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Official Report of Debates (Hansard)

Thursday 17 May 2007

Journal des débats (Hansard)

Jeudi 17 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

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Thursday 17 May 2007

Jeudi 17 mai 2007

The committee met at 0902 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Ted McMeekin): As members know, we advertised for presenters, Minister, and I suppose so many people have had input on this bill that nobody wanted to come and present to us. So we decided that we would have—

Mr. Michael Prue (Beaches–East York): Or conversely, they had so little time that they didn't even see it.

The Chair: Maybe. In any event, we're here.

The subcommittee report, please, Ms. Mossop. Sorry, Minister. We'll read this, and then we can legitimately go to you.

Ms. Jennifer F. Mossop (Stoney Creek): Your subcommittee met on Monday, May 14, 2007, to consider the method of proceeding on Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts, and recommends the following:

(1) That the committee meet for public hearings at Queen's Park on Bill 218 on Thursday, May 17, 2007.

(2) That when the committee meets in the morning, it meet from 9 a.m. to 12 p.m. pursuant to the order of the House, subject to change and witness demand, and when the committee meets in the afternoon, it meet from 3:30 p.m. to 6 p.m., subject to change and witness demand.

(3) That the clerk of the committee post information regarding public hearings on Bill 218 on the Ontario parliamentary channel and the committee's website.

(4) That interested parties who wish to be considered to make an oral presentation on Bill 218 contact the clerk of the committee by 12 p.m. on Wednesday, May 16, 2007.

(5) That the minister of democratic renewal be invited to make a 10-minute presentation before the committee, should the committee meet for the purpose of public hearings.

(6) That the Chief Election Officer be invited to make a 20-minute presentation before the committee, inclusive of questioning from committee members.

(7) That all witnesses be offered a maximum of 15 minutes for their presentation.

(8) That the deadline for written submissions on Bill 218 be 5 p.m. on Thursday, May 17, 2007.

(9) That pursuant to the order of the House, amendments must be filed with the clerk of the committee by 12 p.m. on Wednesday, May 23, 2007.

(10) That pursuant to the order of the House the committee meet for clause-by-clause consideration of Bill 218 on Monday, May 28, 2007, following routine proceedings.

(11) That the research officer provide the committee with background research on federal regulations of third party election advertising prior to public hearings.

(12) That the research officer provide the committee with a summary of public hearings by 5 p.m. on Tuesday, May 22, 2007.

(13) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Also, there's the other part on the NCSL.

The Clerk of the Committee (Ms. Tonia Grannum): We'll do that afterwards.

Ms. Mossop: We'll do that later? Okay, very good. That's it for that part.

The Chair: Thank you very much. We'll move to accept that. All in favour? Carried.

ELECTION STATUTE LAW
AMENDMENT ACT, 2007LOI 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.

DEMOCRATIC RENEWAL SECRETARIAT

The Chair: We're excited to have you with us, Minister. You're doing some interesting things, so we'd love to hear from you. Please take us through your proposal.

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): Thank you, and good morning. I'm really

pleased to have this opportunity to speak about Bill 218, the Election Statute Law Amendment Act, 2007. This legislation, if passed, would make it easier for Ontarians to exercise their right to vote, improve the voters' list and enhance the integrity of the electoral process.

The changes we have proposed include practical, cost-efficient steps to modernize elections in Ontario. These are changes that will make a difference. If passed, they would be in place for the October 10 election.

This is about ensuring that our electoral processes keep pace with the needs of Ontarians. We are aware of the demands facing Ontarians and we are committed to providing public services that are easy to access. We are also working to improve our current democratic system using a number of initiatives, such as this legislation.

If passed, Bill 218 would make it easier for Ontarians to vote by more than doubling the number of advance polls in regularly scheduled general elections, increasing the number of advance polling days from six to 13 at returning offices. There would also be 10 days of advance polls at other locations. In by-elections and other general elections, there will continue to be six advance polling days.

Ontarians lead very busy lives. This legislation, if passed, would extend the polling day by one hour to 9 p.m. so people would have more time to vote on election day. This decision was based on our understanding of when Ontarians were most likely to vote. Polls would close at 8 p.m. in northwestern Ontario due to the time zone difference, but all Ontarians get an additional hour to vote.

It would establish additional accessibility criteria for selecting polling locations. Criteria for selecting polling locations will include convenience, capacity, familiarity and lack of geographic barriers. The need for compliance with the Human Rights Code and applicable standards adopted under the AODA, the Accessibility for Ontarians with Disabilities Act, 2005, will be emphasized. Elections Ontario would continue to be able to locate polling stations in apartment buildings, schools, municipal and provincial buildings. The increased number of advance poll days will make it easier for Ontarians with disabilities to vote by providing increased flexibility.

This legislation would allow the Chief Electoral Officer to pilot new voting or vote-counting technologies in by-elections, some that could make it easier for Ontarians with disabilities to cast their ballots. This legislation would allow the piloting of new technologies at the Chief Electoral Officer's discretion. It would remove the current requirement for only major party consent. More specifically, the CEO would be permitted to test alternative voting methods and equipment at by-elections without having to obtain the agreement of leaders of parties with 12 or more MPPs, which is the way it is now.

We think that the piloting of new voting methods, including technologies to improve accessibility for the disabled and online voting, is important. As long as the rules requiring consent from parties have been in place,

no piloting has occurred, so we've changed the rules to allow the CEO to do this.

Testing of new voting or vote-counting methods or equipment may be undertaken during by-elections if the CEO informs the Speaker and political parties and publishes the information on the Internet no later than 21 days before polling day. In addition to describing the new method or equipment in detail, the CEO must indicate which sections of the act will be affected. He must report to the Speaker about his testing within four months of the by-election polling day.

If the bill passes, the Chief Electoral Officer would be required to consult on administration of the Election Act with an advisory committee representing all of Ontario's registered political parties. The CEO would consult with parties about options for testing.

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If passed, this bill would also eliminate confusion at the ballot box. Candidates' party affiliation would appear on the ballot if they are endorsed by a party. Candidates not endorsed by a party could be identified as independents, at the candidate's request. This means that people who may want to vote for a particular policy belonging to a political party but who may not know their local candidate's name, especially if he or she is a new candidate, would now be able to do so because they could easily identify the party. This will help voters make more informed choices at the ballot box.

I would like to address concerns that were expressed during debate on this bill that there would be confusion between parties because of their names or acronyms. Under the Election Finances Act, the CEO is required to refuse to register a new party if the resemblance between the names or abbreviations of party names is likely to cause confusion.

This legislation also proposes a new security provision to ensure the integrity of the electoral process. We would improve security by requiring voters to present proof of identity and, in some cases, proof of residence, in order to vote. Identification would also be required to change information on the voters' list or add a name to the voters' list on polling day.

We no longer live in a world where the poll clerk or scrutineer knows everyone who shows up to vote by name. Identification is an appropriate safeguard in today's world. I don't think Ontarians will find it unreasonable to be asked for ID to do something as important as voting; you need your ID to rent a DVD these days.

The same day that we introduced this bill, I happened to be at a citizenship ceremony in my riding, Hamilton Mountain. When I told the new Canadians what I was doing, and I had to flee pretty quickly to come and introduce a bill, they found it hard to believe that identification is not required even now. For many of them, the reason they came to this country was because there wasn't democracy in their country. I guess you could say we sometimes take things for granted.

Concerns were raised in debate that we were toughening the rules for electors who are not on the

voters' list, while electors on the list would simply have to present their Elections Ontario voter information card. Bill 218 would require all electors to provide identification in order to vote. If a person is on the voters' list, even if he or she shows up with an EO voter information card, he or she would be required to provide proof of identity.

Let me be clear by saying that the CEO would determine what document or class of documents constitutes proof for the elector on the list and would continue, if this bill is passed, to determine the documents for an elector who is not on the voters' list on polling day. The CEO currently requires an elector who is not on the polling list to show one identification document that includes his or her name, address and signature. If they do not have the necessary documentation, they have the option of showing two identification documents, one that includes the elector's name and signature and the other that includes the elector's name and address. The CEO will post information about what documents constitute appropriate identification on Elections Ontario's website.

In this province, ID is required to rent a DVD but not to vote. Casting a vote is a serious act that deserves to have this new security provision.

Bill 218 would improve the voters' list. We want to ensure that Ontarians who should be on the voters' list are on the list. Elections Ontario would be required to update the permanent register of electors for Ontario through targeted registrations, using any method deemed appropriate by the Chief Electoral Officer, including enumeration, to ensure it is current. Voters would also be able to confirm online that they are on the list.

I believe that targeted registrations could be even more effective than targeted enumerations. Enumerations require workers to go door-to-door, which is not necessarily the most effective way to reach electors. Targeted registrations build on existing information in the permanent register of electors and allow more techniques to be used.

The Chief Electoral Officer can tailor his approach to communities that are less likely to be accurately included on the voters' list, which allows him to use methods that actually connect with these voters, such as by e-mail or phone. Apartment buildings—and I know, Mr. Prue, you were concerned about this—or any other communities with high tenancy turnovers or many new electors should and can be targeted. I'm sure that all of us support initiatives that would bring more Ontarians to the polls.

During debate, there were some misconceptions about enumeration and targeted registration that I would like to address. Under the proposed amendments, the Chief Electoral Officer would retain the same authority as he has currently to undertake enumerations. The Chief Electoral Officer can still choose to use enumeration if he believes that it is the best method to accurately register any of the targeted communities, such as some apartment buildings, or to update the permanent register of electors at any other time. In fact, he has more tools at his

disposal for ensuring that the permanent voters' lists are accurate than ever before.

The proposed amendments do not require the CEO to undertake less expensive methods first. He is an independent officer of the Legislative Assembly who will make his own decisions about what is most appropriate. Election activities are funded through accountable warrants.

As we are all aware, the citizens' assembly submitted its final report this week. The report, entitled *One Ballot, Two Votes: A New Way to Vote in Ontario*, recommends that Ontario adopt a new mixed member proportional system. The government will hold a referendum on this recommendation in conjunction with the next general election on October 10, 2007.

This bill amends the Election Act, which would now require the Chief Electoral Officer to conduct a neutral public education campaign to provide electors across Ontario with the following information:

- the date of the referendum;
- the content of the choices in the referendum;
- the referendum process; and
- the question electors will be asked to vote on.

Comprehensive public education is critical to ensuring Ontarians have the information they need to make their choice in a referendum on electoral reform. It is crucial that this information be neutral and non-partisan to allow Ontarians to make up their own minds on this important issue. These proposed amendments will enhance the integrity and accessibility of the electoral process without risking disruption to the October election.

Thank you for your consideration, and I look forward to your questions and discussion.

The Chair: Any questions or comments?

Mr. Norm Miller (Parry Sound–Muskoka): Thank you for your presentation. From my perspective, most of the changes look like they're positive and an improvement. I have just a couple of questions. There's a change to the blackout period for advertising. Can you explain what the logic is behind that?

Hon. Mrs. Bountrogianni: The blackout period was there during the times when we didn't have fixed election dates. This was there so that the government would not have an unfair advantage with respect to planning advertising. We all know when the election date is now, and there really is no reason for the blackout. We can advertise right up until the writ is dropped.

It didn't make any sense to have the blackout period. British Columbia did the same when they went to fixed election dates.

Interjection.

Hon. Mrs. Bountrogianni: The only blackout period now is the day before and the day of the election. That still remains. But the initial blackout period near the beginning, the first 10 days or two weeks of the election, is no longer there.

Mr. Miller: You said that there are 13 advance polls for general elections. I think more advance polls make sense. There's more opportunity for people to vote. Why

only six, then, for by-elections? Is it the time frame that's involved with by-elections?

Hon. Mrs. Bountrogianni: Again, it's the sheer number of people who vote on a general election versus a by-election.

Mr. Miller: I know our critic has a couple of amendments that he'll be presenting.

Interjection.

Hon. Mrs. Bountrogianni: I was just told there is a technical answer to that—not my specialty. Our legal adviser, if you wish, Jonathan, can address it.

The Chair: If you could introduce yourself.

Mr. Jonathan Batty: Yes. Members of the committee, my name is Jonathan Batty. I'm counsel to the Democratic Renewal Secretariat for the minister responsible.

If I may, the reason that there are 13 advance polling days for a regularly scheduled general election as opposed to for a by-election or a snap general election is that the close of nominations for by-elections and snap general elections is a week later than it is for regularly scheduled general elections.

Mr. Miller: So there's just not time available.

Mr. Batty: Exactly. You've got to have a couple of days between the close of nominations and the opening of advance polls.

Mr. Miller: Thank you. Our critic Norm Sterling has a couple of amendments, which he'll be presenting, one that sets limits on the amount of the third party advertising. He's got an amendment to set limits on that. Also, he has an amendment to require the Chief Election Officer, if he's going to do some testing of pilot methods of voting in by-elections—that there be the majority of a committee representing the three parties to approve that. I think it's the other amendment that he has. I'm sure he will more fully explain those couple of amendments in clause-by-clause.

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Hon. Mrs. Bountrogianni: He was nice enough to give me an advance copy. He told me that he wouldn't be here today, but he would present them during committee. I have instructed my legal staff to look them over and we'll take it under advisement.

Mr. Miller: There's also a component of this to do with education for the upcoming referendum. I had the opportunity to go to BC and it was something that was stressed, that they didn't have enough education on both sides of the question in their case, with their experience.

Hon. Mrs. Bountrogianni: Just to clarify, even though the education campaign and the authority to have an education campaign by the CEO is in this piece of legislation, the regulation for spending limits is under the referendum act, which of course has passed, and that regulation will be filed soon. Perhaps Mr. Sterling's concerns may be addressed when he sees that regulation, but we'll still look at what he's recommended.

Mr. Prue: Just a couple of questions. I just want to be clear on the enumeration. This will not allow for a general enumeration—that's my reading of the bill—is

that correct? It will allow only for spot enumerations at the call of the CEO.

Mr. Batty: No. The Chief Election Officer's current powers of enumeration are not being diminished. In fact, his powers of getting people onto the permanent register are being supplemented. So he has more powers. He can, in fact, under these new powers, conduct enumeration activities in a small or a large fashion, as he determines necessary, to get people—

Mr. Prue: Does he have the authority to ask for an enumeration for all 103 or 107 ridings across Ontario, and to do an enumeration as was done 20 years ago?

Mr. Batty: Under the existing act, he has the power to do an enumeration in all or part of an electoral district. Theoretically, he could require that for every electoral district in Ontario. Those powers, and the structure of those powers, are not being changed. He still has that capacity under the statute.

Mr. Prue: In terms of the identification, we have—if anyone has gone to many of the northern aboriginal communities, you will see that there is a dearth of identification. There are no birth certificates—hardly anyone has them; they don't have drivers' licences because there are no roads; they don't have passports; they often don't have health cards because they don't really need them. What kind of identification do you expect to be produced in these aboriginal communities, where there is no identification?

Hon. Mrs. Bountrogianni: The Chief Election Officer will determine what identification is necessary, but even now, if you're not on the voters' list, you do need to show identification and if you don't have identification, for whatever reason, you can sign the statutory declaration saying who you are. Basically, you're trusted on that particular day, but if it ever comes to light that you are not who you are, then there can be some accountability. That's the answer to that question. If, for whatever reason, there cannot be identification, it won't be very much different than how it is now for people not on the voters' list. That just gets transferred to everybody.

Mr. Prue: Okay. So you're telling me that you do not anticipate any problems for people who show up and who do not have identification? I'm thinking that in cities, it might be the homeless; in aboriginal communities, it's virtually everyone; in the case of some people who do not drive—the obvious piece is a driver's licence, with both a picture and an address on it, but it's problematic if they don't drive. I just want to make sure because Jean-Pierre Kingsley, when discussing the same thing in Canada, said it would literally disenfranchise 1.2 million people, asking for what we're asking for here.

Hon. Mrs. Bountrogianni: Mr. Prue, I guess on this point, we'd have to agree to disagree. Voting is very important. Having your identification to say who you are is very important. There are, even now, measures there so that if it's absolutely impossible to have your ID—there are processes there for those people, but they do have to sign a statutory declaration so that we can be certain that

fraud will not occur or that if fraud does occur, there is something on paper that the public can address later.

I have to also say that the Chief Election Officer's communication powers are expanded with this piece of legislation. He's very limited right now, with respect to what he can communicate to the public. I'm sure that's a good question to ask the gentleman when he's here: some ideas he may have on communicating this new directive as well. One of my own colleagues actually suggested having it right on the voter card that you have to bring ID. A lot of people don't have Internet in the communities that you are concerned about. There may be other initiatives for people to ensure that they have ID.

Your point is a good point. Obviously, those aren't the people we're concerned about. We're concerned that people aren't who they say they are, or aren't who they even—

Mr. Prue: I share that concern.

Hon. Mrs. Bountrogianni: As I said, that part doesn't change. Even now, if you're not on the list and you have to show ID and you don't have it, there's a statutory declaration.

Mr. Prue: My last question, if you will permit me, has to do with the blackouts. I don't understand the rationale for the blackouts. I understand what you're doing, but the blackout in that first period was, I guess, to let parties get ready, get the campaign up and going. Do you not see that the extension, so that you can literally advertise throughout the pre-election period, from the day it's called right through to the day before, will pretty much give advantage to parties that have a lot of money versus those that don't? That's one of the examples that has been given in the past for reducing the period, to level the playing field a little bit more in the very expensive area of television, radio and newspaper advertisements. What is the rationale for opening it up? Is it to not have a level playing field, or is there some other rationale?

Hon. Mrs. Bountrogianni: Absolutely, the reason for this is to have a level playing field. That's the reason for having fixed election dates. In the past, there were no fixed election dates, so that, in this case, it would be the McGuinty government that would know—actually, only one person would know—when the election would be, and they could plan around that. Mr. McGuinty has the integrity to take that away from his sitting government and from future governments because he believes it's unfair. The blackout period just doesn't make sense now. We're talking about 10 days, and you're quite right, people are advertising even now. Actually, our party isn't, but there is a party that is advertising even now, and they can right up until two days before the election. We're talking about 10 days here; it just did not make sense. Other jurisdictions that have fixed election dates have gotten rid of them, and we're doing the same.

Interruption.

The Chair: The shot was from the grassy knoll, so you're all right.

Mr. Prue: All right, okay.

The Chair: Thank you. Any other quick comments over here?

Ms. Mossop: Thank you. I think we'll pass on it, in consideration of the time, and thank the minister for everything.

Hon. Mrs. Bountrogianni: Thank you.

The Chair: Thank you very much, Minister.

Hon. Mrs. Bountrogianni: Thank you very much and thanks to my staff—my ministry staff and my political staff. It's been quite the journey.

The Chair: Thank you, staff people, as well.

0930

OFFICE OF THE CHIEF ELECTION OFFICER

The Chair: We'll call on Mr. John Hollins, Chief Election Officer. Welcome, sir. I think you probably know the routine here: You've got some time, and then we'll ask a few questions.

Mr. John Hollins: I have been here before, yes.

The Chair: Okay.

Mr. Hollins: Mr. Chair, members, thank you very much for inviting me here today. Anything to do with elections is something I live 24/7. We see this as a great opportunity moving forward, certainly for not only the electors of Ontario but also for our staff. Like any professionals, when there's change, it's an opportunity.

The formal part of my presentation will be short, and then I'll entertain questions.

I'm pleased to respond to your invitation to appear before you with comments on the proposed new section 114.1 and the bill as a whole. As I understand it, this new section will give me formal authority to provide ongoing public education and information programs about the electoral process, similar to the authorities afforded the Chief Electoral Officer of Canada and the Chief Electoral Officer of Quebec. This is also where I will be directed to educate electors and prepare them for the referendum in October.

Currently, we conduct our education and outreach programs leading into an election and fund them from our election event budget, to ramp up and ramp down for the election as one event. Why does this matter?

Basically, before an event—and this is actually what is happening now—we are going into meetings with stakeholder groups saying: "These are the products and services we can offer. We need to understand your organizations a little bit better in the short term. What communication channels do you have so that we can work with you to reach your membership?" Then immediately after the event, we host debriefings with all of these stakeholders. We get the feedback, and we compile a list of the gaps. We then have had to sit in hiatus until the next event comes. Feedback from these groups has always been, "We'd feel better if we had a permanent presence with you, if we had an ongoing relationship so that it wouldn't be just a matter of, 'It's your electoral event,' it's our community." So we've

never been able to translate to them the sense of community and our complete understanding. In other words, we're very reactive to the direction that they give us so that we can provide an electoral event—being elections. Until now, there has been no authority to sustain these relationships.

Likewise, looking at the electorate as a whole and Ontarians in general, we contact them in the month before the event to get them ready to register and vote. We have one month to educate them on the electoral process, their right to vote and how to be a candidate. We also try to engage them within this very short period of time through some key messaging: When you don't vote, you let others speak for you.

Section 114.1 is important. I believe that by making election education a part of the entire cycle of the process, we are helping to make elections part of everyday citizenship, with the potential to engage a broader elector base with the message that voting matters—every day. Section 114.1 gives us the authority to sponsor, through ongoing education, this level of engagement. Additional directives on education packages for the election and referendum programs reinforce this authority.

The new section 114.2 requires the Chief Electoral Officer to provide information packages for new electors and opens the door for us to distribute to students through their school boards. We welcome this. Our biggest criticism has been the lack of participation in electoral events in the 18 to 24 demographic, as is the major criticism of the list—the 18 to 24 demographic. That's our weakest spot. It is critical that we have the authority to prepare new electors to register and vote when they are eligible and to understand this process, and not just before an event.

What else? The biggest item for me is the ID requirement—the amendments made throughout the act to enhance identification requirements at various stages of the electoral process. Certainly, the electorate is looking for assurance that only qualified electors vote and that they only vote once. This can only help the integrity of the electoral process, and that's a win. I know I asked for this, but I admit I am going to proceed with caution if this is passed, because we have to make sure that the need to produce proof of identity, as well as proof of residence, and to do so at the poll, does not make it difficult or disenfranchise eligible electors in the province of Ontario. This includes electors who, because of their situations, such as disability or lack of a permanent residence, do not have or cannot provide the ID needed to be able to receive a ballot.

For section 4.2 to be responsive as well as effective, I will need to conduct a thorough consultation with stakeholders representing Ontario's diverse communities to ensure inclusiveness in my determination of the documents or class of documents that will be accepted as proof of identity and residence.

I'd like to just touch on a few more highlights of this bill. The authority proposed under section 4.1 to test voting methods and equipment at by-elections does not

come lightly. As we continue to introduce pilot projects into by-elections to test new electoral processes, this will enable us to introduce emerging technologies and alternative voting methods, which will hopefully lead us into cost-saving partnerships with municipalities. Further, this will position us to provide first-hand information to the Legislature on these emerging technologies and alternative voting methods while providing much-needed experience for our staff.

Our advisory committee of political parties will be pleased to see their value codified in a new section 4.3. This has emerged as an essential means to educate and brainstorm with parties between events with political stakeholders of this process. The consultation is and will continue to be a non-partisan forum in which all registered parties can contribute to the strength of the electoral process.

Section 13's amendment to clarify the criteria around selection of polling locations does not cause any challenge that did not always exist. By this, I mean the availability of locations that actually meet accessibility standards. Returning officers will continue to secure accessible sites wherever possible under the full set of rules guiding the selection of the sites.

Our technology platform can support the proposed section 17.1.1, which requires me to establish and maintain an electronic system to allow electors to verify and confirm information about themselves in the permanent register of electors.

Section 17.14 gives us authority to deliver on our pre-existing mandate to maintain and update the permanent register, allowing us additional techniques for the updating of the permanent register as well as the ability to conduct targeted registration programs in the years in which regular general elections are to be held.

Looking at section 18.3, I would like to tie this back to my earlier comments about ID. The requirement to present identification means more time for each elector in front of a deputy returning officer. We are already taking the necessary steps operationally to ensure that traffic flows through the polls and electors continue to receive excellent service.

I can tell you that section 34, which would add the name of the registered party on the ballot, will be well received by electors. We receive constant questions from them as to why it is not currently on the ballot.

Extending the polls another hour, as proposed under section 40, is a great first step towards my personal vision of allowing Ontarians to vote anywhere, any time. Anything that increases opportunity and ease for the elector is a good thing, and I can tell you that with peak hours starting at 5:30 p.m. on election day, the longer hours will help prevent lineups in the evening. Likewise, with section 44, we are looking at 13 advance polls for a scheduled general election. Simply put, this means more options for our electors.

Accountability is an important factor in ensuring the integrity of the electoral process, so the proposed requirement of the Chief Election Officer, under section

67.1, to survey electors after each general election and to include the results in the annual report that is to be made under section 114.3 is essential.

You'll notice I have not spent time discussing the proposed legislation around the referendum. Here, my position is very basic. The Office of the Chief Election Officer must retain its neutrality, its independence and its non-partisanship. The legislation—as it stands, with the directive to educate electors on the process aspects—does not appear to compromise my office. It is important that any ensuing action maintains this integrity.

Before concluding, I'd like to look at a few of the amendments proposed for the Election Finances Act.

The elimination of the blackout period in section 37, at the start of the writ period of a scheduled election, is a sound move. Campaigns now know the date in advance for a scheduled election and can plan towards it. We'll just need to make sure stakeholders understand this waiving of the blackout at the start of the period does not extend to unscheduled elections.

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We welcome the proposed amendment under section 37.1 that will regulate political advertising by third parties during election periods, imposing registration and reporting requirements.

I'm not sure "welcome" is the word I will hear from my election finances division when they have to action this legislation—it adds another reporting level—but we all agree this is essential and must be implemented to ensure the fairness of the process.

In conclusion, if I use the three pillars of a fair election—accessibility, integrity and participation—I believe this bill is a step in the right direction and I hope a foreshadowing of more change in the future towards modernizing Ontario's electoral process. Thank you.

The Chair: Thank you, sir. Why don't we say five minutes for each party? We'll start with the government.

Mrs. Linda Jeffrey (Brampton Centre): It's nice to put a face to a name. I've spoken about you in the Legislature, so it's nice to see you here speaking about the legislation.

I wanted to ask you about something you spoke about earlier on in your presentation, which was the weakness for the youth vote, the 18 to 24 part of our voting public that's going to be voting in the next election. Because there seemed to be so much interest in the student assembly process and the schools have participated in the citizens' assembly process, I wondered if you'd had any ideas on how you are going to engage the youth vote differently from past elections, if you would be using some different mediums, or if you had any thoughts about how you were going to crack that barrier.

Mr. Hollins: That's a very good question, something we spent a lot of time on. There's actually a couple of things we're looking at right now. We have a very strong partnership with Kids Vote Canada. I don't know if you're aware of that. We actually created them back in 2003 here in Ontario, and through this election we're partnered very closely with them. That's good and that's

effective. We believe that's effective more in the long term, however.

We looked back to the last federal election and we said to ourselves, "This is the first time Kids Vote should have some kind of a return on investment," because Kids Vote was out the previous federal election working in high schools and public schools. Some of those students had now become voting age. If you look at the federal statistics, they went up 5%, but they went up something like 40% in that particular demographic. So we were thinking, and the conclusions we've drawn are, that the Kids Vote system is now rooted and we're starting to reap some of those benefits. That relationship is something that we believe has good value in the long term, so we're strong in that particular area.

I also mentioned in conjunction that that demographic was a challenge. This actually goes back to something that has been said repeatedly—that the stronger the list, probably the better the turnout. If you compare the two in that age group, definitely that should be our target.

We've done some work with Elections Canada about how to get this group, how to really focus on them. We meet a lot with electoral jurisdictions around Canada and discuss this as probably our highest-ranking concern. Elections Canada derives a lot of names of 18-year-olds to 24-year-olds and generally waits until they get what they call a complete set of qualifiers before they'll add them to the list. Going forward to this election with this target registration opportunity, we will now have those names in advance so that we can create them as targets. So we can now go outbound and try to find these people, and with some of the new techniques, outbound calling and things like this, we believe this will be a much better opportunity for us to strengthen that part of our voters' list. Once we have them in that circle, that will include them in things like the mailing out of your "vote at" card, where you go to vote, which we believe is also good.

We do other things like liaison officers on campuses, and we're working with student groups. This time, we're actually working with them right now on many issues, not just "engage and participate" but also ideas—a big issue right now on the campuses that we're discussing with them under the proposed legislation. I hope that answers your question.

Mrs. Jeffrey: That's great. Thank you. Do I have more time?

The Chair: You have another minute.

Mrs. Jeffrey: A quick question: What do you think the impact will be with the referendum, along with the vote? You're anticipating a higher turnout, or will there be more interest?

Mr. Hollins: I always anticipate 100% turnout. It's just my nature, and it's probably why I'm in this business.

Do I think there will be an increase over the last election? I sure hope so, and I'm doing everything in my power to make sure there is. Will the referendum bring that? I hope it does. I don't know, when I look at other jurisdictions, that it has.

The Chair: Mr. Miller.

Mr. Miller: We're going to have to switch to the Australian system—the mandatory vote—to get close to your 100%.

Mr. Hollins: That's what I say when I meet up with the Australians, that they haven't met my goals yet.

Mr. Miller: No, and I don't know what their percentage is. They don't get 100% either, even with the mandatory vote.

Certainly, the education component of this is very important, with the goal of increasing voter participation. First of all, do you have the money to do that part of your responsibility if this bill passes? And are you going to be in public schools and high schools as well?

Mr. Hollins: Good questions, because these are the very things I'm thinking now, and that we're working on, since the bill was proposed. As far as the schools, yes, with Kids Vote we will be in the schools. We will have a very big presence in the schools. We had a good one, I thought, in 2003 and I think it will be even better this time. I've seen some of the plans. The partnership that we use will now allow me to blend my own communications. I say "my own communications" in the sense of we communicate the election, and we do it on a level of what we call engage and inform. I'll tell you what to do, but engage you and try to get you interested and try to get you out to the polls. We want you to participate.

Something I always found interesting, and I'll share with you, is that when we get pollsters, and we use them all the time to measure our success—we're doing well, we're doing poorly and work it out from there—they always say the one unique thing is this: When they poll, and they do a telephone poll following an election—in Ontario last time, a 56% turnout—and they say this is accurate within one or two points, they phone all the people and they say that our turnout on election day was 92%. Apparently elections are the deepest rooted guilt in people. They just can't come to face the fact that they didn't turn out and vote. So whomever in their mind they're beholden to—if it's their parents, their grandparents or whoever—that guilt, I guess, just comes up at that point when they're actually confronted.

So in the education piece, for us, we try to work that out on the inform and engage to get them to the polls. Now, looking at the actual referendum piece, we've had to decide where is the high ground—it's certainly not taking a yes or no position, of course—and where is the value, again. We see it in a couple of areas. One, work with the Kids Vote, get it into the schools. We can do that with them, and there's an advantage. We can blend it with our own advertising. Our general advertising runs about \$6 million an event, about 75 cents per elector. So we can blend in there and get actually a huge advantage. Normally, our byline would be "Election day, October 10," and now it will be "Provincial Election and Referendum Day." Just little things. We mail out the NRC card, there will be referendum things in there. In our householders, there will be referendum things. So there will be a piggyback.

Mr. Miller: As for the election, in terms of increasing participation, I would assume it's something—you're either going to try to hit every child once or it's going to be an ongoing annual education campaign. I would assume that's what you would be planning.

Mr. Hollins: Yes, we would like to use the children as—informing them on how to make decisions and make them feel it's important to participate and hopefully take that home to the dinner table, generate conversation and bring the whole family back to the poll, if possible.

Mr. Miller: I would think that makes sense. I grew up with a father who was an MPP, so it just happened, and probably for most of the people around this table it did, so it seems: "Just don't miss voting." But obviously there are a lot of people who don't participate, and that's something that's important.

In this bill, you like most of the changes, I gather. Are there things missing that you would like to see that aren't in it?

Mr. Hollins: We don't have all day to go over all the things that I think are missing.

Mr. Miller: Okay, give me the top two or three things that are missing.

Mr. Hollins: I think the most important thing—there are two things, actually: One, I honestly believe that the legislation that I operate under was written in 1969 for a very different Ontario than I face today. If I were recommending anything, it would be to create a committee to review the complete legislation and rewrite it for this century.

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The second thing would be access to databases. I believe there's a target in the 18 to 24-year-old area. I think that those databases are available through school boards, and I don't have access to those. I think that would significantly help me with my greatest challenge.

Mr. Prue: I have a couple of questions.

You will be responsible for the referendum. The government has yet to set an amount of expenditure for informing the public of the referendum. It has been proposed by some groups that \$13 million, or about \$1 a person, is necessary to do the job. What do you think you're going to need to do the job?

Mr. Hollins: Honestly, at this point, I don't know. I know that I have staff huddled in a room trying to sort these particular issues out. At the same time, we're not looking so much at dollars at this point; we're looking at value and return on investment. I had mentioned, how much can we blend into our own advertising and what's the value there? How much earned media can we, as a spin-off, get? Then from there, how do we supplement that package with all the other things we think are the right things to do at the right times? Does that mean I have a dollar figure? At this point, I definitely do not. I know they'll propose a budget, and I've asked them to do that once we actually have legislation, as opposed to a bill, and then I can go forward with that and secure the resources that will be required. Of course, I know that when you do a request for proposals and things,

sometimes the numbers will move because the suppliers—I'm only guesstimating at this stage who they're going to be.

Mr. Prue: Much has been made of trying new voting technologies. I am one who always wants to see, at the end, a hard copy of the vote. Some people are talking about computer voting. I know how easily some guy ripped me off in computer and identity fraud, and I am extremely suspicious. Are you looking at computer voting at all? Maybe I'm wrong, but I think it's easily rigged.

Mr. Hollins: We're actually looking at every system that's operating on this planet today, and I don't mean that facetiously. I was in Scotland two weeks ago. My deputy was the lead person in France a month ago. We're very conscious of what's going on across the planet. If we were legislators, as opposed to officers of the assembly, we would have concerns in many areas. We actually focus on the ability to facilitate anything that the Legislature might propose for us. There are pros and cons to absolutely every system I've seen.

I believe where you're going is, you're entrusting this guy with something on technologies but where's his head at?—and I get that.

I share your position on hard copy. I've sat through too many recounts to not want that piece of paper.

Mr. Prue: Exactly.

Also in terms of hard copy, I just witnessed what happened in the city of Kawartha Lakes, where 40% of the mail-in ballots were deemed to be ineligible. Is there something that can be done to facilitate that? You don't want 40% of people who vote in good faith to have their votes not count.

Mr. Hollins: What would I have done?

Mr. Prue: Yes, what would you have done?

Mr. Hollins: I would probably have put in place a body that regulates the systems that are used by municipalities so that you have consistent rules followed whenever somebody implements a system, and that helps protect them not only from the vendors, but it also positions them for a partnership to go forward. Each of the 400 and some municipalities out there now are kind of hung out to dry to be not only creative and come up with good systems and respond to the electorate—with limited direction.

Mr. Prue: If I have time, I just have two more small questions.

The Chair: Go ahead.

Mr. Prue: The one-hour extension: Many people have told me that they believe that the hour should be in the morning. I'm thinking about people who live in Hamilton or Barrie who commute to Toronto. Even though they might get three hours to vote at the end of the day, most of that three hours will be spent in gridlock trying to get back to vote. Would it not make equal sense or maybe even more sense to allow it in the morning before they get the kids off to school or they begin their long commutes?

Mr. Hollins: I'll give you my statistics. My opinion will be somewhat anecdotal based on my own experiences. The complaints we got last election from people who didn't vote—and this was through our polling—were that they came home, "We have kids. We have dinners. We have responsibilities. You're not the highest thing on my priority list. I know you wish you were, and I'd like you to be, but I just run out of time and I can't get to your poll." That was our biggest complaint from people. The second complaint that we got was the fact that "I got to the poll and there was no party name beside the names and that made it very difficult for me to make a choice. In some cases, I just handed my ballot in and didn't mark it." That's the feedback that we've received from people.

The anecdotal would be, in travelling the world and watching hours in societies that are similar to ours, where people get up and do a 9 to 5 job—I would suggest that if the answer was to go earlier, don't open at 9 but open at 8 isn't the answer. Open at 5 or 6 in the morning; that's the answer. In the jurisdictions where I've seen they've gone earlier, where they've moved to earlier starts, they've gone to the 5 or 6 o'clock model. I think the US uses pretty much a 6 a.m. model, and they get voters 6 to 7:30, and then they get them 5:30 to whenever they close. That seems to be the model. However, there is a solution to this, and that's don't pick a day that everybody's working. Like some countries do, make it a national holiday or a provincial holiday. Food for thought.

The Chair: A quick follow-up, Norm?

Mr. Miller: Yes, I just want to echo what Mr. Prue said to do with municipalities. I know I had one of the municipalities in my riding of Parry Sound–Muskoka wish that the province gave direction for mail-in ballots, because they had huge percentages of ballots that were invalid. The clerk who was involved with running the election said they wished the province would set some rules and give direction on how to do those.

Mr. Hollins: We don't disagree. We're not empowered to do that. We're kind of a phone call away, but that phone call isn't always made.

The Chair: It's interesting, Mr. Hollins, that you talk about just recently being in Scotland. Mr. Prue's first question was about computers and balloting. I guess they're still trying to sort that out over there, aren't they?

Mr. Hollins: I'll have to be honest with you. The computers in Scotland worked absolutely excellently. I was very impressed.

The Chair: Is that right?

Mr. Hollins: Yes. The ballot design and the directions that they gave the voter were extremely confusing. I'll give you an idea. Have you all voted on a composite ballot before? That's two ballots on the same sheet of paper. They gave two ballots on the same sheet of paper and then they said, "You have two votes." So everybody marked two votes in column one and nothing in column two—over-vote, under-vote, 100,000 rejected ballots. So it was ballot design coupled with bad direction. It was administration.

The Chair: With the regional representation over there it would have been even more confusing: seven districts with the seven—

Mr. Hollins: I asked voters, because I was in about 25 polls that day. I said, “Do you find this confusing?” “No.” They actually understood the system. I was quite impressed. You’d say, “Okay, so you’ve got a mixed-member system. What does that mean to you?” I was amazed how many people said exactly what it meant: “Here’s the logic in this, and we think it’s a good move in the right direction” type of thing. Others were blatantly against it, but by the same token, they were there to participate.

The technology was brought in to deal with STV, which is where you vote by ordinals. Voting by ordinals in New Zealand, Australia, Germany or, let’s say, Ireland—historically, it takes two weeks to count those ballots. So they had the ordinal system, and they had those ballots wrapped up in about three hours, no problem at all. The issue became bad ballot design, coupled with bad direction.

The Chair: Thank you, sir. I appreciate your—

Mr. Brad Duguid (Scarborough Centre): Chair, just a quick question. How are you going to find time to keep coaching the Nats with an election coming next fall?

Mr. Hollins: I’ve talked to the team, and I’ve figured that if we can train from 4 to 5 in the morning, it’ll work.

Mr. Duguid: You may have to.

The Chair: They can vote coming out of the showers. Thank you very much, Mr. Hollins.

Mr. Hollins: Thank you very much.

SUBCOMMITTEE REPORT

The Chair: We have one other item. We’ll now ask Ms. Mossop to read the second portion of our subcommittee report.

Ms. Mossop: Your subcommittee met on Monday, May 14, 2007, and agreed to the following:

(1) That any member of the standing committee on the Legislative Assembly or their designate and two staff may attend the 2007 annual meeting of the National Conference of State Legislatures, subject to approval by the House.

(2) That the subcommittee be authorized to approve a committee budget for the delegation attending the conference for submission to the Speaker and the Board of Internal Economy for their approval.

The Chair: Any discussion? All in favour? Carried. I’ll send a letter to the House with respect to that.

The next meeting of the committee is Monday, May 28—of this year, obviously—following routine proceedings for clause-by-clause consideration of Bill 218. Just a reminder: Pursuant to the order of the House, amendments to Bill 218 must be filed with the clerk of the committee by 12 noon on Wednesday, May 23, 2007.

The committee is adjourned.

The committee adjourned at 1000.

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