



ISSN 1180-436X

Legislative Assembly
of Ontario
Second Session, 38th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 38^e législature

Official Report of Debates (Hansard)

Monday 28 May 2007

Journal des débats (Hansard)

Lundi 28 mai 2007

**Standing committee on
the Legislative Assembly**

Election Statute Law
Amendment Act, 2007

**Comité permanent de
l'Assemblée législative**

Loi de 2007 modifiant des lois
en ce qui concerne les élections

Chair: Ted McMeekin
Clerk: Tonia Grannum

Président : Ted McMeekin
Greffière : Tonia Grannum

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Copies of Hansard can be purchased from Publications Ontario: 880 Bay Street, Toronto, Ontario, M7A 1N8.
e-mail: webpubont@gov.on.ca

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Des exemplaires du Journal sont en vente à Publications Ontario : 880, rue Bay Toronto (Ontario), M7A 1N8
courriel : webpubont@gov.on.ca

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Monday 28 May 2007

Lundi 28 mai 2007

The committee met at 1601 in room 228.

**ELECTION STATUTE LAW
AMENDMENT ACT, 2007**

**LOI DE 2007 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS**

Consideration of Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts / Projet de loi 218, Loi modifiant la Loi électorale et la Loi sur le financement des élections et apportant des modifications connexes à d'autres lois.

The Chair (Mr. Ted McMeekin): We'll call the committee to order. Welcome, everybody. I'm sure you all had a great constituency week. We're here today to do clause-by-clause of Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts. Are there any comments, questions or amendments to any section of the bill and, if so, to which section?

Mr. Norman W. Sterling (Lanark-Carleton): Mr. Chair, I gave to the minister and to the other parties a copy of three amendments that I had to section 3 of the bill—and I believe they're in front of the members of the committee now—

The Chair: Yes, they are.

Mr. Sterling: —to section 32 of the bill and an alternative to section 32; sort of two choices to section 32 of the bill.

The Chair: Very good. I, for one, appreciated getting those in advance. Thank you, Mr. Sterling.

Mr. Sterling: I'd also like to thank legislative counsel for the help with that.

The Chair: They always are exceptionally helpful.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Is there any discussion with respect to section 3? By gosh, there is.

Mr. Sterling: I have a motion.

The Chair: Go ahead, Mr. Sterling.

Mr. Sterling: I move that subsection 4.1(1) of the Election Act, as set out in section 3 of the bill, be struck out and the following substituted:

“Testing voting and vote-counting equipment, alternative voting methods”.

That is not part of the bill but that is the title.

“(1) At a by-election the Chief Electoral Officer may, subject to the approval of a majority of the members of the advisory committee established under section 4.3, direct the use of voting equipment, vote-counting equipment or alternative voting methods that are different from what this act requires.”

If I might explain the amendment, Mr. Chair.

The Chair: Please.

Mr. Sterling: Under the present section 4.1, the Chief Electoral Officer is given unfettered—I shouldn't say “unfettered.” He's given the opportunity to introduce alternative voting methods during a by-election. Under the bill as it's presented—and it is an improvement from the existing electoral process—there is an advisory committee that's formally set up in the bill under section 4.3. That includes a representative from each of the parties that have representation in the Legislature. So there would be a representative from the Progressive Conservative Party, the Liberal Party and the New Democratic Party.

The requirement presently under the bill is that the Chief Electoral Officer consult with the advisory committee; he doesn't need to get approval from the advisory committee. So if he went to the advisory committee and said—and I'm just using this as an illustrative example—“I want to have online voting in this by-election,” and two of the three parties said, “No, we don't think we want to support that. We believe that will lead to more abuse or some abuse, etc.,” the Chief Electoral Officer still has the right to go ahead with that experiment. Whether or not the results of the experiment were successful, the by-election results would remain intact; in other words, whether it had in fact been a success or not.

So all I want in this section in the amendment is to require that a majority of the advisory committee approve of the experiment before the Chief Electoral Officer is given the okay to go ahead with whatever experiment he wants—for two reasons. Number one is that while the Chief Electoral Officer is close to the elections, he's not a politician. He's not a representative of the political parties, and he's chosen for those specific reasons. I'm not sure that he would view the world the same way as an elected politician or the political parties would. Number two is that a by-election's results should be valid and shouldn't be done on an airy-fairy experiment that the elections officer, who's an independent officer, might engage in.

I have all the confidence that Mr. Hollins, our present Chief Electoral Officer, wouldn't do that, but we are making legislation here and I believe there should be some kind of sanction or control over this particular latitude that he's being offered in this legislation.

Mrs. Linda Jeffrey (Brampton Centre): This particular amendment that Mr. Sterling was speaking to, that in the past the majority of registered parties with 12 or more MPPs was required by the Chief Electoral Officer to pilot or test new technologies—it's never been used, to my knowledge. We've never stood in the way of that, testing the technology, but the wording in this particular motion says "subject to the approval of a majority of the members of the advisory committee." We have faith and respect for the Chief Electoral Officer, and based on his testimony before this committee recently that we heard, I have even more faith that he takes his role as an independent officer of the Legislature very seriously. If we adopted this motion, we'd continue to require the Chief Electoral Officer to obtain approval and consent from political parties. Bill 218, as it's drafted, was meant to depoliticize testing initiatives and to try new things. We believe the advisory committee and its role should serve in a consultative fashion rather than supervisory body which oversees, approves or denies requests put forward by the Chief Electoral Officer. We believe that the Chief Electoral Officer has the explicit authority and discretion to pilot new technologies in by-elections if this proposed legislation passes, and we trust that he's going to act in a reasonable manner.

As well, the Chief Electoral Officer will be providing the advisory committee with advance notice of his intent to test new technologies. At the end of the day, he reports to the Speaker with any recommendations that emerge from that testing, which of course would be available to the advisory committee for their consideration. At the end of the day, we believe that's going to enhance the integrity and security of the electoral system and we can't support this motion.

The Chair: Shall the amendment carry?

Mr. Sterling: Can I just respond? From time to time, I travel south and I read what other jurisdictions are doing or not doing, and I do note that the state of Florida where they had that terrible shemuzzle with regard to the first Bush election with regard to machines, paper and paper trails and that kind of thing, has just made a decision to return to a paper trail with regard to their balloting process. So in fact if there is a question about what happened, they can do back and they can ascertain what happened at the ballot box.

My concern is this: If I was the Chief Electoral Officer, and I put myself in his place, I'd want to be the most progressive election officer in the country. I'd want to be looking at all kinds of new things. I'd be interested in trying different things. But I also believe that some of the old methods are good methods. I guess from my small-conservative approach to this, I've never quite understood why we need to eliminate paper ballots. I have a great fear of—and I'm an engineer, as you know—

machines fouling up during an election process, and I have an even greater fear of not having a proper paper trail to ascertain whether those machines did their job. I don't think it's fair to people who are running in a by-election to go through a process when in fact that paper trail may or may not be there. So that's why I put it forward.

I understand that the government, as usual, will not be looking to try to accommodate the opposition.

1610

The Chair: Well, let's see. I don't know what's going to happen. We'll have to test that out. All those in favour of the amendment? Those opposed, if any? It's defeated.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall section 5 carry? Carried.

Shall section 6 carry? Carried.

Interjection.

The Chair: Mr. Sterling has said that we should vote on sections 7 through 29. All in favour? Carried.

Section 30: There is an amendment. It's a government motion.

Mrs. Jeffrey: I move that clause 2(1)(n) of the Election Finances Act, as set out in subsection 30(4) of the bill, be amended by striking out "37.14(1)" and substituting "37.12(1)".

This is a technical amendment. It corrects an incorrect cross-reference to the section number meant to refer to the election advertising report completed by third parties.

The Chair: Any further discussion? All in favour of the amendment? Carried.

Shall section 30, as amended, carry? Carried.

Is there any discussion with respect to section 31? I note with interest another amendment from the government side.

Mrs. Jeffrey: I move that section 31 of the bill be amended by adding the following subsections:

"(2) Subsection 37(2) of the act is amended,

"(a) by striking out 'constituency association or candidate registered under this act' and substituting 'constituency association, third party or candidate registered under this act'; and

"(b) by striking out 'association's or candidate's consent' and substituting 'association's, third party's or candidate's consent'.

"(3) Subsection 37(6) of the act is amended,

"(a) by striking out 'constituency association or candidate registered under this act' and substituting 'constituency association, third party or candidate registered under this act'; and

"(b) by striking out 'association's or candidate's consent' and substituting 'association's, third party's or candidate's consent'."

This is not a major change. It's fine-tuning the roles and the responsibilities of the third parties. It's consistent with the rest of the act, so it's consistent with the desire to regulate the activities of the third parties in the same manner as the referendum campaign organization under the Electoral System Referendum Act, 2007. There are

two requirements that are added: 37(2) offers greater certainty that third parties and their supporters are not to advertise during the blackout periods; and 37(6) would ensure that advertisers don't charge third parties more for advertising space and time and aren't gouging them during an election. Similar protections are already afforded to parties and candidates in constituency associations. This protection would be afforded to referendum campaign organizers.

The Chair: Further discussion? All those in favour of the amendment? Carried.

Shall section 31, as amended, carry? Carried.

That brings us to section 32. Any discussion or amendments? It looks like we have three. First, the opposition.

Mr. Sterling: This is an either-or kind of situation, really offering two alternatives with regard to limiting third party election advertising expenses. Might I say the reason that I'm bring these particular amendments is to couple these amendments with former Bill 62, which is now part of schedule 11 of the budget bill. That particular piece of legislation dealt with party registration. In other words, instead of having to field candidates in 50, I believe it was, constituencies, or half of the constituencies in Ontario in order to be a registered party in Ontario and have 10,000 members, those two requirements were changed dramatically by Bill 62, or schedule 11 of the budget bill, to make a party, as one of my colleagues said, a date rather than a party. In other words, two people can run two candidates in two constituencies and you can form a registered party. When there's not an election on, to become a registered party you need to have 1,000 members rather than 10,000.

The reason these two are coupled is because of the legislation which drove Bill 62 and is before the courts at the present time, and was the excuse that the government put forward to bring forward Bill 62. The Supreme Court of Canada said to our federal counterparts that it was unfair to a group who wanted to participate in an election to have such high qualifications to become a registered party at the federal level. Their level was 50 constituencies at the federal level. You had to have candidates in 50 ridings across Canada in order to register as a party. The reason the Supreme Court of Canada came to that decision—they said you had to go way down and they went to, I believe, two constituencies as well for the federal parties—the reason that they went down to that level, was that they have a limit similar to the limit proposed in these two amendments to third party advertising: If you were a third party and you had a specific interest, your ability to be involved in the election, to have free speech in the election, was limited by the spending amount that the federal legislation has. So they said to the federal Parliament, "Look, you can't have both things here. You can't have the spending limit and the high threshold for becoming a political party and therefore entering into the debate of the election." I think it was an animal rights group which wanted to support one of the political parties during the election, but they

were limited by the fact that they could only spend—I believe the federal limit was \$150,000 during a general federal election.

Here we've sort of gone in reverse. What we've said is that we're going to lower the limit in terms of being qualified as a political party, so if you want to express your opinion with regard to an issue, you can do it pretty easily as a political party by having two candidates running in two constituencies, and therefore you can get the spending limits associated with that and the political party spending limits, which are much higher than \$150,000, and you can go on whatever campaign you want.

1620

What we have done is, we have said, "You can do it that way or you can go the old way of just spending as much as you want with regard to an election if you're a third party. You can spend as much as a political party might spend—\$4 million or \$5 million—on advertising across the province." Incidentally, if third parties engage in that kind of advertising, they make it more difficult for the political parties to compete in terms of raising the dough to spend on advertising during an election.

So what I thought was, if you're going to try to mirror the federal government with regard to qualification to become a party and have two candidates, then you should also have some limitation on third party spending. The other point here is that there is a requirement in this legislation for those third parties to report their contributions, but that report only comes within six months after the election. So during the election a party can pose—Friends of the Family I think was the group that opposed my political party in the last election, when in fact it was a group of unions who posed under that name. They didn't put their names as unions under the ads, but they put "Coalition Families" or whatever it was.

Before the people get to the ballot box, they don't really understand who's contributing to the funding of this advertising, because this legislation doesn't require them to report who's contributing prior to the election and therefore reveal it to the public, nor is there any limitation on what they can do in terms of the amount of money that they spend on expenditures.

That number of factors I have tried to gather into these two resolutions. I have put forward one motion which limits the amount to a defined figure, and the other one mirrors what we can spend in a electoral district. In other words, any one of us who might run for election the next time can spend, depending upon various different formulations, \$90,000 to \$100,000 under that way. So I put forward two amendments.

Rather than read the two amendments, I would just like to hear if there's going to be some support for them, because there's not much sense in going through two alternatives if there's no support.

The Chair: You know what, Mr. Sterling? In my enthusiasm to hear your arguments, I forgot to ask you to actually read it, which I'm told by the clerk you need to do.

Mr. Sterling: Okay. I move that section 32 of the bill be amended by adding the following as section 37.5.1 of the Election Finances Act:

“Limitation of third party election advertising expenses

“General election

“37.5.1(1) In a general election, the third party election advertising expenses of a third party shall not exceed,

“(a) a total amount of \$75,000;

“(b) \$3,000 in a given electoral district.

“By-election

“(2) In a by-election, the third party election advertising expenses of a third party shall not exceed \$3,000 in the electoral district.

“Conflict

“(3) Subsections (1) and (2) apply despite any other provision of this act.”

That is my first amendment.

The Chair: I suspect, after having heard your arguments and having read the amendment, we’re about to find out whether there’s agreement or not. Would you like to speak, parliamentary assistant?

Mrs. Jeffrey: I would, but I’m going to have a lot of the same arguments for both motions, Mr. Chair, so I hope you’ll indulge me. I’m going to try not to be too repetitive.

The Chair: We indulged Mr. Sterling, so I think it would be fair to indulge you as well.

Mrs. Jeffrey: Okay. Well, at the end of the day, we want to increase transparency—that’s important to us—about how the election process works. This particular motion is really contrary to what we’ve been saying from the very beginning, which was that we didn’t want to impose any spending limits on third party election advertising. Given this direction, there’s no rationale to create a spending limit, because if you introduce them, then the legislation would have to be further amended to include rules to prevent circumvention of that limit.

The government also directed that the advertising of the referendum campaign organizers, governed by Ontario regulation 211/07, made under the Electoral System Referendum Act, 2007, should similarly not be subject to a spending limit. So if this motion were adopted, there wouldn’t be symmetry between those two pieces of legislation which put in the spending controls between the referendum and third party election advertising. That could cause some confusion.

Unlike the federal rules, these provisions are not indexed. Most significantly, if adopted, such limits could pose a high risk of being found unconstitutional. They’re more restrictive than the limits approved by the Supreme Court of Canada in the Harper case in 2003, I understand. This motion and the subsequent motion are both contrary to what we’ve said our goals with regard to transparency and not putting in spending limits are, so we won’t be supporting this motion.

Mr. Paul Ferreira (York South–Weston): I can’t support Mr. Sterling’s first motion. I think the figures he

has suggested are artificially low. I can’t support it on that basis. I am in support of his second motion. I do think it’s important to place limits on advertising by third parties. To simply allow certain parties to spend as much as they can would unduly influence elections. His second motion is agreeable to me, though the first one I’ll have to vote against.

The Chair: Okay. We’ll call the question on—

Mr. Sterling: Mr. Chair, I withdraw the first motion.

The Chair: Okay. Mr. Sterling, we’ll ask you to read the second motion.

Mr. Sterling: I move that section 32 of the bill be amended by adding the following as section 37.5.1 of the Election Finances Act:

“Limitation of third party election advertising expenses

“37.5.1(1) Despite any other provision of this act, the third party election advertising expenses of a third party shall not exceed,

“(a) in a general election, the prescribed limit for a general election or the prescribed limit for an electoral district;

“(b) in a by-election, the prescribed limit for an electoral district.

“Regulations

“(2) The Lieutenant Governor in Council may, by regulation, prescribe limits for the purposes of subsection (1)”.

All of my other arguments stand with regard to some limitation on third party advertising. I do not believe that either the corporate world, the labour union movement or anybody else should be able to control a major part of an election. I believe it should primarily be between the political parties. Therefore, if a party or a group has a significant interest, as I mentioned before, they can form a registered party fairly easily, gain all of the benefits under our Election Finances Act associated with that and put forward their point of view, so that we’re not talking about groups that are not well financed when we’re talking about this particular issue.

I believe that this does not limit debate with regard to an election; it limits spin with regard to an election, spin by people who have not, perhaps, a global perspective of the province. I don’t have any problem in limiting those particular people from monopolizing the airwaves.

1630

The Chair: We’ll put the question. Sorry, do you want to speak to that, parliamentary assistant?

Mrs. Jeffrey: I appreciate Mr. Sterling’s tenacity in trying to put forward another alternative. But again, I’m not sure you can find the right number. I think we’re on some pretty new territory, and I’m not sure what number would be the right number. What we’re trying to do here is not restrict people but provide some transparency and accountability for this process. After this next election, if there is something obvious that has come about, I’m sure the Chief Electoral Officer will be quick to tell us how we can lay the groundwork for some future changes that will see that we make sure electoral reform is modified

should there be something that stands out during the next election.

At the end of the day, there's a lot of accountability in the legislation, should it pass, with regard to third parties. It makes them accountable. A third party must register once it spends \$500. They must submit a report within six months after polling day. They have to include totals of all the classes of contributors, the information of all the donors who contributed more than \$100. A third party that spends more than \$5,000 must appoint an auditor and submit an auditor's report. Those are familiar practices in electoral financing now. They're not much different this time. We're just trying to provide a framework—I don't think there is a right number for this process—making sure that people have all the facts after the election has occurred with regard to who donated money.

I think we heard from the Chief Electoral Officer that he welcomed these changes and the amendments that were being put forward because he wants some regulation and some guidance as to how to impose registration and reporting requirements. He recognized it was essential to make sure that this process worked.

Although I appreciate that Mr. Sterling has tried to find a happy medium, we currently cannot support this because, as I said earlier, it can't be done through regulation the way the bill is written now, and it's not going to work with regard to the symmetry between the referendum advertising and the third party election advertising.

Mr. Ferreira: Mrs. Jeffrey refers to not being certain of this being the right number. I disagree. Caps are placed on parties and on individuals running in individual constituencies. Those are hard spending limits. I believe that if we're imposing spending limits on parties and individual candidates, then surely the same rules must apply to those who aren't parties and aren't candidates. Otherwise, it's not inconceivable that we could have a scenario where someone with very deep pockets—and we know there are some of those folks around—could spend outrageous amounts to advance their own personal agenda. What we're creating here is a Wild West when it comes to third parties, and I think that could cause some serious damage to democracy here in Ontario.

I support Mr. Sterling's motion.

The Chair: I'll put the question.

Mr. Sterling: I just want to say I cannot accept that this bill creates transparency with regard to third party advertising. The only time it's important is before the election date. If you're not reporting on a timely basis—in other words, I'd be quite willing to accept amendments by the government to say that it would have to report within 48 hours any contributions with regard to third party advertising. I have no problem placing very onerous requirements in terms of reporting on third parties who want to engage in the election process but don't want to be directly involved.

That's not the way it is now. Basically, it's a free-for-all. We'll only find out after the election who gave what

to whom in terms of who was touting what message where. I think it's very, very weak on the part of the government in terms of the election process. They could have come forward. As I said, I gave this amendment to the minister a week and a half ago. They could have come up with a compromise, and I'm disappointed they haven't.

The Chair: We're going to call the question on the amendment on page 5. All those in favour of the amendment, please indicate. Those opposed, if any? The amendment is defeated.

That leaves us with one more proposed amendment to this section, numbered 6. We go to the government side.

Mrs. Jeffrey: I move that subsection 37.10(1) of the Election Finances Act, as set out in section 32 of the bill, be struck out and the following substituted:

“Prohibition, use of certain contributions

“(1) No third party shall use a contribution for the purpose of third party election advertising unless it is made by,

“(a) an individual ordinarily resident in Ontario;

“(b) a corporation that,

“(i) carries on business in Ontario, and

“(ii) is not a registered charity within the meaning of subsection 248(1) of the Income Tax Act (Canada); or

“(c) a trade union as defined in this act.”

These amendments would ensure that the source of contributors to third parties during the period regulated would have to be based in Ontario, so that somebody from another province couldn't come in and change the results. These restrictions are similar to those for parties, candidates and constituency associations and are similar to those for the referendum campaign organizers. So it clarifies who can contribute for election advertising. It's technical in nature.

Mr. Sterling: A question to legislative counsel: I presume that a foreigner—and I'm talking maybe in another province here rather than another country, but it could be another country—who has a corporation that carries on business in Ontario could advertise as much as they want in Ontario?

Ms. Cornelia Schuh: Well—

Mr. Sterling: So as a non-resident, all they would have to do, really, is incorporate.

Ms. Schuh: To carry on business in Ontario and then advertise as a third party in Ontario?

Mr. Sterling: Yes. To carry on business doesn't require very much.

Ms. Schuh: This subsection deals with the use of contributions. I guess the point that you're driving at is that the corporation could use its own funds. Is that what you're suggesting?

Mr. Sterling: Yes.

Ms. Schuh: I think so, yes.

Mr. Sterling: So this doesn't really limit anybody to anything. So why are you doing this if there are no limitations on it other than—I guess the only limitation would be if they registered as a charity. It includes, I

guess—you could have a non-profit corporation? A non-profit corporation could collect money and advertise?

Mrs. Jeffrey: Can we get somebody from the ministry to help?

Ms. Schuh: I'm not certain about this. I wonder whether maybe—

Mrs. Jeffrey: Maybe somebody from the ministry can help.

Ms. Schuh: —Mr. Batty, the DRS counsel, could speak to that.

The Chair: Please come and introduce yourself and be as helpful as you can.

Mr. Jonathan Batty: Good afternoon. I'm Jonathan Batty. I'm the counsel with the Democratic Renewal Secretariat. These rules are going to be applied by the Chief Electoral Officer. The assertion that carrying on business in Ontario is a low threshold—I'm not sure that it is a low threshold in terms of just setting up a shell corporation—

Mr. Sterling: All you have to do is carry out one transaction and you're carrying on business.

Mr. Batty: Well, potentially. I think what's important to keep in mind with these amendments, as you've been discussing them, is that we're now in a situation where there is no regulation in this field whatsoever. So when you're saying that this is having no effect, I'm not sure that there's a harm where you've had outside corporations—for instance, a corporation based in New Brunswick—disproportionately influencing the election campaign in Ontario. What this is driving at for third parties, as we're covering a range of activities, is that there would now be reporting. In fact, you're moving to a situation where there would be greater controls now for the corporation in New Brunswick than is the case, because if you don't have this at all, there's no limit on that New Brunswick corporation from doing anything in terms of third party election advertising.

1640

Mr. Sterling: It has nothing to require the corporation to have directors who are—and I'm not even sure you have to be a—I guess you could be a federal corporation, incorporated federally, and be carrying on business in Ontario. But you're not really doing anything here. You're requiring reporting up to six months after. If I want to avoid this legislation and I funnel the money through somebody who's offshore, they incorporate a corporation, carry on business, spend the money—they don't report. They walk away.

Mr. Batty: But I think as Ms. Schuh has explained to you, this is about contributors to the third parties, and the contributors to third parties would have to be resident in Ontario—and third parties would have to be resident in Ontario.

Mr. Sterling: How do you know before the election if you don't report until six months after?

Mr. Batty: Well, the requirement is to—and this is mirroring the existing federal regime, where their reports—

Mr. Sterling: But they only have \$150,000 that they can spend, so you don't have to worry too much. With \$150,000, you can't buy very much advertising regardless, so you don't have to worry about the reporting regime. Here, we've got an open door. They can spend \$6 million or \$10 million. You have to worry about the reporting regime. You mirror one part of it, but you don't mirror the other. That's the problem with the legislation.

Mr. Batty: It hasn't mirrored the spending limit, but in terms of the transparency of the tracking—for instance, in the registration of the third parties, you are going to know who those third party actors are. For instance, in the example—

Mr. Sterling: But for \$150,000 it doesn't matter. You can't advertise; you can't put TV advertising on day after day. With \$6 million, you can.

The Chair: Can I respectfully suggest that this isn't a debate between—

Mr. Sterling: I'm sorry. Excuse me.

The Chair: If you have a question that you want to phrase—

Mr. Sterling: And it's not counsel's prerogative to make the policy. I'm sorry.

The Chair: Any other discussion? Thank you very much. We're going to put the question on amendment number 6. All those in favour? Opposed, if any? It's carried.

Mr. Sterling: Recorded vote.

Interjection.

The Chair: Well, I'll exercise my discretion and say yes, we'll record that vote.

Ayes

Jeffrey, Matthews, Mossop, Qaadri, Racco.

Nays

Sterling.

The Chair: The motion is carried.

Interjection.

The Chair: You're not properly substituted. Although we appreciate your verbal interventions, you have no standing other than that at the present time, I'm afraid.

Mr. Ferreira: I'll make sure the whip gets the right paperwork next time.

The Chair: Shall section 32, as amended, carry? Carried.

Mr. Sterling: I said no.

The Chair: I heard you, but all the others said yes, so I guess it's carried. I always count you two or three times, Mr. Sterling, but still you're outnumbered here. So that's carried.

Shall section 33 carry? Carried.

Shall section 34 carry? Carried.

Shall section 35 carry? It's carried.

Shall section 36 carry? That's carried.

Shall section 37 carry? That's carried.

Shall section 38 carry? That too is carried.

Shall section 39 carry?

Mr. Shafiq Qadri (Etobicoke North): Can we make it inclusive?

The Chair: Would you like to make it inclusive right through, section 39 to section 42? Agreed? All those in favour? Shall it carry? It's carried.

Shall table 1 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 218, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

That's it. The committee is adjourned.

The committee adjourned at 1647.

CONTENTS

Monday 28 May 2007

Election Statute Law Amendment Act, 2007, Bill 218, Mrs. Bountrogianni /
Loi de 2007 modifiant des lois en ce qui concerne les élections,
projet de loi 218, *M^{me} Bountrogianni* M-409

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Chair / Président

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot L)

Vice-Chair / Vice-Président

Mr. Mario G. Racco (Thornhill L)

Mr. Peter Fonseca (Mississauga East / Mississauga-Est L)

Mr. Ernie Hardeman (Oxford PC)

Mrs. Linda Jeffrey (Brampton Centre / Brampton-Centre L)

Mr. Rosario Marchese (Trinity–Spadina ND)

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot L)

Mr. Norm Miller (Parry Sound–Muskoka PC)

Ms. Jennifer F. Mossop (Stoney Creek L)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Mr. Mario G. Racco (Thornhill L)

Substitutions / Membres remplaçants

Ms. Deborah Matthews (London North Centre / London-Centre-Nord L)

Mr. Norman W. Sterling (Lanark–Carleton PC)

Also taking part / Autres participants et participantes

Mr. Paul Ferreira (York South–Weston / York-Sud–Weston ND)

Mr. Jonathan Batty, counsel, Democratic Renewal Secretariat

Clerk / Greffière

Ms. Tonia Grannum

Staff / Personnel

Ms. Cornelia Schuh, legislative counsel