Grant Jackson (Brandon—Souris, CPC): Thank you.

This is maybe a question for Madame Normandin.

Just to clarify, does this amendment remove the ability of an elector to vote after being vouched for at a polling station? You can no longer vouch for someone at a polling station.

[*Translation*]

Christine Normandin: This amendment and others seek precisely to eliminate the possibility of vouching for a person so that they can vote. Currently, a person can make a solemn declaration so that an elector who shows up at a polling station without any identification can vote. That is precisely what we want to eliminate through this amendment and other consequential amendments.

● (1145)

[*English*]

The Chair: Seeing nothing further, we'll call the vote on BQ-1.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We will now go to BQ-2.

Madame Normandin, go ahead.

[*Translation*]

Christine Normandin: If memory serves me correctly, the rest of the amendments up to BQ-11 are consequential amendments, since many provisions in the Canada Elections Act pertain to making a solemn declaration for the purpose of vouching for an elector or their address. The proposed amendments all relate to the solemn declaration and were necessary for consistency. I won't repeat my long speech for those remaining amendments.

[*English*]

The Chair: We can defeat....

[*Translation*]

Christine Normandin: To speed things up, I could just not move the other amendments, so we wouldn't have to vote, Mr. Chair. That would move things along.

[*English*]

The Chair: Okay. It's not being moved.

We'll now go to G-0.1.

I think that's Madam Kayabaga.

It's a new one. It has been distributed to the members in both paper and electronic formats.

Hon. Arielle Kayabaga: Can we pause, Chair? I think you just removed some amendments.

The Chair: Sure. This is probably a good time for a break for everyone.

We'll take five minutes.

● (1145)

_____(Pause)_____

● (1155)

The Chair: I call the meeting back to order.

I have Ms. Kayabaga on G-0.1.

● (1200)

Hon. Arielle Kayabaga: Thank you, Chair.

I move that Bill C-25 be amended by adding after line 2 on page 3 the following:

> 5.1 Subsection 175(5) of the Act is replaced by the following:
>
> (4.1) The candidates or their representatives may, when an advance polling station closes on each of the four days of advanced polling, sign the seal on any ballot box that was used on that day.
>
> (5) Until the counting of the ballots on polling day, an election officer shall keep the sealed ballot box or boxes in their custody in accordance with the Chief Electoral Officer's instructions. The election officer shall
>
> (a) take every precaution to ensure the safekeeping of the sealed ballot box or boxes and to prevent any person from having unlawful access to the box or boxes; and
>
> (b) if they deliver the custody of the sealed ballot box or boxes into custody of another election officer, make a record that they have done so and ensure that the candidates are notified in writing.

The Chair: Thank you so much.

Is there debate?

I have Mr. Cooper.

Michael Cooper: Thank you, Mr. Chair.

I would just ask the officials to provide their analysis on the impact this amendment would have in terms of how ballot boxes are sealed, compared to today.

Trevor Knight: In terms of how they're sealed, I don't think it would be different, except that this would be in legislation, whereas right now it is in the Chief Electoral Officer's instructions.

Michael Cooper: If I understand correctly, this amendment is codifying the current instructions of the Chief Electoral Officer to DROs.

Trevor Knight: I don't have it in front of me, but based on what I understand, that element is codifying it, yes.

The Chair: Seeing no further debate, shall G-0.1 carry?

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

(Clauses 6 to 18 agreed to)

(On clause 19)

The Chair: On amendment CPC-2, we have Mr. Cooper.

Michael Cooper: This amendment relates specifically to the pre-election period. The next amendment deals with the election period but is otherwise the same.

In short, what this amendment would do for the pre-election period—as does the subsequent amendment, which is identical other than that it covers the election period—is require third parties to set up a separate bank account for the purpose of engaging in regulated activities, in which monies to that bank account could come only from individual Canadians.

This bill, unamended and in its current form, does go some way to closing existing loopholes that have been taken advantage of by foreign actors, foreign governments and registered third parties that have colluded with foreign interests to take foreign money that is then used to influence Canadians at election time. This is not a hypothetical. It is well documented.

Indeed, I wrote to the commissioner of Elections Canada back in 2017. I highlighted that a substantial amount of money—millions of dollars—had been funnelled from the United States, from the Tides Foundation, based in San Francisco, to a registered third party that then funnelled the money into other third parties, which then used those funds in the 2015 election campaign against the Harper government and Conservative candidates.

The commissioner wrote back to me and indicated that there had not been a contravention of the Canada Elections Act at the time. I think most Canadians would have been shocked to learn that millions of dollars from the Tides Foundation in the United States could have been used by third parties to influence their vote, but that is what the Canada Elections Act provided for.

The Liberals did bring in legislation in 2018 that made a number of amendments to the Canada Elections Act. Those amendments did close some of the loopholes that existed with respect to foreign funding of third parties, but loopholes remain.

This bill, in light of ongoing concerns about these loopholes, goes a long way, as I noted, to closing them by requiring third parties to set up a separate bank account for which contributions can come only from individual Canadians. The problem is that it doesn't go all the way. It leaves an exception whereby third parties would be exempted and could use their own funds, if contributions amount to 10% or less of their annual revenue in the year prior to the fixed election year. This is problematic, from the standpoint of foreign money continuing to be used by third parties, in a number of ways.

First of all, given that we are oftentimes in a fixed election period—we could be in one now, because when there's a majority government, it is usually the case—it's very easy for third parties and foreign interests to look at the calendar and anticipate when an election might be.

● (1205)

Here we have a situation where a foreign interest could funnel money into a third party two or three years ahead of schedule. When I asked the Chief Electoral Officer what the impact of this would be and how those funds would be treated, I said that they would be “melded and treated as part of the [funds] of the third party”, whatever the ultimate source might be. What the Chief Electoral Officer confirmed in his answer to my question is that such monies could be foreign. In other words, it would leave a significant loophole open to be exploited.

The other thing I would note is this idea of 10%. It sounds like a small number, except for the fact that it may not be a small number. There are third parties that have a lot of money. What constitutes 10% or less of their revenue coming from contributions may in fact be millions of dollars. Again, not only would there be the issue of foreign money coming in, but you would create what could be an imbalance of sorts, whereby small third parties might have to set up a separate bank account, but very large third parties—which arguably have much greater influence by virtue of the resources they have—would be able to get around that and use their own funds.

I said that the best solution would be to simply have a uniform rule for all third parties, whereby they must set up their own separate bank account to engage in regulated activities. Now, it's true that the Chief Electoral Officer did not endorse the position I've taken. He cited charter issues. More specifically, the charter issues he cited were around freedom of speech and freedom of expression. Those are certainly important, fundamental freedoms that must be respected under the charter. I was quite skeptical of his position with respect to there being charter implications, given that the government is already going a long way in terms of requiring third parties to set up a separate bank account, with this exception.

I asked a number of witnesses, including Gerald Chipeur, an esteemed constitutional lawyer, what the charter implications would be, and he answered that there'd be none. There is no authority that would indicate that simply requiring all third parties to set up a separate bank account.... It would pass constitutional muster. That was Mr. Chipeur's position. That was the position of other witnesses, including Professor Turnbull. I didn't ask her specifically about charter implications. It was from the standpoint of whether this would be overly burdensome or reasonable. Professor Turnbull said that it would be reasonable and that it makes sense.

There is a very real problem of foreign money, underscored by the very real issue of interference by hostile foreign states. Taken together, this underscores the need for a fix. The government has acknowledged that there needs to be a fix, hence the changes that would be made with this bill—except for the fact that it would be only a partial fix. In a lot of ways, in seeking to fix what is a real problem to the degree that certain loopholes would be closed, other loopholes would be created, and they would inevitably be exploited.

● (1210)

Given the argument put forward by the Chief Electoral Officer around charter implications, I would submit that they're just not that strong. Given that, given the lack of any authority to indicate that this would be offside from a charter standpoint, and given the real problems around foreign money and foreign interference, I would submit that we ought to have one standard and consistent rule. It makes sense. It's not overly burdensome. Everyone plays by the same rules from the standpoint of Elections Canada in terms of filing and ensuring compliance. It also makes it a lot simpler from that standpoint.

For those reasons, I would urge the committee to support this amendment.

● (1215)

The Chair: Thank you so much.

Ms. Fancy.

Jessica Fancy: I'd like to thank my colleague for his testimony today in regard to his amendment.

I would like to read into the record our opposition to this amendment for two particular reasons. We feel that, as we've heard from numerous witnesses, there would be a significant charter risk in doing this amendment. As when you were here, the CEO, in his appearance before our committee, said in addition to others that....

We'd like to just take a moment to quote Dr. Holly Ann Garnett, who was here:

> I believe [it] to be an entirely reasonable balance between the principles of freedom of debate and freedom from foreign interference...for a few practical reasons.

These were her two reasons:

> First, not all third parties are contribution-based organizations. They [must] use membership dues or the revenues of a corporation. Thus, the 10% rule seeks to ensure that these types of third parties are not pushed out of the electoral conversation and can engage in the debate with their own revenues.
>
> Second, third parties do not register until the pre-electoral or electoral period in the current regime. Since elections can take place at largely any point in Canada, third parties must be allowed some [form of] flexibility to use their own funds in engaging in the electoral debate.

Given the quoted testimony from our witness, we will not be supporting CPC-2 or the other related amendments, CPC-3 or CPC-4.

I'd like to thank my colleague for his testimony today.

The Chair: Thank you so much.

Mr. Jackson.

Grant Jackson: I'm very pleased to put a few words on the record today about this amendment.

I'm disappointed that the government side has decided not to support it. They're quoting one expert we heard from at this committee, but there were many others who thought the charter challenge question raised by the Chief Electoral Officer.... He was straining to find a reason to keep it, I think, would probably be the most generous way to describe his argument that this 10% cap should be imposed and not go all the way. For them to use one witness's testimony rather than that of the number of constitutional experts we heard from, to base their decision to vote down this amendment is particularly disappointing.

When we drive around during elections, we see that Manitobans and all Canadians are looking at signs not just from political parties and candidates, but from third parties of various different kinds. Pick the type of third party organization—it doesn't matter. They have billboards up and ads on the radio and maybe television, if they're a particularly wealthy third party organization—as we know, television ads are quite costly in this country. My Manitoba constituents assume pretty much that those ads are paid for by Canadians.

Wandering around my constituency I would struggle to find a handful of my constituents who know that those advertisements could have been paid for by people from anywhere else in the world. I think they would find that to be a ludicrous proposition, number one, that this is allowed to begin with; and number two, that somehow it's a Canadian organization's individual charter right to use foreign funds to deliver a politically targeted message. It would take me a very long time, in the 18,000 square kilometres that I represent, to find a Manitoban who thinks that's an appropriate assessment of the Charter of Rights and Freedoms.

I think this is a ludicrous proposition, really, that's being put forward today as to why we need to allow this 10% cap, which my colleague Mr. Cooper rightly points out sounds really small when you mention it as 10% of a donation. If somebody is giving $200 million from a super PAC in the U.S., regardless of their political affiliation, 10% of that is still a lot of money in a Canadian election, where we have significantly lower spending caps and donation limits for individual Canadian citizens who are donating.

If these funds are donated, again, as Mr. Cooper rightly points out, before the year prior to the election—which this legislation as it currently exists leaves as a loophole—they're free to do that. The organization is free to use all of that donation as their own funds and use it for political purposes during the prewrit or writ period.

I would challenge the Liberal members to find constituents who think it is appropriate to use foreign dollars to try to persuade Canadians to vote in one direction or another. They shouldn't be coming from the U.S. They shouldn't be coming from China. They shouldn't be coming from Europe, regardless of the political campaign or policy issue that they're supporting. This money should not be in Canadian elections—it just shouldn't. There's absolutely no reason for it.

This extremely weak, tenuous charter argument is, in my opinion, a ludicrous justification and use of the charter to defend foreign money in Canadian elections. It shouldn't happen.

I'm quite sure that my argument today is not going to persuade Liberal members to change their votes, but I think it's leaving a vast loophole open in our system, which we could very quickly and easily solve today. It affects all political parties equally. There is not one that benefits more or less from removing foreign funds completely from third parties' ability to fund advertisements during prewrit and writ periods. There is no reason that we Conservatives are trying to get a one-up on the Liberals here, or vice versa. This impacts third parties that campaign on all sides of the political spectrum and for particular niche policy issues.

I'm finding it very difficult to follow the tenuous, strained argument that the government side is putting forward today.

● (1220)

The Chair: Thank you so much.

Mr. Calkins.

Blaine Calkins: I'll just reiterate a bit of what Mr. Jackson has said.

It would apply to a large multinational oil and gas company every bit as much as it would apply to the Tides Foundation or anybody else. I think the real question is one of integrity. I'm not talking about the integrity of the members here. I'm talking about the integrity of the electoral process and the election. I think we should be ensuring that integrity to the best of our ability wherever possible, while allowing people who ought to be allowed to be involved in the discussion of an election in Canada—which is, frankly, Canadian citizens and Canadian voters—and it should involve financing only from those very same interests.

Just to read a few things off, the Tides Foundation, as of 2024, has net assets of half a billion dollars. In 2024, the David and Lucile Packard Foundation had assets of $8.5 billion. The Pew Charitable Trusts' consolidated total assets are $7.5 billion. Why would we want any of that money interfering in the Canadian election process if it's not sourced from Canadians, every bit as much as we wouldn't want money from a large multinational conglomerate doing the same thing?

I think it's a very reasonable, well-intentioned and, frankly, patriotic amendment to the legislation. I would just encourage my colleagues to reconsider their position, given the fact that out of all the witnesses we've heard from, we can find far more suggesting that this is a good idea than those finding a problem with it.

The Chair: Thank you Mr. Calkins.

Mr. Cooper.

Michael Cooper: I'm certainly not trying to belabour this, but I would add a few points. First of all, we regulate political parties. We regulate them extensively. This bill regulates them more with respect to leadership and nomination races, and quite appropriately so.

We also regulate third parties. There's a fairly comprehensive regime provided for in the Canada Elections Act. It's not as if anyone can set up a third party and do whatever they want when engaging in what are regulated activities during the pre-election and election periods. In light of that, it seems entirely consistent to provide that third parties, which cannot spend any amount of money—they're limited in terms of how much money they can spend during the election period and the pre-election period—can use only funds from individual Canadians. We can say to them, "As a safeguard to ensure that that's the source of the funds, you're going to set up a separate bank account, and you're going to provide filings that demonstrate that that's where those monies were used for regulated activities."

That's what this bill does, except for this big, gaping hole. It would also put third parties, in that sense, in line with political parties, which can use only funds from individual Canadians. That's been the case now in Canada for more than 20 years.

With respect to the charter arguments, these are arguments in a vacuum. There's been no case authority cited as an example. There's really been no effort made to establish what precisely the charter arguments against this type of amendment are and why they wouldn't sustain or pass muster under section 1, at the very least. I don't even think you'd need to get to section 1.

I would just ask, officials, if you have any expectations of how many third parties will be able to avail themselves of the 10% exemption and if you could give any examples.

● (1225)

Trevor Knight: I think the answer is that because this is a new requirement, we wouldn't be able to say exactly how many, and I don't have those numbers for you. Generally, we would expect that to the extent there's a third party right now that is a corporation or a union, they would be able to avail themselves of these sorts of exceptions.

Michael Cooper: In terms of this 10% figure, why 10%? Why not 8% or 12%? It seems entirely arbitrary.

Rachel Pereira (Director, Democratic Institutions, Privy Council Office): Thank you for the question.

Ten per cent is a reasonable percentage. It was recommended by the Chief Electoral Officer. I believe it's also a percentage that's used by the Canada Revenue Agency. In terms of considering 90% overall revenue, there's a 10% leeway. It's a factor of 10, which is also easy to work with in terms of the calculation. There are some practical reasons for the 10%, as well as the commissioner's noting that 10% is considered a significant amount in contributions.

If it's helpful, I would note, too, the proposal in the bill that third parties will not be able to contribute to each other any longer, and that the definition of "own funds", if they meet the threshold of 10% or less, excludes contributions of any kind. "Own funds" refers to the third party's own funds, generated in Canada.

As a very simple example, if there were donations of $500 that the third party received, and they had $9,000 in own funds.... Let's say they receive $500 from a foreign entity, a U.S. entity or something like that. That's $10,000 overall in revenues that they've received. They have only $500 in donations, so they would meet that threshold of being under the 10%, but they could use only $9,000, their own funds. They wouldn't be able to use the $500 that came from elsewhere. They're limited to their own funds. They would have to then report if they meet that threshold. The report would provide some transparency as to where those funds come from, given the challenges noted around money being fungible.

● (1230)

Michael Cooper: What if those contributions were made three years before, in the pre-election period? How would that look from a reporting standpoint?

Rachel Pereira: It could be part of their general revenue fund, but they would still meet that threshold. Technically, they wouldn't be able to use that, but if they haven't kept track of that, they would have to now under the bill, because this is the new rule if they want to participate. The reporting requirement is that they would have to demonstrate own funds. That would be the mechanism by which that would be verified.

Michael Cooper: You said "they would have to demonstrate own funds". Can you elaborate on what you mean by that?

Rachel Pereira: If they meet that threshold and they would like to use their own funds, they would need to submit a financial statement as part of their reporting—

Michael Cooper: The threshold is the year before the election period, so it's not just any year. It's not the aggregate of four years. It's the year before. What about the year before that? There's nothing there, right? The legislation doesn't address that scenario.

Rachel Pereira: It doesn't address that. It could appear as part of their funds, but they would still, if it came two years before, let's say—some amount of money—it would show as part of their financial statement. It wasn't revenue generated here. It would have been a contribution of some sort from elsewhere.

It's not a perfect regime, as you've noted. It tries to balance the policy objective of keeping foreign funds out of our system with the earlier mentions of charter considerations to allow third parties to participate.

The Chair: We'll call the vote.

(Amendment negatived: nays 6; yeas 5)

(Clause 19 agreed to)

(Clauses 20 to 22 agreed to)

(On clause 23)

The Chair: We're on CPC-3.

Mr. Cooper.

Michael Cooper: This amendment is entirely consistent with the previous amendment, except that it would apply during the election period, as opposed to the prewrit period.

The Chair: Seeing no debate, I'll call the vote on CPC-3.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(Clause 23 agreed to)

(On clause 24)

The Chair: For clause 24, we have CPC-4.

Mr. Cooper.

● (1235)

Michael Cooper: Given that the other two amendments were defeated, I'll withdraw this one, since it would follow only if they had been passed.

The Chair: It won't be moved. Okay.

(Clause 24 agreed to)

(Clause 25 agreed to)

The Chair: On BQ-12 and potential new clause 25.1, we have Madame Normandin.

[*Translation*]

Christine Normandin: Thank you, Mr. Chair.

This comment will apply to BQ-16 as well.

This is about what we'd like to see in the bill, something we were somewhat disappointed wasn't in there. We do, however, appreciate the minister's openness to discussing public funding for political parties, as evidenced by his speech to the House and his appearance before the committee.

We would like members to consider restoring public funding for parties in three steps. That is more or less what we are trying to achieve with BQ-12 and BQ-16, although it's not comprehensive.

BQ-12 would limit an individual's contribution, and should be considered in conjunction with two other elements we would've liked to see included, or, rather, did include by way of an amendment.

First, the tax credit voters receive for making a contribution would be eliminated. At the risk of repeating myself, I had explained it this way. For example, if an individual donates $400 to the Bloc Québécois, they get a tax refund of $300. That means that the government is funding the Bloc Québécois at a rate of $300 and is using taxpayer money to fund a political entity. As a result, the government, meaning taxpayers, are funding political parties at a rate commensurate with how deep donors' pockets are. To address that, the corollary would've been to restore public funding for parties based on the number of votes received, using the savings from eliminating the tax credit. That funding would be provided as a quarterly allowance, which is what the next amendment is about.

Eliminating the tax credit would have required amending the Income Tax Act, which would have been a rather lengthy and complicated process in the circumstances.

In short, the amendment seeks to establish one of the three steps that would restore public funding for political parties, which had previously been eliminated. They need to be read in conjunction with one another.

[*English*]

The Chair: Is there any further debate? Seeing none, we will go to a vote on BQ-12.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Shall clause 26 carry?

(Clause 26 agreed to)

The Chair: We are on potential new clause 26.1, and we have amendment BQ-13.

Go ahead, Madame Normandin.

[*Translation*]

Christine Normandin: Thank you, Mr. Chair.

It's fairly simple. The new clauses on foreign interference capture potential candidates. Why wait until a person formally becomes a candidate to combat foreign interference? A foreign agent can interfere in the democratic process much earlier on. That is why Bill C-25 already refers to potential candidates. That said, the funding provisions don't apply to potential candidates. The idea is simply to address foreign interference in a consistent manner and capture potential candidates in the fundraising event provisions. When the Chief Electoral Officer was asked about it, he said it seemed like a sensible measure.

● (1240)

[*English*]

The Chair: Thank you.

I have Madam Vandenbeld.

Anita Vandenbeld: Thank you.

I would oppose this, not because we're against it, but because it's redundant. Section 477 deems that someone is a candidate the moment they receive a contribution. That means we don't need this amendment, because if you're a potential candidate, you're already captured. Also, the words “potential candidate” could create some internal inconsistency in the act.

The Chair: Thank you.

I see no further debate. I'll call the vote.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Shall clause 27 carry?

(Clause 27 agreed to)

The Chair: We are on potential new clause 27.1, and we have amendment CPC-5.

I'll go to Mr. Cooper.

Michael Cooper: Thank you, Mr. Chair.

This amendment would specify that information published by the Chief Electoral Officer with respect to a contributor would limit information related to the address and location of the donor. As it stands right now, for anyone who donates $200 or more, if one goes into the Elections Canada database, they can find out the postal code and name of the donor. That can lead to it being relatively easy, with perhaps some additional pieces of information, to track down donors. In many instances, these could be public officials, cabinet ministers or senior members of Parliament.

This measure is aimed at safeguarding the location of donors and, at the same time, ensuring that there continues to be transparency as to who those individuals are and what amounts they donate to candidates or political parties.

The Chair: Thank you so much.

Go ahead, Mr. Jeneroux.

Matt Jeneroux: Thank you, Mr. Chair.

Briefly, Elections Canada already limits publication of this information, with the exception of providing the full postal code, so we'll be voting against this.

The Chair: There is no further debate. We can call the vote on CPC-5.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We're on BQ-14.

[*Translation*]

Christine Normandin: The point here is basically the same as what I said about adding potential candidates. I won't give a long-winded explanation.

[*English*]

The Chair: Go ahead, Ms. Brière.

[*Translation*]

Hon. Élisabeth Brière: I just want to say that the definition in section 477 of the Canada Elections Act is already comprehensive, so adding this reference would be redundant.

● (1245)

[*English*]

The Chair: All those in favour of BQ-14?

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

(On clause 28)

The Chair: NDP-1 is deemed moved pursuant to the routine motion adopted by the committee on June 10, 2025. Since NDP-1 is deemed moved, BQ-15 cannot be moved, as they are identical.

Rules are rules. I am merely a servant of the committee.

Since the NDP isn't there, I open the floor to Ms. Normandin.

They snuck it in just before you got your amendment in.

[*Translation*]

Christine Normandin: Thank you.

Further to what my Conservative colleagues said, I just want to point out that this is about striking the right balance between transparency and safety in relation to fundraising events, by keeping the date and time of the regulated fundraising event, without mentioning the location.

This would ensure that information on a fundraising event was available without jeopardizing the safety of those holding the event.

[*English*]

The Chair: Mr. Louis, go ahead.

Tim Louis: I think this is a good example of why we look at our election laws and strengthen them on a regular basis. It's why Canada is looked at as a country that has a democracy that other countries emulate.

The rules have changed. The world has changed, so I believe that if this amendment passes, it would be a bit of a security risk. It's the world we live in now. Elected officials and others can be targets, and I think this would be encroaching upon that. I think there are other things in the bill that still let people know what is happening with fundraisers. I think this one goes a bit too far.

The Chair: Thank you so much, Mr. Louis.

All those in favour of NDP-1?

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(Clause 28 agreed to)

(On clause 29)

The Chair: Is there any debate on NDP-2? All those in favour of NDP-2?

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(Clause 29 agreed to)

(On clause 30)

The Chair: Now we go to NDP-3. If NDP-3 is adopted, BQ-15.1 cannot be moved due to a line conflict.

Madame Normandin, go ahead.

[*Translation*]

Christine Normandin: I think I need some clarification on that. Since the wording is the same, is it possible to align the two or combine them in a single amendment? NDP-3 applies to the reporting of information five days prior to the event and the online publication of information on a regulated fundraising event.

The Bloc Québécois's amendment would ensure that the information was published 30 days after the event, but the desire is the same. Both amendments are complementary. For procedural reasons, one supersedes the other. I was wondering, then, whether it was possible to deal with sections 384.2 and 384.3 in a single amendment, so that the two amendments aren't in competition.

● (1250)

[*English*]

The Chair: You can move a subamendment to include those lines. For how it will be impacted, you're free to ask officials how that would happen.

[*Translation*]

Christine Normandin: I therefore propose a subamendment to NDP-3, so that, in addition to section 384.2, it refers to section 384.3.

[*English*]

The Chair: We'll suspend for a minute, please.

● (1250)

_____(Pause)_____

● (1250)

The Chair: Welcome back, everyone. The subamendment is in order.

Do you wish to add anything further, Madame Normandin?

[*Translation*]

Christine Normandin: As I understand it, I can speak to the subamendment and amendment at the same time. That's great.

This will ensure that a party holding a fundraising event that does not comply with the rules—be it publishing the information on its website five days prior to the event or providing the report 30 days after the event—cannot keep the funds raised during the event. It would have to return the contributions to donors.

On Tuesday, a witness said that the fine for failing to properly comply with that obligation tends to be lower than the amount raised during the fundraising event. The party can therefore use the money it raised to pay the fine and keep the rest. This lets parties break the rules at no cost to them, even allowing them to profit from it.

[*English*]

The Chair: Is there some clarification on the subamendment? Is there some confusion?

● (1255)

Michael Cooper: I don't know if there's confusion. I just want to make sure I clearly understand what I'm voting for. It is simply that if there is non-compliance with the reporting requirements under the act, the candidate or party who had the fundraising event would have to return the money to donors. Because the penalties under the act are actually not all that significant, arguably, you could actually end up with.... By paying the penalty, there would be some incentive to break the law.

The Chair: Madam Vandenbeld, go ahead.

Anita Vandenbeld: With or without the subamendment, I think this goes against the purpose of the bill. Bill C-25 would treat all of these as a violation. Anything that goes against the regulated fundraising event is a violation, which is consistent with how other similar things in the act are treated.

The Chair: Is there any further debate?

(Subamendment negatived: nays 6; yeas 5)

The Chair: We are on the amendment. Does anyone wish to speak?

Madame Normandin.

[*Translation*]

Christine Normandin: At the risk of repeating myself, I will say that rejecting this amendment allows a non-compliant party to fundraise and use the money raised to pay the fine instead of giving donors back the money. That is utterly absurd, as far as I'm concerned.

[*English*]

The Chair: We will call the vote on amendment NDP-3.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: Because NDP-3 did not pass, BQ-15.1 can be moved, if you wish to move it.

[*Translation*]

Christine Normandin: No, it's fine, Mr. Chair.

[*English*]

The Chair: Thank you very much.

(Clauses 30 to 35 agreed to)

The Chair: This brings us to amendment BQ-16, which would introduce new clause 35.1.

[*Translation*]

Christine Normandin: I've already presented my arguments on public financing, so I won't repeat myself.

[*English*]

The Chair: Okay.

Bill C-25 seeks to amend the Canada Elections Act to prohibit the use of certain contributions by political entities and third parties and to provide for new requirements related to the protection of personal information by political parties, amongst other things. The amendment attempts to amend the computation of the allowance fund, for a quarter, for registered political parties.

House of Commons Procedure and Practice, fourth edition, states the following in section 16.77:

> Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, the amendment proposes a new scheme that would impose an additional charge on the public treasury. I rule the amendment inadmissible.

● (1300)

[*Translation*]

Christine Normandin: I don't plan to challenge the ruling, Mr. Chair.

[*English*]

The Chair: We will move to BQ-16.1.

[*Translation*]

Christine Normandin: We heard from witnesses, in particular Eve Gaumond, about the importance of protecting citizens' personal information. As drafted, the legislation exempts federal parties from complying with provincial privacy laws. The purpose of this provision is simply to subject federal political parties to existing provincial rules on the protection of personal information.

[*English*]

The Chair: I see no further debate on BQ-16.1.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: We turn now to amendment BQ-16.2.

[*Translation*]

Christine Normandin: This is about alignment. The lack of adequate Canadian regulations results in a legal vacuum. That said, if I understand correctly, the previous amendment wasn't adopted, so since this and the next amendment seek to achieve consistency, I'm prepared not to move them.

[*English*]

The Chair: Thank you so much.

It is the same with BQ-16.3.

(On clause 36)

The Chair: Before I call CPC-6, we have until 1:10 p.m., at which point we will adjourn. We don't have resources beyond that point.

Go ahead on CPC-6, please.

Michael Cooper: I wanted to pull up the section of the bill before I speak to the amendment.

This relates to the privacy policies that political parties are required to file with Elections Canada.

Under the bill, proposed paragraph 36(1)(j) provides that political parties are prohibited, "as well as any person or entity acting on the party's behalf, including the party's candidates, electoral district associations, officers, agents, employees, volunteers and representatives, from"—and this is where the amendment would be—"(1) providing false or misleading information to individuals about the purposes for which the party collects personal information".

This simply adds the word "knowingly", which recognizes that political parties often operate on a volunteer basis and that false or misleading information could be inadvertently or unintentionally provided to someone. This would simply provide that it would apply where such false information is knowingly given.

● (1305)

The Chair: I have Ms. Vandenbeld and then Madame Normandin.

Anita Vandenbeld: Thank you.

We did hear from the commissioner during testimony that adding "knowingly" would make it really hard to enforce, and it would unduly complicate it, so we're opposed.

The Chair: Thank you.

Go ahead, Madame Normandin.

[*Translation*]

Christine Normandin: Similarly, as I understand it, adding "knowingly" makes clear that the person commencing the proceedings would have to prove that the violation was deliberate. This adds to the burden of proof. I don't see it as a defence, and in any case, if the entity that commences proceedings relating to the provision of false or misleading information realized that the person did it by mistake, not deliberately, the entity could opt not to pursue the matter. I think this adds to the burden of proof on the prosecuting party unnecessarily.

[*English*]

The Chair: Before I go on—and this isn't directed at you, Madame Normandin—we've received a notification. Could the members be careful as we're all flipping through pages? Flipping pages near the mic is very loud.

Mr. Calkins, I believe, is next.

Blaine Calkins: Thank you, Chair.

I don't think this burden of proof is that difficult. I think it protects people who might not knowingly or willingly.... We have lots of volunteers, lots of people who are simply doing their best and acting in good faith.

I think the real intent here is to go after somebody who is knowingly violating the elections legislation or the regulations.

That is a very typical burden of proof everywhere else in Canadian statutory law. I don't know what the problem would be in at least considering it. I think intent matters, and if we're going to move away from that philosophical doctrine, I worry about that.

The Chair: Go ahead, Madame Normandin.

[*Translation*]

Christine Normandin: Quickly, I'll add that if, for instance, someone accused of providing misleading information was trying to defend themselves, all they would have to argue is that they did not do it on purpose. The prosecuting party would then have to prove that it was done deliberately. If, however, the prosecuting party determined that a volunteer simply made a mistake, they could drop the proceedings against that person. Volunteers are protected against this kind of thing.

To my mind, this unnecessarily adds to the burden of proof the prosecuting party has to satisfy, making it more difficult to prosecute someone who knowingly provides false information.

[*English*]

The Chair: Seeing no further debate, I'll call the vote on CPC-6.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

● (1310)

The Chair: It being 1:10, this committee stands adjourned.