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Official Report of Debates (Hansard)

Wednesday 14 April 2010

Journal des débats (Hansard)

Mercredi 14 avril 2010

**Standing Committee on
the Legislative Assembly**

Election Statute Law
Amendment Act, 2010

**Comité permanent de
l'Assemblée législative**

Loi de 2010 modifiant des lois
en ce qui concerne les élections

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 14 April 2010

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The committee met at 1224 in room 151.

**ELECTION STATUTE LAW
AMENDMENT ACT, 2010**

**LOI DE 2010 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS**

Consideration of Bill 231, An Act to amend the Election Act and the Election Finances Act / Projet de loi 231, Loi modifiant la Loi électorale et la Loi sur le financement des élections.

The Chair (Mr. Bas Balkissoon): I call to order the meeting of the Standing Committee on the Legislative Assembly. We're here today on Bill 231, An Act to amend the Election Act and the Election Finances Act, for clause-by-clause consideration.

Before I get into the clause-by-clause, are there any comments, questions or amendments to any section of the bill? Additional? Mr. Zimmer.

Mr. David Zimmer: We've got a lot of paperwork here. We've got 100 amendments to get through. I wonder if I might have the indulgence of the committee just to have one of my aides from the Attorney General's office close by.

The Chair (Mr. Bas Balkissoon): Agreed? Agreed. Everyone in agreement?

Mr. Michael Prue: One minute—is this to assist Mr. Zimmer or the committee?

The Chair (Mr. Bas Balkissoon): This is to assist Mr. Zimmer.

Mr. Michael Prue: Then I would like someone here to assist me. I have a staff sitting out there. He has an assistant; I would like one too.

The Chair (Mr. Bas Balkissoon): They have to sit slightly behind you. Is it agreed, also, to Mr. Prue's request? Mr. Chudleigh, you have the same?

Mr. Ted Chudleigh: I have the same request.

The Chair (Mr. Bas Balkissoon): Okay. Do we have agreement on all sides?

Interjections.

The Chair (Mr. Bas Balkissoon): Okay. Any other comments, questions, further amendments? No? Okay.

We'll move to section 1.1. The first amendment is 0.0.1: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“1.1 The act is amended by adding the following section:

“Application of accessibility provisions to municipal elections

“1.0.1 The provisions of this act that relate to accessibility for persons with disabilities apply, with necessary modifications, in respect of municipal elections.”

The Chair (Mr. Bas Balkissoon): Mr. Prue, as the Chair, I'll have to rule this one out of order because I don't believe the act in front of us deals with the Municipal Elections Act.

Mr. Michael Prue: It is quite true that it does not, Mr. Chair, but if this were placed within the body of the act, I think it would give the power to the Minister of Municipal Affairs and Housing by regulation to enact the same.

The Chair (Mr. Bas Balkissoon): I'm sorry, but I'm going to rule this out of order.

We'll move on to section 1.2. Page 0.0.2: NDP motion, Mr. Prue.

Mr. Michael Prue: We'll try again. I move that the bill be amended by adding the following section:

“1.2 The act is amended by adding the following section:

“Publication on website

“1.2 In this act, any information that is required to be published on a website on the Internet shall be published in one of the following accessible formats:

“1. A format that complies with the W3C WCAG 2.0 Level AA standard.

“2. A format that complies with a standard that results in more accessibility than the standard referred to in paragraph 1, if such a standard has been prescribed.”

By way of explanation, this motion ensures that all election information required to be posted on the Internet be posted in formats that can be accessible by people with disabilities. There's no sense in posting it if it is not accessible. This would allow virtually anyone to use this and have access to the same information as a person without disability.

The Chair (Mr. Bas Balkissoon): Questions, comments? The government side—Mr. Zimmer. No? The PC—Mr. Chudleigh. No? Everyone understands the motion?

All in favour? Against? That loses.

Shall section 1 carry?

Interjection.

1230

The Chair (Mr. Bas Balkissoon): On section 1—before I take the vote, are there any comments or discussion of the bill?

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

We'll move to section 4. Page 0.1, a PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that paragraph 1 of subsection 4.4(2) of the Election Act, as set out in section 4 of the bill, be amended by adding at the end “including, without limitation, achieving accessibility for electors and candidates with disabilities”.

The Chair (Mr. Bas Balkissoon): Any further discussion?

Mr. Ted Chudleigh: Despite the technological and other advances, Ontario electors with disabilities continue to face unnecessary barriers to voting. This motion highlights the fact of improving the voting process for electors, including working to achieve accessibility for electors with a disability.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Prue.

Mr. Michael Prue: Briefly, I think this is a bit of a motherhood issue, but I'm going to vote for it because, quite frankly, it leaves it open for people in Ontario's election commission to strive always in that direction. I don't know what it's going to achieve other than that, but I think they should have that in front of them in every election.

The Chair (Mr. Bas Balkissoon): The government side, Mr. Zimmer? No comment? We shall take the vote on motion 0.1. All in favour? Against? That does not carry; it loses.

Page 0.2, a PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 4.4(3) of the Election Act, as set out in section 4 of the bill, be struck out.

The Chair (Mr. Bas Balkissoon): Any further comments?

Mr. Ted Chudleigh: The reason for the motion: Examples such as those in subsection (3) are better placed in a supplementary or explanatory document which supports the act. During a briefing on Bill 231, we asked what the purpose of these examples was, and we were informed that the purpose of providing these examples was merely explanatory. The intent was not to have them included in the bill.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Prue? Mr. Zimmer? No.

We'll take the vote on motion 0.2. All in favour? Against? That loses.

We'll move to page 0.2.1, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that subsection 4.4(4) of the Election Act, as set out in section 4 of the bill, be amended by adding the following paragraph:

“4. Any requirements under this or any other act relating to accessibility for persons with disabilities.”

By way of explanation, this motion allows for modifications to the provisions of this act for any reason that will make the act more effective in removing barriers for the disabled. It simply allows people who are responsible for the conduct of the election to do things that are necessary, if it is not contained within the four walls, to ensure that barriers for the disabled are removed.

I'd like a recorded vote on this one, please.

The Chair (Mr. Bas Balkissoon): Questions or comments? Government side? None.

The opposition, Mr. Chudleigh?

Mr. Ted Chudleigh: I think it's a good motion. We'll be supporting it.

The Chair (Mr. Bas Balkissoon): A recorded vote has been requested.

Ayes

Chudleigh, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion loses. We'll move to page 0.3, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I'd like to amend this motion, if I might. In subsection (4.1), in the third line, where it says “modification is to,” I would add “maintain or increase the requirement.” So I would add “maintain or” into that. I'll read the amended motion.

I move that section 4.4 of the Election Act, as set out in section 4 of the bill, be amended by adding the following subsection:

“Same

“(4.1) No requirement for accessibility under this act, the Human Rights Code or the Accessibility for Ontarians with Disabilities Act, 2005 shall be modified under this section unless the effect of the modification is to maintain or increase the requirement.”

The Chair (Mr. Bas Balkissoon): Further comments?

Mr. Ted Chudleigh: The addition of this subsection protects the existing requirements in this and other acts as they relate to accessibility. It recognizes that they are fixed, minimum standards that can only be enhanced. This motion is similar to the existing provision found in subsection 13(3.3).

The Chair (Mr. Bas Balkissoon): Questions or comments? The NDP: none? Government side?

Mr. David Zimmer: Speaking to the motion to amend by adding the words “maintain or,” we'll be supporting that.

The Chair (Mr. Bas Balkissoon): So we're going to vote on the amendment to this amendment. All in favour? That carries.

Now we'll take the motion as amended. PC motion 0.3: All in favour as amended? That carries.

We'll now move to page 0.4: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that section 4.4 of the Election Act, as set out in section 4 of the bill, be amended by adding the following subsection:

“Limitation

“(4.1) No modification may be directed under this section unless the Chief Electoral Officer has certified that the modification will result in accessibility, which at a minimum fulfils the accessibility requirements set out in the Human Rights Code, for electors and candidates with disabilities.”

By way of explanation, this motion calls for any modification being to standards of accessibility as defined in the Human Rights Act. We believe that the Human Rights Act is necessary to protect those persons with disability and to ensure that they have full and complete access in all things electoral. I would ask for a recorded vote on this as well.

The Chair (Mr. Bas Balkissoon): Questions and comments? Government side? Opposition?

Mr. Ted Chudleigh: It's very similar to one of ours, so we'll be supporting the motion.

The Chair (Mr. Bas Balkissoon): I'll take the vote on the motion. A recorded vote is requested.

Ayes

Chudleigh, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion loses.

We'll move to page 1, a government motion.

Mr. David Zimmer: I move that clause 4.4(6)(d) of the Election Act, as set out in section 4 of the bill, be struck out and the following substituted:

“(d) refer to the provisions of this act that will not be complied with and specify the nature and extent of non-compliance in each case.”

The effect of this is to clarify how the modified voting process differs from the existing voting process. It requires the CEO to provide more statutory detail. It was recommended by Mr. Jack Siegel in his submissions to the Standing Committee on the Legislative Assembly.

The Chair (Mr. Bas Balkissoon): Questions and comments?

I'll take the vote on the motion. All in favour? It carries.

Page 1.1, a PC motion.

Mr. Ted Chudleigh: I move that subsection 4.4(10) of the Election Act, as set out in section 4 of the bill, be struck out and the following substituted:

“Report

“(10) When an election is conducted in accordance with a direction under this section, the Chief Electoral Officer shall,

“(a) include an evaluation of the modifications made by the direction,

“(i) in any report that the Chief Electoral Officer makes with respect to the election, or

“(ii) in the next annual report made under section 114.3;

“(b) publish the evaluation on a website on the Internet; and

“(c) provide copies of the evaluation to the leader of each registered party.”

By way of explanation, this motion increases the availability of relevant information for all voters. In light of our motion to require Elections Ontario websites to meet a minimum accessibility standard, publishing information such as this evaluation on the Internet will increase access for a greater number of electors.

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Also, this motion accounts for the fact that we are in an age when people, and especially younger generations, are increasingly using the Internet as their primary source of information. Information on the Internet can be easily uploaded and will be available to a wider audience.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Prue.

Mr. Michael Prue: Just a question. The first or the second motion that I made today would have allowed that this would be accessible to persons with disabilities. This will allow it to be available to a broad range of people, but not necessarily those with disabilities. Is there any intent to include the disabled in this?

Mr. Ted Chudleigh: It includes everyone, including those with disabilities.

Mr. Michael Prue: But this is not in a format—as set out, I don't believe it's in a format that allows the disabled access to it. I don't have a problem with making it more generally available, and I'll probably vote for it, but it seems to me that a great deal of the discussion we have had around this table over the last number of days has been in order to allow persons with disabilities to have equal access. Without giving an opportunity for it to be formatted in that way, what we are simply doing is another avenue that they cannot access.

Mr. Ted Chudleigh: We have another motion—

The Chair (Mr. Bas Balkissoon): If you can just speak into the mike for Hansard.

Mr. Ted Chudleigh: Sorry. We have another motion coming up that talks to that.

Mr. Michael Prue: Okay. All right. Thank you.

The Chair (Mr. Bas Balkissoon): Questions? Comments? The government side? Mr. Sorbara.

Mr. Greg Sorbara: Just to make the point that the standard with Elections Ontario will be to use the very latest formats to ensure access on the Net by anyone and all groups that need special formatting.

The Chair (Mr. Bas Balkissoon): Okay. I'll take the vote on the motion. All in favour? That motion carries.

That completes section 4. Shall section 4 carry? Carried.

The Clerk of the Committee (Ms. Tonia Grannum): As amended.

The Chair (Mr. Bas Balkissoon): Sorry. Shall section 4, as amended, carry? Carried. My apologies.

We move to section 4.1, page 1.2, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

“4.1 The act is amended by adding the following section:

“Chief Electoral Officer responsibility for accessibility

“4.5 The Chief Electoral Officer is responsible for ensuring that each election is fully accessible to electors and candidates with disabilities for the purpose of promoting their full participation in the election.”

Just by way of background, this is a general motion making the Chief Electoral Officer clearly accountable for taking whatever action necessary to ensure accessibility during elections. In our view, there needs to be a person named who is accountable, and to whom the Legislature, the courts, the Human Rights Tribunal or whom-ever can go to to ensure that all things necessary were done to assist those electors who have disabilities, and as well those candidates who are seeking election who have disabilities. Therefore, we are naming the individual and making him or her ultimately responsible.

The Chair (Mr. Bas Balkissoon): Questions? Comments? The government side? None. Opposition? None.

Mr. Michael Prue: On a recorded vote, please.

Ayes

Chudleigh, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion loses.

We'll move to section 5, page 2, a government motion. Mr. Zimmer.

Mr. David Zimmer: I move that subsection 7(4) of the Election Act, as set out in section 5 of the bill, be amended by striking out “December 31, 2013” in the portion before the paragraphs and substituting “the rollover date”.

The Chair (Mr. Bas Balkissoon): Further comments?

Mr. Michael Prue: What does that mean?

Mr. David Zimmer: The date's already identified in the definition of the rollover date.

Mr. Michael Prue: Which is?

Mr. Greg Sorbara: It's a very technical amendment, Michael.

Mr. Michael Prue: I know it's technical, but I just want to make sure that this is not slowing up the process.

Mr. David Zimmer: No.

Mr. Michael Prue: It will happen no later than December 31, 2013?

Mr. Greg Sorbara: Yes.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh, do you have any questions or comments?

Mr. Ted Chudleigh: How do we know that?

Mr. Greg Sorbara: Well, we could get you a memo on that as to setting out how the rollover date is identified, and if you want to step this one down for a bit, we can do that. But the fact is that the date is already identified in the definition of “rollover date.” We could take a while to get that to you or we could come back to it later.

Mr. Ted Chudleigh: Because I have an assistant beside me who is very adequate and very professional, I understand that it is in the bill.

Mr. Greg Sorbara: Right. Okay.

The Chair (Mr. Bas Balkissoon): I'll take the vote on page 2, government motion. All in favour? That carries.

We'll move to page 3, a government motion. Mr. Zimmer.

Mr. David Zimmer: I move that section 7 of the Election Act, as set out in section 5 of the bill, be amended by adding the following subsection:

“Six-month extension

“(4.1) Despite subsections (3) and (4), a returning officer's term of office is extended for six months if it would otherwise end during the period that,

“(a) in the case of a general election, begins when a writ is issued and ends three months after polling day;

“(b) in the case of a by-election, begins when a warrant for the issue of a writ for the election is received by the Chief Electoral Officer and ends three months after polling day.”

The Chair (Mr. Bas Balkissoon): Questions? Comments?

Mr. David Zimmer: The intent here is to prevent a returning officer's term from expiring during the election period. This, again, was based on the recommendation of Mr. Jack Siegel.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote. All in favour of the motion? That carries.

Shall section 5, as amended, carry? Carried.

We'll move to section 5.1, page 3.1, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that the bill be amended by adding the following section:

“5.1 The act is amended by adding the following section before the heading ‘Dates for Writs, Close of Nominations and Polling Day’:

“Professional activity day under Education Act

“9.0.1 Despite anything in the Education Act or in the regulations, policies and guidelines made under it, polling day in a general election held under subsection 9(2) shall be a professional activity day.”

This motion will make polling day a professional development day. It is a proactive motion. It recognizes the potential danger to children when voting occurs on a school day during school hours and takes a step to prevent harm from occurring. We believe that we should not wait for the tragedy before making this change. We

should make the change to prevent the possibility of a tragedy. This motion also provides a larger unused space for polling stations.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: The whole issue of requiring another professional development day, in effect to have a school holiday on election day, has been debated to a very great extent in considering this legislation. Although I understand the principle behind the Conservative motion, I should say that I'm a little bit surprised to see that party arguing for another professional development day; it's not in their character. But the fact is that we believe that our tradition of using schools can continue, notwithstanding that our kids will be at school on that day.

Mr. Ted Chudleigh: Another comment: I just want to reassure the member that your faith in our party is affirmed. We're not suggesting we have another development day. We're suggesting that one of the development days that they already have occur on an election day. Just so that you're not confused about the priorities that the PC government—the PC Party—have—the soon-to-be government.

Mr. Greg Sorbara: We don't need to go into that further.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: I just wanted to point that out to Mr. Sorbara as well. A very clear reading of this says that it "shall be a professional activity day." It is not another. It doesn't mandate anything. There are a number of professional development days, activity days, already in place, and I'm sure that, with proper consultation, as the government is often very proud of doing with the teachers, the school boards and the teachers' unions, an accommodation can be made.

1250

I am of two minds on this. On the one hand, I think it's wise for children to see the democratic process unfold before them in the schools, seeing people coming in and out of the school and voting, and recognizing the necessity of the electoral process on our democracy. On the other hand, I understand some of the safety concerns and some of the other concerns that have been raised around having the schools occupied, one of which was brought to bear on the disabilities issue when the gymnasium which was to have been used, in St. Joseph's academy, in the riding of Toronto Centre–Rosedale in its recent by-election—I believe it was volleyball, but it could have been a basketball game that was scheduled in that gymnasium, and alternate arrangements had to be made which were not accessible. So I do understand the difficulty, and I do understand the arguments on both sides.

I think this motion is a reasonable one if it can accommodate in the best interests of the voting public an opportunity to vote and to ensure at the same time that there are no glitches wherein persons with disabilities have to be carried down flights of stairs, as happened in Toronto Centre–Rosedale only a couple of months ago.

The Chair (Mr. Bas Balkissoon): I shall take the vote on motion 3.1.

Mr. Ted Chudleigh: Recorded vote, please.

Ayes

Chudleigh, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll move to page 3.2, an NDP motion: Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"5.1 The act is amended by adding the following section:

“Accessibility plan

“9.0.1(1) The Chief Election Officer shall make public, on a website on the Internet and by such other means as he or she considers advisable, by January 1 in each year in which a general election is held under clause 9(2)(b), a proposed plan for ensuring accessibility of the general election to be held in that year, including but not limited to the planned steps to,

“(a) ensure the accessibility of all polling places;

“(b) ensure the accessibility of ballots and of voting procedures, including the right to independently mark ballots and to verify the voter's choice;

“(c) ensure the accessibility of all returning offices; and

“(d) ensure the accessibility of any other services and facilities to be offered by or on behalf of the Chief Election Officer during the election.

“Consultation with public

“(2) The Chief Election Officer shall request comments from the public, including persons with disabilities, on the proposed accessibility plan and shall make public, no later than June 1 in the same year, a summary of the comments received and the additional steps, if any, it plans to add to its proposed accessibility plan.”

By way of explanation, very briefly, this motion details specific ways in which the Chief Electoral Officer must ensure accessibility. Again, we listened to dozens upon dozens of speakers on the whole issue of accessibility. It seemed to be the primary focus and concern of the general public who came forward to make deputations. What this ensures is that the Chief Electoral Officer must set out a process, must invite comments, must ensure that as much as is humanly possible, every polling station, every polling place, and every practice put in place to allow citizens to vote will be accessible.

I think that this is the whole heart of the matter. This is one of the key recommendations we are putting forward to ensure that disabled Ontarians have equal access and equal rights to everyone else.

For that, I would ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I'll take the vote on motion 3.2.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll move to section 6, and I'll take the vote on section 6.

Shall section 6 carry? Carried.

We'll move to section 7, page 4R: government motion, Mr. Zimmer.

Mr. David Zimmer: I move that section 7 of the bill be struck out and the following substituted:

"7.1 Subsection 13(1) of the act is amended by striking out 'and to section 14' and substituting 'and to sections 13.1 and 14'.

"(2) Subsection 13(3.3) of the act is amended by striking out at the beginning 'Nothing in subsection (3.1)' and substituting 'Nothing in subsection (3.1) or section 13.1'.

"(3) The French version of subsection 13(4) of the act is amended by striking out 'bureau de vote' at the end and substituting 'emplacement de vote'.

"(4) The French version of subsection 13(7) of the act is amended by striking out 'numéro de bureau de vote' at the end and substituting 'numéro de section de vote'."

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Prue?

Mr. Michael Prue: What is the intent of all of this?

Mr. David Zimmer: These are just consequential amendments that are required as a result of motion number 5.

Mr. Michael Prue: You're changing, in the French, the office of the vote to—I'm not sure of the word—"emplacement." Perhaps you could indicate why the office is being changed to "emplacement."

Mr. David Zimmer: As I said earlier, it's a consequential amendment that's required as a result of motion number 5. If you have a look at number 5, it'll become self-evident.

The Chair (Mr. Bas Balkissoon): If there are no further questions, I'll take the vote on motion 4R. All in favour of government motion 4R? Against? That motion carries.

The next motion is on page 4: government motion, Mr. Zimmer.

Interjection.

The Chair (Mr. Bas Balkissoon): Are you withdrawing number 4? It was on the order paper.

Mr. David Zimmer: Yes.

The Chair (Mr. Bas Balkissoon): Motion number 4 has been withdrawn.

I will take the vote on section 7, as amended.

Shall section 7, as amended, carry? Carried.

We'll move to section 7.1, on page 5. This is motion 5, a government motion.

Mr. David Zimmer: I move that the bill be amended by adding the following section:

"7.1. The act is amended by adding the following before the heading 'Hospitals, retirement homes, nursing homes and other institutions':

“Accessibility

“13.1(1) In establishing the locations of polling places under section 13, the returning officer shall ensure that each polling place is accessible to electors with disabilities.

“Application

“(2) Subsection (3) applies only with respect to general elections held under subsection 9(2).

“Posting for comment

“(3) The returning officer shall provide the following information to the Chief Electoral Officer, who shall publish it on a website on the Internet:

“1. The proposed locations of polling places.

“2. Details about steps that could be taken to ensure the accessibility of those locations.

“3. An invitation to members of the public to comment, within one month after the posting, on whether the proposed locations are sufficiently accessible.

“Time for posting

“(4) The posting described in subsection (3) shall take place at least six months before polling day.”

The Chair (Mr. Bas Balkissoon): Questions or comments? Ms. Jones.

Ms. Sylvia Jones: I only have one question. I notice that this subsection would only apply with respect to general elections. Can you tell me why by-elections would not?

1300

Mr. Greg Sorbara: We expected the same ideas to apply to by-elections as well, the same objectives of accessibility, but by-elections happen on a different time frame, so you can't post the proposed polling places in a by-election six months before a by-election. The idea here is to post early to give the communities opportunities to examine these polling places and comment on whether they're accessible, but by-elections don't occur on a regular schedule, so just as a practical matter, this cannot apply.

Ms. Sylvia Jones: Would it not have been more appropriate, then, to separate out the still allowing one month for the public to comment? Because you could still do that with by-elections.

Mr. Greg Sorbara: I would just tell my colleague to refer to the by-election that was just held in—oh, help me out.

Mr. Mario Sergio: Leeds–Grenville?

Mr. Greg Sorbara: Leeds–Grenville. That by-election was held within a number of days of the

resignation of the member, as he moved on to the Senate. The fact is, you can't list a month before the by-election where the polling places will be. As a practical matter, this section cannot apply to a by-election because of the way in which by-elections arise.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: Yes, a number of questions.

You have also left out in this legislation the feasibility—I would suggest the feasibility and perhaps the probability—of referendum questions. I'm wondering, since we just went through a referendum question in the last election—this does not allow for that. It seems to me that a big and heavy issue like a referendum is not included. Can you explain why?

Mr. Greg Sorbara: Again, the thrust of this provision is based on the provisions that we have for fixed elections in Ontario. Now we have the capacity to know when the election is going to take place, and, six months before that election takes place, to identify polling locations so that the disabled community can examine them, comment and have them changed if their concerns about accessibility are not satisfied. I don't think the same thing applies—the same thing would obviously apply were there a referendum question in a general election, but if a referendum question arises, it may well be that that question is immediately put to the people. Again, the one-month and six-month provision just doesn't make sense.

Mr. Michael Prue: A number of other questions, if I could.

It does not appear to me from this that Elections Ontario is required to consider and act on the feedback it receives from persons with disabilities. There's nothing in here about how it responds to the feedback. It's all well and good to post it, but what do they do with it? There's nothing in the provision.

Mr. Greg Sorbara: I think, Michael, the reasonable person understands that the feedback would be responded to. That's all I'll say on that.

Mr. Michael Prue: I always thought I was a reasonable person. I'm just trying to make sure that the disability community is well served by this bill.

As well, it does not require Elections Ontario to give reasons if an accessibility objection is raised and Elections Ontario does not act on it. There's nothing here if someone comes forward and says, "I had to be carried down a set of stairs," and Elections Ontario decides not to act on it. Why is there no provision that this has to be answered?

The Chair (Mr. Bas Balkissoon): Okay—

Mr. Michael Prue: No, no, I have other ones.

The Chair (Mr. Bas Balkissoon): Go ahead.

Mr. Michael Prue: It also provides no right of appeal from any decision by Elections Ontario not to fix an accessibility problem that the voters with disabilities have identified. Can you explain to me why that has not been included?

Well, then, to speak to it, I think this is an extremely weak government motion. This is not getting to the heart

of the matter. It is allowing Elections Ontario to do what it has always done, and that is to go out and run the election, post some websites and do the minimum required in order to run a fair election, but it does not include people with disabilities.

Again, we sat through two solid days of people coming to make deputations. Literally almost every deputation that was made was people from the disabled community who had important things to say about being left out, about not being listened to and about not having an opportunity to have their concerns raised and acted upon. There is nothing in this legislation that does any of those three things. It does not require Elections Ontario to consider and act on the feedback, although that may be reasonable, as my learned friend says. It does not require Elections Ontario to give reasons if an accessibility objection is raised and not acted upon; and it provides no right of appeal.

I think this whole section is in huge need of reworking, unless it is the government intent, and I'll see by how they vote on it, to ignore the disabled community and simply say that their rights will not be enshrined in the legislation. Because I'm pretty strong on this, even though it's a government motion, I'm going to request a recorded vote so I can be recorded as voting against it.

The Chair (Mr. Bas Balkissoon): I'll take the vote on motion number—

Mr. Greg Sorbara: Mr. Chair—

The Chair (Mr. Bas Balkissoon): Oh, sorry. Comments, Mr. Sorbara.

Mr. Greg Sorbara: A very brief response to my colleague to say that this amendment, in conjunction with all the other amendments associated with dramatically changing the realities of the accessibility of provincial elections—this amendment has to be seen within that context. I have no plans on commenting on each of them as we go through them, but simply to say that the government amendments that we're considering today—most of them result from a very careful understanding of the needs of the disabled community and the submissions that were made, including this very amendment where the request was to have the posting of locations early enough so that the community could examine locations and be satisfied as to their accessibility. And I am very disappointed that my friend is not going to support this motion.

The Chair (Mr. Bas Balkissoon): I'll take the vote on motion number 5. A recorded vote has been requested.

Ayes

Chudleigh, Dickson, Jones, Mangat, Sergio, Sorbara, Zimmer.

Nays

Prue.

The Chair (Mr. Bas Balkissoon): Motion carried.

We'll move to section 8: 5.1, PC motion, Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 14(6) of the Election Act, as set out in section 8 of the bill, be struck out and the following substituted:

"Same

"(6) The following rules apply to the Chief Electoral Officer's direction:

"1. It may apply to one or more electoral districts.

"2. It may impose conditions on the use of mobile polls.

"3. It may impose different conditions with respect to different electoral districts.

"4. The Chief Electoral Officer shall publish the direction on a website on the Internet."

By way of explanation, this motion removes the examples for the reasons stated previously. It also requires the Chief Electoral Officer to publish the direction on the Internet to enhance the availability of information to all voters. This is valuable for the reasons stated previously and because it can provide a ground for electors to become more involved in the democratic process.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Prue.

Mr. Michael Prue: I just want some clarification on number 3, that, "It may impose different conditions with respect to different electoral districts." Is this to allow—for example, in far northern communities where polling booths may be few and far between—for alternate methods of voting? Is that what this intends to do? Because I don't want to see a different set of rules between adjacent municipalities in southern Ontario, because I think that will confuse electors in general and may cause some considerable difficulties on election day. So I'm just trying to determine whether or not this is to allow those very special voting requirements in isolated or northern communities. If that's what it's for, I would support it. If it's to say that the voting rules in my constituency and Mr. Chudleigh's constituency may be different, I will not. That's what I want to hear.

Mr. Ted Chudleigh: Yes. Amongst other things—

The Chair (Mr. Bas Balkissoon): Can you comment into the mike so we make sure we have it on Hansard?

Mr. Ted Chudleigh: Yes. Amongst other things, it's very difficult to take a brush and paint Ontario all the same tone and hue. This amendment would tend to allow the Chief Electoral Officer the discretion to make those differences that Mr. Prue suggests, and also other ones. And, yes, there might be conditions between your downtown Toronto riding and mine, which has some rural aspects to it and some suburban aspects to it. There may be some differences—if not now, perhaps in the future. That would be the purpose of this.

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The Chair (Mr. Bas Balkissoon): Questions, comments? There being none, we'll take the vote on motion 5.1, PC motion. All in favour? Against? That motion is lost.

Motion 5.2, PC motion: Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 14(8) of the Election Act, as set out in section 8 of the bill, be struck out and the following substituted:

"Same

"(8) The returning officer shall also take other reasonable steps that are likely to bring the notice to the attention of the electors in the electoral district, including without limitation the electors resident in each institution."

Again, the reason for this motion: Subsection 24(1.1) allows a person with restricted mobility to apply to have their polling station moved. This motion will support those electors who are not resident in an institution where there is a mobile polling station, but where they have been approved for transfer, to vote at that polling station.

The Chair (Mr. Bas Balkissoon): Questions, comments? There being none, we'll take the vote on motion 5.2, PC motion. All in favour? Against? That motion is lost.

We'll move to motion 5.2.1, NDP. Mr. Prue.

Mr. Michael Prue: I move that section 14 of the Election Act, as set out in section 8 of the bill, be amended by adding the following subsection:

"Same

"(8.1) The returning officer shall also ensure that the time period during which the mobile poll will be available at each institution is widely publicized in accessible formats and media that are likely to reach electors with disabilities."

I think this is self-evident. It is simply to allow that electors with disabilities have the full knowledge and capability of understanding that a mobile poll will be available, the time frames, the locations and others so that they can fully access the opportunity to vote.

It seems to me that if you leave that portion out, then there may not be people who can sign—and I note the presence of a signer here today. It may not allow for access to people in wheelchairs. It may not allow for access to those who are blind if they are not able to get on the Internet and find out. Where these mobile polls are available within the institution has to be publicized in every possible way.

I would ask for a recorded vote.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

Shall section 8 carry? Carried.

We'll move to section 9, motion 5.3, PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 9 of the bill be struck out and the following substituted:

“9. Section 15 of the act is amended by adding the following subsections:

“Temporary lodging place of post-secondary student, general election

“(1.3) Despite clause (1)(d), in a general election, a person who is temporarily living away from his or her residence in order to attend a prescribed university, college of applied arts and technology or other post-secondary institution is entitled to vote in the electoral district where he or she is temporarily living if,

“(a) it would be impossible or unreasonably difficult for the person to vote in the electoral district where he or she resides permanently, whether by special ballot, advance poll or ordinary poll; or

“(b) the person has a disability and voting in the electoral district where he or she is temporarily living would improve accessibility for him or her.

“Same

“(1.4) The following rules apply when a person wishes to vote under subsection (1.3):

“1. The person shall apply to the returning officer in the electoral district where he or she is temporarily living.

“2. If satisfied that the person is entitled to vote in that electoral district, the returning officer shall give the person a transfer certificate.

“3. The person may vote only in that electoral district and at the polling location identified in the transfer certificate.

“4. The person shall present the transfer certificate at the time of voting.

“Same

“(1.5) The Chief Electoral Officer shall establish a list of electors who have received transfer certificates and shall provide a copy of the list to every returning officer.

“Temporary lodging place of post-secondary student, by-election

“(1.6) Despite clause (1)(d), a person who is temporarily living away from his or her residence in order to attend a prescribed university, college of applied arts and technology or other post-secondary institution is entitled to vote in a by-election in the electoral district where he or she is temporarily living, if he or she has not, since the last general election, voted in a by-election in the electoral district where he or she resides permanently.

“Same

“(1.7) The following rules apply when a person wishes to vote under subsection (1.6):

“1. The person shall apply to the returning officer in the electoral district where he or she is temporarily living.

“2. If satisfied that the person is entitled to vote in that electoral district, the returning officer shall give the person a transfer certificate.

“3. The person may vote only in that electoral district and at the polling location identified in the transfer certificate.

“4. The person shall present the transfer certificate at the time of voting.”

By way of explanation, the current provision in the bill unfairly benefits a group of voters and fails to provide the requirements necessary for this change. The first set of subsections applies during a general election. They take into account the enhanced access provided to all electors with advance polls and special ballots but still provide eligible electors the opportunity to vote at a different polling station when they are at school. They also allow students with a disability to vote at a polling station at their school.

The second set of subsections applies during a by-election. They are similar to the previous six subsections but limit a student from voting in both a by-election in their permanent residence and in a by-election at their school between general elections. This is to ensure that one elector has only one vote.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: I'm just having difficulty believing that the Conservative Party really wants to move this amendment.

The whole thrust of our discussions in the select committee and in consideration of this bill among a variety of stakeholders—political parties, the disability community, people who run elections, returning officers—was that post-secondary students are particularly disadvantaged, because perhaps for years they live in a kind of impermanent residence, whether it's a dormitory or a community setting. For them, it's particularly difficult to return to their place of residence—perhaps their parents' home—to vote.

Everyone agreed that in this bill we needed to change that and encourage students to vote where they are at the time of the election. That's what the bill does. That's the policy of the government. I'm surprised that it's not the policy of the Conservative Party. Passing this amendment would go against the general thrust of everything we've heard and make it more difficult for students to vote where they attend school.

The Chair (Mr. Bas Balkissoon): I'll take the vote on motion 5.3—you have a comment, Mr. Prue?

Mr. Michael Prue: It's not my motion, but I'm trying to be fair to Mr. Chudleigh and the Conservatives. What this does is only plausible when it would be impossible or unreasonably difficult for the person to vote in the electoral district.

Mr. Greg Sorbara: That's strong language.

Mr. Michael Prue: Well, no. This would be a very rare case. I would hazard a guess that more than 99% of all students would vote in the new place, as intended. This is just where it is extremely impossible—I can't even figure the circumstances. But to make the blanket statement that my friend Mr. Sorbara made, I don't think, is justifiable.

Mr. Greg Sorbara: What this amendment says is that where it's impossible or unreasonable to vote back home, not where it's impossible to vote where he or she permanently resides—that's my folks' home. That's what I find offensive about this amendment, and so my comments stand.

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I think if they actually thought about it, they would not be moving this kind of an amendment. The idea is to be expansive and to encourage students to get to class, to go home and do some work on the essay and to get out to vote, all within the confines of the electoral district where, for all practical purposes, they're living. That's the thrust of the select committee, that's the thrust of the current bill, and I hope we don't change it.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 5.3—

Mr. Ted Chudleigh: I wonder why you're not doing that for the disability community.

Mr. Greg Sorbara: I think if you look at our amendments, you will agree that we are.

Mr. Ted Chudleigh: I don't think you're going far enough.

The Chair (Mr. Bas Balkissoon): All in favour of motion 5.3? Against? That motion is lost.

Shall section 9 carry?

Mr. Greg Sorbara: As amended?

The Chair (Mr. Bas Balkissoon): It's not amended. Shall section 9 carry? Carried.

Shall section 10 carry? Carried.

Shall section 11 carry? Carried.

Shall section 12 carry? Carried.

Shall section 13 carry? Carried.

Shall section 14 carry? Carried.

Shall section 15 carry? Carried.

Shall section 16 carry? Carried.

Shall section 17 carry? Carried.

Shall section 18 carry? Carried.

Shall section 19 carry? Carried.

Shall section 20 carry? Carried.

We'll move to motion 5.3.1, NDP motion. Mr. Prue.

Mr. Michael Prue: I move that the act be amended by adding the following section:

“20.1 The act is amended by adding the following section:

““Candidate's duties re accessibility

“31.1 Every candidate and registered party shall,

“(a) select locations for campaign offices that are accessible to persons with disabilities;

“(b) ensure that campaign websites are published in a format that complies with the W3C WCAG 2.0 Level AA Standard;

“(c) make available as soon as reasonably possible, on request, all campaign literature in accessible formats, including large print, Braille and accessible electronic formats; and

“(d) ensure that any television advertisements for the purposes of the campaign include captioning for persons with hearing loss.””

I think it's self-explanatory, but by way of explanation, this is something that has been requested. I know that it may be onerous to some candidates—I acknowledge that it may be expensive and onerous—but we have to start. We have to make sure that campaign offices are accessible so that persons who want to come and work in

a campaign have the opportunity to do so. We need to make sure that the website is up to standard so that people who have disabilities can use the format and can access the websites, because not all are accessible. We need to make available upon request—not just available, but upon request—campaign literature in accessible formats: large print—that can be done on an ordinary photocopy machine just by increasing it; Braille, which is a little more expensive, but can be done; and accessible electronic formats. And finally, we need to ensure that if candidates have television advertisements, they be made accessible, perhaps by the use of the signer in the corner or by having teletype go across the bottom. I don't think candidates would generally have that, but the parties do spend millions of dollars on advertising during the election process and quite clearly could have a signer and some electronic copy go across the bottom.

I know it's expensive, but it's up to us to set the standard and to tell candidates what they should be doing in order to reach the broadest range of people. It's not good enough to say that you can reach 95% or 98% of the people by putting out your simple brochure. That disenfranchises and is unfair to those who cannot access it.

Therefore, I would ask that my colleagues vote for this and would ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: I completely understand the nature of the NDP's motion and Mr. Prue's support of it. I simply want to put on the record that, from the beginning of the select committee through all of our discussions, there was a sense that this review of the Election Act and the Election Finances Act was not going to delve into this completely new territory of regulating candidates. The only place where these acts regulate candidates is in expenditures.

It's an interesting area to investigate in terms of public policy, but to begin at this stage to start to develop regulations affecting what kind of brochures—I don't call it literature. It's not literature; it's propaganda. To regulate propaganda and brochures is just beyond the scope of the work that we started quite some time ago. While I would support, at some point, an interesting public policy discussion on it, I don't think it's appropriate at this late date to say that we're going to start to do this by way of this amendment. We will be recording the fact that we are not supporting this motion.

The Chair (Mr. Bas Balkissoon): Questions or comments? There being none, I'll take the vote on motion 5.3.1. A recorded vote.

Ayes

Prue.

Nays

Chudleigh, Dickson, Jones, Mangat, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll go to page 5.3.2: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"20.2 The act is amended by adding the following section:

"Accessibility of Candidates' Debates

"Accessibility, candidates' debates

"31.2(1) Any candidate who participates in a debate for the purposes of an election shall ensure that the debate is held at a location that is accessible to persons with disabilities and that measures are taken to ensure that persons with disabilities are able to fully participate in the debate by asking questions of the candidates.

"Complaints

"(2) A person who is of the opinion that subsection (1) has been contravened may lodge a complaint to the Chief Electoral Officer in accordance with the regulations."

I do believe this is self-explanatory. It goes beyond just having the authority to go in and cast a vote in a jurisdiction. It goes to the very heart of the matter: that people have the right to be informed. One of the ways in which they can get information, and one of the chief ways that used to be much more common than it is today, is to attend an all-candidates' meeting and to have the opportunity to pose questions and listen to or participate in the debate. This is requiring of candidates that they hold the debates in such a place and such a way that everyone can participate.

I do acknowledge, and it is well known, that many of the debates are not organized by the candidates. They are organized by ratepayers' groups, home and school associations, interested parties, community groups and the like. But this would say and be the authority of candidates to simply decline an opportunity to attend where those groups determine that they are not willing to accommodate the disabled community.

Therefore, I am seeking that this motion pass and would ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: My comments on the last amendment apply to this amendment as well. This would be taking the act into territory that, frankly, it was not designed to cover.

I'm very sympathetic with the need for candidates who participate in election campaigns to make intelligent decisions as to whether or not they choose to participate in a debate if a location is inaccessible or there are parts of the electing community who object to the location, but I think that's a political decision rather than one that ought to be included in this act.

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The Chair (Mr. Bas Balkissoon): Any further questions or comments? There being none, I'll take the vote on motion 5.3.2. A recorded vote has been requested.

Ayes

Prue.

Nays

Chudleigh, Dickson, Jones, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We will now move to 5.3.3, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that the bill be amended by adding the following section:

"20.3 The Act is amended by adding the following section:

"Large print on ballots

"34.1 All ballots shall be printed or displayed in large print in accordance with the regulations in order to enable as many voters with low vision as possible to mark the ballots independently."

Again, I think this is self-evident. If the names were in this type right here, I could not read them without these glasses on my face. I want to say that perhaps my colleagues over there—take your glasses off and see. Now, I know they're in larger print than this, but other people have worse vision than me. Surely it is an easy thing that can be done to put the names in 26-, 28- or 30-point, so that people can read them, mark the ballot and know with confidence, if they've forgotten their glasses, if they can't use glasses or if they are partially sighted, that they've done the right thing. Again, I'm asking for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions and comments? Mr. Sorbara.

Mr. Greg Sorbara: Just to inform my friend in the committee and the public: The dramatic changes that will come to the Election Act with the bill and the amendments that are being considered here today change the experience significantly, particularly for the disabled community, in voting with special ballots. This specific provision will be dealt with, with the broad discretion given to the Chief Electoral Officer to ensure that every step is taken to ensure accessible elections, including special ballots and the use of very expensive voting machines, so that we have an ability to provide a secret ballot to every elector in Ontario. I simply don't think we need to put this in specific legislation.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: It's simply a comment, but my concern is that by leaving the discretion in place, you are in fact going to encourage a discrepancy between ridings across the province.

Mr. Greg Sorbara: I don't think so, because the Chief Electoral Officer will apply standards across the province. Remember, under this bill and the new act, there will be a reporting requirement and an ongoing consultation process at a level that has never existed before between Elections Ontario and the communities

that have been kept from polling places. I'm sure this is just one of those things that will be dealt with, and then dealt with broadly, with new policies that affect the entire province.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh?

Mr. Ted Chudleigh: No, that's fine.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: I grant that there will be other possibilities. But the majority of people who have difficulty seeing—not all of them, but the majority of them—have some sight capability. For them to have to access special measures, when something as easy as this can take place—it would be easy for me, it would be easy for you and it wouldn't make a difference to anyone sitting around this table if it was in a larger, more readable font. I don't see the difficulty. People wouldn't have to go to the extraordinary extent of having to declare themselves to be disabled, of having to go and vote at a special machine. If they had some sight capability and were able to go to their own poll, line up with their own neighbours, mark their own ballot—do it in a manner consistent with everyone else—surely that is something that can be accommodated.

This is only asking for larger print; that's all this is doing. Personally, I think we do the best service to the disabled community when we can accommodate them in a way that is consistent with every other person. That's what this is asking: that they be accommodated in the same way as every other person. I don't see the difficulty around this at all. Again, I ask for a recorded vote, because this is one of the simplest things we can possibly do: make the ballot readable by the overwhelming majority of people who are sighted and those who have partial sight.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 5.3.3. A recorded vote has been requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

Ms. Sylvia Jones: Subsection 22.5 of—

The Chair (Mr. Bas Balkissoon): Just one second; let me call it.

Ms. Sylvia Jones: Sorry. My apologies.

The Chair (Mr. Bas Balkissoon): I still have to take the vote on section 21.

Shall section 21 carry? Carried.

We'll now move to section 22. Motion 5.4: PC motion, Ms. Jones.

Ms. Sylvia Jones: I move that section 22 of the bill be amended by adding the following subsection:

“(5) Section 44 of the act is amended by adding the following subsection:

“Same

“(8) The notice shall also be published on a website on the Internet.”

Again, this is yet another motion to allow more people access to the information and publish it on the Internet.

The Chair (Mr. Bas Balkissoon): Questions, comments? Mr. Zimmer.

Mr. David Zimmer: We'll be supporting this motion. It adds to the intent of the bill.

The Chair (Mr. Bas Balkissoon): Shall we take the vote on motion 5.4? All in favour? The motion is carried.

Motion 5.4.1: NDP motion, Mr. Prue.

Mr. Michael Prue: I move that section 22 of the bill be amended by adding the following subsection:

“(5) Section 44 of the act is amended by adding the following subsection:

“Same

“(8) The Chief Electoral Officer and the returning officer shall also ensure that the time period during which an advance poll will be open is widely publicized in accessible formats and media that are likely to reach electors with disabilities.”

Again, I think this is self-evident. It's simply saying that they have a responsibility to ensure that people understand in the best possible way that people with disabilities will be accommodated to vote. I ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions, comments? Mr. Sorbara.

Mr. Greg Sorbara: We certainly support the intention of this motion. Just to note that the thrust and policy and specifics are dealt with in government motion number 12, which we'll be addressing at some time, and so we'll keep our support for that and not be supporting this motion.

The Chair (Mr. Bas Balkissoon): We'll take a vote on motion 5.4.1. A recorded vote was requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion loses. Shall section 22, as amended, carry? Carried.

We'll move to section 23. Motion 5.4.2, Mr. Prue.

Mr. Michael Prue: I move that subsection 44.1(1) of the Election Act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“Accessible voting equipment, etc.

“(1) At an election, the Chief Electoral Officer may direct that accessible voting equipment and related vote counting equipment be used in accordance with this

section and shall give that direction for an election that is no later than the general election held in 2015.

“Same

“(1.1) In giving a direction under subsection (1), the Chief Electoral Officer shall comply with the following rules:

“1. The direction shall apply to all elections held in or after 2015.

“2. The direction that accessible voting equipment be used shall not direct the use of equipment that includes automated vote counting equipment unless it would otherwise be impossible to count votes cast using the voting equipment.

“3. The direction shall require that,

“i. the option of using accessible voting equipment is made available at every polling place, or

“ii. options that are comparable to accessible voting equipment are made available for all electors with disabilities at every polling place, which options allow for voters to vote independently and privately and to verify their choices and which may include voting by means of the telephone or the Internet.

“4. The direction shall not direct that only paper ballots may be used if it is possible to produce a verifiable electronic record of votes cast that does not identify voters.”

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This is a motion, we believe, that will assist the disabled community and will also ensure that they are treated like every other elector. In our view, it strengthens the current subsection 23(1) in that it allows for much the same that has been set out, but includes, in all ways, machines that will accommodate the disabled community.

I would ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: I'm surprised that my friend is proposing a motion that provides for accessible equipment of this sort only in the 2015 general election. Our thrust has been that we are preparing now, or the Chief Electoral Officer is preparing now, to have available this sort of machinery for the election in 2011. Most of the thrust here is dealt with in other government motions, which I hope the committee will support.

I do, however, point out that, once again, the proposal is to have these sorts of machines in—I'm quoting number 3 in subsection (1.1)—“every polling place” in Ontario. You do the math: about 15,000 polling places at about \$15,000 per machine. By my math, that's, I think, \$225 million in new equipment. I don't think really the NDP is arguing for expenditures of those sorts when there are a variety of other methods to ensure absolute equivalent accessibility from this entire community without those sorts of expenditures.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh.

Mr. Ted Chudleigh: I'd just comment that the \$15,000 per machine—that certainly is a Cadillac machine. There are machines that will do exactly the

same job that are in use in other countries currently that are less than half that price—well less; maybe a third.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: If I can reiterate what my colleague from the Conservative Party just said. It says, “Options allow for voters to vote independently and privately and to verify their choices and which may include voting by means of the telephone or the Internet.”

We definitely understand the \$225-million cost. The machine will be necessary in some locations where it is not feasible, not practicable. There is then the option of voting by means of the telephone or the Internet.

As was correctly pointed out in this very room by speaker after speaker, if you can bank by telephone, if you can have all of your private, confidential information about your credit card, your banking, your legal matters and everything else safeguarded by telephone, then you can vote the same way, at little or no cost to the government of Ontario.

Mr. Greg Sorbara: I don't dispute what my friend says about the possibility in the future of using electronic communications. I'd just point out once again that his motion says that, but it also says accessible machines “at every polling place.” I know—at least, I think I know—that he's really not advocating those sorts of expenditures, and we won't be supporting the motion.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 5.4.2. All in favour? Against?

Mr. Michael Prue: I did request a recorded vote.

The Chair (Mr. Bas Balkissoon): Sorry, I didn't hear you. A recorded vote has been requested.

Ayes

Prue.

Nays

Chudleigh, Dickson, Jones, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll move to 5.4.3. Mr. Prue.

Mr. Michael Prue: I move that section 44.1 of the Election Act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

“Consultation

“(1.2) The Chief Electoral Officer shall consult with persons with disabilities to determine their needs before making a determination of which accessible voting equipment and related vote counting equipment to use and shall make public the proposal to use the equipment no later than the prescribed number of days before polling day.”

By way of explanation, this motion sets out consultation requirements regarding the purchase of new voting equipment, and also requires that all information be made public. This will perhaps assuage some of the fears of my friend Mr. Sorbara in terms of costs.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: Just to say that we believe that the consultation provisions that are contained in the bill and our amendments to the bill will deal comprehensively with the theme behind this motion from my friend Mr. Prue.

The Chair (Mr. Bas Balkissoon): Questions,? Comments? There being none—

Mr. Michael Prue: I would ask for a recorded vote.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That motion is lost.

We'll now move to motion number 6, a government motion. Mr. Zimmer.

Mr. David Zimmer: I move that section 44.1 of the Election Act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“Accessible voting equipment, etc.

“44.1(1) At an election, accessible voting equipment and related vote counting equipment shall be made available in accordance with this section and in accordance with the Chief Electoral Officer’s direction under subsection (2).

“Direction and notice

“(2) Not later than 21 days before polling day, the Chief Electoral Officer shall,

“(a) make a direction describing the accessible voting equipment and related vote counting equipment in detail and referring to the provisions of this act that will not be complied with;

“(b) provide copies of the direction to the leader of each registered party and to every candidate who has been nominated; and

“(c) publish the direction on a website on the Internet.

“Returning offices

“(3) The accessible voting equipment and related vote counting equipment shall be made available in returning offices during the period that begins on the first day of advance polls and ends on the day before polling day, as follows:

“1. The equipment shall be made available during advance polls that are held in returning offices.

“General election

“(4) At a general election, the accessible voting equipment and related vote counting equipment shall be made available in every electoral district.

“Condition

“(5) Despite subsection (1), accessible voting equipment and related vote counting equipment shall not be made available unless an entity that the Chief Elec-

toral Officer considers to be an established independent authority on the subject of voting equipment and vote counting equipment has certified that the equipment meets acceptable security and integrity standards.

“Rules

“(6) The use of accessible voting equipment and related vote counting equipment under subsection (1) is subject to the following rules:

“1. The equipment must allow the elector to vote privately and independently.

“2. The equipment must not be part of or connected to an electronic network.

“3. The equipment must be tested,

“i. before the first elector uses the equipment to vote, and

“ii. after the last elector uses the equipment to vote.

“4. For the purpose of paragraph 3, testing includes, without limitation, logic and accuracy testing.

“5. Voting by means of the equipment must not begin before the test conducted under subparagraph 3 i has been successfully completed, even if advance polls have already begun.

“6. The information made available to the elector through the equipment before voting must comply with subsections 34(2) and (3), with necessary modifications.

“7. The equipment must create a paper ballot that records the vote cast, is retained in the same way as ordinary ballots and shows the name of the electoral district, the date of polling and the name of the printer.

“8. The equipment must allow the elector to verify his or her vote, without the assistance of another person, before the paper ballot is printed.

“9. The equipment or the process used must allow the elector to verify his or her vote after the paper ballot is printed but before casting his or her vote.

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“10. The equipment must have a feature which, if a ballot is unreadable or unmarked, brings the fact to the elector’s attention. When this happens, the elector must be given another ballot or another opportunity to mark the first ballot.

“Counting

“(7) Votes that are cast at a returning office by means of accessible voting equipment shall be counted by the related vote counting equipment, subject to subsection (8).

“Inconsistent tests

“(8) If the tests conducted under subparagraphs 3 i and ii of subsection (6) are inconsistent, the returning officer shall immediately advise the Chief Electoral Officer, who may direct the returning officer to have the vote conducted manually.

“Report

“(9) The Chief Electoral Officer shall include a report on the use of accessible voting equipment and related vote counting equipment at an election,

“(a) in any report that the Chief Electoral Officer makes with respect to that election; or

“(b) in the next annual report made under section 114.3.

“Definition

“(10) In this section,

“‘accessible voting equipment’ means voting equipment that is accessible to persons with disabilities.”

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Chudleigh.

Mr. Ted Chudleigh: The PC Party supports the change to the subsection, but this motion fails to address the concerns expressed to this committee. It not only prevents more cost-efficient accessible voting equipment, but could create barriers to equipment that allows more eligible voters to vote privately and independently. We think our motion, which is to follow, takes that into consideration.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara.

Mr. Greg Sorbara: I think what you can draw from this motion and this amendment is that all three parties in this room are on the very same page on this whole issue. The difference here is in wanting to mandate the requirement for accessibility and the use of technologies to achieve that goal. We have fulfilled our responsibilities in government to ensure not only that the requirement is there, but that there is the security of a secure vote.

You’ll remember, when the Chief Electoral Officer was in front of this committee, he talked about the principle not only of accessibility, but of making sure that the result of the vote is reliable and can be certified. The reason why this amendment is so long is so that the mandate to the Chief Electoral Officer is to ensure that he uses the equipment and that the equipment he uses satisfies the kind of security that voters without disabilities have in the voting process.

I hope all of my colleagues will support this.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on motion 6. All in favour? Against? The motion carries.

We’ll move to motion 6.0.1: Mr. Prue.

Mr. Michael Prue: I move that subsection 44.1(2) of the Election Act, as set out in subsection 23(1) of the bill, be amended by adding at the end “and shall ensure that the accessible voting equipment will enable a person with vision loss, motor limitations or any other disability that prevents him or her from using a paper ballot to vote independently in privacy and to verify his or her choice”.

I think that’s quite self-evident. That’s what we’re asking for. I’d ask for a recorded vote.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: I think my comments on the amendment that we just approved cover this matter comprehensively, both with the direction to the Chief Electoral Officer and the authority to test out in all cases of all disabilities and for all forms of accessibility requirements.

The Chair (Mr. Bas Balkissoon): Further questions? There being none, we’ll take the vote on 6.0.1. A recorded vote has been requested.

Ayes

Chudleigh, Jones, Prue.

Nays

Dickson, Mangat, Sergio, Sorbara, Zimmer.

The Chair (Mr. Bas Balkissoon): That vote is lost. Motion 6.1: PC motion, Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

“Consultation

“(2.1) Before making a direction under subsection (1), the Chief Electoral Officer shall consult with the leader of each registered party and with electors about the subject matter of the direction, including without limitation,

“(a) the location and availability of accessible voting equipment and related vote counting equipment; and

“(b) compliance with the accessibility standards referred to in subsection (5.1).”

The reason for the motion: We heard a number of people explain the difficulties they continue to have at election time and their ongoing concerns. This motion will provide voters, voters with a disability and any other voters who may have valuable insights relevant to a direction made under this section the opportunity to voice their concerns and suggestions. Ensuring that consultation occurs with the people of Ontario not only strengthens this legislation but it strengthens Ontario’s democracy.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: Not to argue against the principle of the motion, but just for the purpose of consistency, the amendments that the government will be bringing forward in this area do not lock very well with this amendment, so we won’t be supporting it, not because we don’t agree with the principle but because we need consistency throughout the bill.

The Chair (Mr. Bas Balkissoon): We’ll take the vote on 6.1. All in favour? Against? That motion is lost.

We’ll move to 6.2, Ms. Jones.

Ms. Sylvia Jones: I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

“Consultation

“(2.1) Before making a direction under subsection (1), the Chief Electoral Officer shall consult with the leader of each registered party and with electors about the subject matter of the direction, including without limitation the location and availability of accessible voting equipment and related vote counting equipment.”

It follows the previous motion.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: The same position: We support the position, but we think we covered this in other amendments, and we want the bill to be consistent.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 6.2. All in favour? Against? The motion is lost.

We'll go to 6.3, PC motion again.

Mr. Ted Chudleigh: I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

"Timing of directions

"(2.2) The first direction"—

The Chair (Mr. Bas Balkissoon): Oh, sorry. Just hold on one sec. You have a revised version; we just want to make sure you're reading the revised version of 6.3.

Mr. Ted Chudleigh: I believe I am.

The Chair (Mr. Bas Balkissoon): Okay. Give me one second to distribute it. The others don't have it.

Mr. Ted Chudleigh: It was a secret.

The Chair (Mr. Bas Balkissoon): Okay, now you can introduce—

Interjection.

Mr. Ted Chudleigh: Sorry about that.

I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

"Timing of directions

"(2.2) The first direction under subsection (1) shall be made in time for the general election of October, 2011, and thereafter a direction shall be made for every general election and by-election."

The Chair (Mr. Bas Balkissoon): Further comments? None. Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: We want to congratulate the Conservative Party for seeing the light. You see, their original motion would have this done after the election in 2011, and their amendment, wisely thought through, moves the date forward so that it would be in time for the general election. We certainly support that policy. We are determined to get on with accessibility and all that has to be done in that area. But, once again, we have a package of government amendments that deal with this matter comprehensively, so we see no need for this motion. In fact, it would conflict with some of the other technical matters in the motions that we're bringing forward, so we're not going to support it, although the thrust and the new-found urgency of the Conservative Party is welcome.

Mr. Ted Chudleigh: That's why we had it a secret. We didn't want to take that criticism from the government.

The Chair (Mr. Bas Balkissoon): We'll take the vote on revised 6.3. All in favour? Against? That motion is lost.

We also have a new motion 6.3.1.

Interjection.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh, I need you to officially withdraw old 6.3.

Mr. Ted Chudleigh: Yes.

The Chair (Mr. Bas Balkissoon): Old 6.3 has been withdrawn. We'll now move to the new 6.3.1, and I'll distribute it first.

Mr. David Zimmer: Chair, we've been at it for two hours. Could we have a five-minute break?

The Chair (Mr. Bas Balkissoon): A five-minute break has been requested by the government side. Agreed? All agreed. We'll take a five-minute break.

Mr. David Zimmer: A health break.

The committee recessed from 1400 to 1410.

The Chair (Mr. Bas Balkissoon): We'll call the meeting to order and carry on. We were at motion 6.3.1. Has everybody received a copy of the new motion just introduced?

The Clerk of the Committee (Ms. Tonia Grannum): There's no number on it.

The Chair (Mr. Bas Balkissoon): Okay. It's a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that section 44.1 of the Election Act, as set out in subsection 23(1) of the bill, be amended by adding the following subsections:

"Overriding rules

"(2.3) When the Chief Electoral Officer makes a direction under subsection (1), the following rules apply despite anything else in this section and despite anything else in the direction:

"1. Related vote counting equipment is required only if it is not possible to count the votes cast,

"i. manually, or

"ii. by using the accessible voting equipment itself.

"2. The accessible voting equipment need not produce a paper ballot if a verifiable electronic record of the vote cast can be produced without identifying the elector."

This is put in because the—

Mr. David Zimmer: Excuse me. Just on a point of order: I'm confused. Where does this one fit in? Is this a new one?

The Chair (Mr. Bas Balkissoon): Just before 6.4.

Mr. Mario Sergio: So this is a new motion.

The Chair (Mr. Bas Balkissoon): It's a new motion, a new amendment introduced by the PC Party.

Mr. David Zimmer: This precedes 6.4?

The Chair (Mr. Bas Balkissoon): Yes, that's correct.

Mr. David Zimmer: All right. Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh, your comments.

Mr. Ted Chudleigh: Just a comment that the act seems to require that a vote counting machine be available. If the voting equipment is producing a ballot, the ballot can be counted along with all the other ballots, and a vote counting machine is not necessary. If the qualifications of this amendment were met, it would be redundant to have a vote counting machine.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: Again, we understand the principle behind this. Throughout the consideration of this act, we've stuck to the notion that in Ontario we use a

ballot that a voter marks in one way or another, subject to changes that we're making here for other methods of accessibility. While I understand why, at this late date, our friends from the Conservative Party are bringing this forward, we're not prepared to accept it.

The Chair (Mr. Bas Balkissoon): Further questions or comments?

Mr. Michael Prue: I will always accept a late idea if it's a good one.

The Chair (Mr. Bas Balkissoon): I'll take the vote on motion 6.3.1—

Mr. Greg Sorbara: We do not differ there, my friend.

The Chair (Mr. Bas Balkissoon): All in favour? Against? That motion is lost.

We'll move to motion 6.4, a PC motion. Mr. Chudleigh.

Ms. Sylvia Jones: I move that subsection—

The Chair (Mr. Bas Balkissoon): Ms. Jones. Go ahead. Sorry. You guys get me confused every once in a while.

Ms. Sylvia Jones: I know. I apologize.

I move that subsection 44.1(3) of the act, as set out in subsection 23(1) of the bill, be amended by striking out “and” at the end of clause (a) and by adding the following clause:

“(a.1) provide copies of the direction to every returning officer; and”

This simply is an amendment that would ensure that all returning officers get the same information.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: Just to say that this is covered in the package of government amendments, which I hope my friend will support, notwithstanding that we wouldn't do this because it would create a clash with other sections.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 6.4. All in favour? Against? The motion is lost.

We'll move to 6.4.1, Mr. Prue.

Mr. Michael Prue: I move that subsection 44.1(3) of the Election Act, as set out in subsection 23(1) of the bill, be amended by striking out “and” at the end of clause (a) and adding the following clause:

“(a.1) make public by means of websites on the Internet and other media the availability and location of accessible voting equipment; and”

I think this is self-explanatory; it just needs to be publicized.

The Chair (Mr. Bas Balkissoon): Questions and comments? Mr. Sorbara.

Mr. Greg Sorbara: Again, support in principle, but this very subject is dealt with in the government amendments, which I hope my friend will support.

The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 6.4.1. All in favour? Against? That motion does not carry.

We'll move to 6.5, a PC motion.

Mr. Ted Chudleigh: I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsections:

“Accessibility standards

“(5.1) When the Chief Electoral Officer has made a direction under subsection (1),

“(a) every returning officer shall ensure that the electoral officers receive instruction, before the first advance poll, with respect to the accessible voting equipment and related vote counting equipment;

“(b) every returning office shall meet the prescribed accessibility standards or the standards required under the Accessibility for Ontarians with Disabilities Act, 2005, whichever is higher; and

“(c) every returning officer shall take all reasonable steps to ensure that every polling place in his or her electoral district meets the prescribed accessibility standards or the standards required under the Accessibility for Ontarians with Disabilities Act, 2005, whichever is higher.

“Same

“(5.2) If a returning office or polling place does not meet the accessibility standards referred to in subsection (5.1),

“(a) the Chief Electoral Officer shall publish notice of the matter on a website on the Internet, before the first day of advance polls; and

“(b) the returning officer shall include an explanation in the report prepared under subsection 55.1(1).”

This committee has heard a lot about how accessibility needs to be improved during Ontario's elections and the barriers that continue to exist. This subsection provides an actionable answer to those concerns. It recognizes that if we're going to have vote counting equipment, election staff should know how the equipment works; that a building should be accessible for those who wish to use vote counting equipment; and that reasonable steps should be taken to make voting locations accessible for all voters, not just certain groups of voters. Subsections (5.1) and (5.2) account for the geographic and demographic diversity across Ontario without minimizing the importance of meeting accessibility standards.

The Chair (Mr. Bas Balkissoon): Questions and comments?

There being none, we'll take the vote on 6.5. All in favour? Against? That motion does not carry.

We'll move to 6.6, a PC motion.

Ms. Sylvia Jones: I move that subsection 44.1(6) of the act, as set out in subsection 23(1) of the bill, be struck out.

This subsection is too broad, and the important reference to security and integrity standards can be worked into subsection (7). There's no definition of “established independent authority,” which in fact makes the strong language weak. There is no certification standard, making this procedure potentially meaningless. Finally, the important security and integrity standards are not provided for by regulation or in the legislation.

The Chair (Mr. Bas Balkissoon): Questions and comments? Mr. Sorbara.

Mr. Greg Sorbara: Mr. Chairman, this is where we disagree with our friends opposite. We think that ensuring the integrity and security that are contained in this section is extremely important. We think that the bill, in its totality, deals with that. Obviously there are areas where there might be some discretion, but again, integrity and security of voting is something that has been a hallmark of Ontario elections, and where we can reinforce that in revisions to the Election Act, we think it's important to do. So we would not want to see this section struck.

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The Chair (Mr. Bas Balkissoon): We'll take the vote on motion 6.6. All in favour? Against? The motion does not carry.

We'll move to motion 6.7, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that paragraph 2 of subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

"2. The equipment may be part of or connected to an electronic network and may use telephone or other technologies."

The reason for this motion is that the motion will not require the use of accessible voting equipment which uses an electronic network or telephone technology but allows for it. We live in a time of rapidly advancing technology, and the current provisions are archaic. Telephone technologies, for example, have been used in the United States for less than the \$11,000 cost discussed—I heard \$15,000 discussed today—at the select committee, and they provide electors with a disability the opportunity to vote independently. I do not understand why this paragraph was included, and the Premier has made comments supporting our motion. I would urge all members to support this motion since the Premier himself has told us that technology is important in moving down this road.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: This is a very difficult one. It's difficult because, going back to the initiation of the select committee and the government's views on these matters, we had agreed that we were going to be looking at some housekeeping and some modernization of the Election Act and the Election Finances Act. As we began that, given our commitment and the commitment of each of the other parties to address accessibility, that became a very important theme in the work that we're doing, and I'm proud of the results that we're going to be able to deliver on third reading.

The point that my friend brings up really asks the question: Should we move towards Internet and telephone voting in Ontario? I just don't think that we can say—and I think under the charter we might not be able to say, "We will move in that direction for certain segments of the population, that part of the community that

has issues with respect to accessibility." I think if you're going down that road, you've got to go down that road. I think the fact is that we decided early on, and it remains the government policy, that as a general matter, we are not moving from a system of voting with polling places, paper ballots and attending at a polling place, subject to what we've changed with special ballots and mobile polls and that sort of stuff, that we are not going to move towards electronic voting.

It may be, down the road, that some future government says, "You know what? This business of actually going to a polling place—that's pretty outdated. We could all sit at our computers," or "Excuse me, I'm just going to vote on my BlackBerry and cast my vote for a federal election that's going on today." Maybe we're going to do that, but we just decided at the outset that we are not going to, for now, go down that road. I believe that if we're not going down that road, we can't go down that road, under the charter, for the community that has accessibility issues: the disabled community.

However, all of that being said, we are going to create authority to look at alternative technologies, and within that context, an examination of that may take place in the future. The fact, however, is, and let's be frank, if we were going to actually move down that road, this bill would have to come back before the Legislature again. That may be welcome.

For me—maybe I'm just a traditionalist—I like the idea that we do not vote at home on the Internet, that we actually have to go out and cast a ballot. Maybe I'm archaic, but I believe that we should stick with this tradition, at least within this review of the act and the work that we've done.

The Chair (Mr. Bas Balkissoon): Mr. Chudleigh.

Mr. Ted Chudleigh: Methinks the member doth protest too much, although he did mention that he is personally, perhaps, a little archaic.

The review of the Election Act comes up fairly rarely, as the member knows. To specifically ban something or keep something out that is obviously going to become part of our lifestyle in the future—perhaps not today, but it's going to be there in the future—to specifically ban it in this act I think is a grave mistake. I think that having it available, even if not used—your archaic comment is one I recognize, because I'm fairly archaic myself; I suspect that you and I aren't as comfortable on the computer as some of the people in this room. It's too bad to ban it before we might have—three, four, five years from now, the act won't be opened up again and that won't be available to us, even though it may provide tremendous advantages to the disabled community and to other Ontarians living in very remote areas, if you think of the Timiskaming riding, which I believe is bigger than New Brunswick, and the people living there. It could provide some real benefits to those kinds of areas.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: I don't know if the fear is the fear of the future here or the hearkening back to old days. I often thought that was associated more with Conserva-

tives than with Liberals. I listened to Mr. Sorbara and I don't understand the fear of the future. Certainly, the disabled community understands the huge strides that have been made. I mean, there was a time that it was inconceivable that you would have motorized means of transport; people were pushing wheelchairs or others were, more often, pushing them. Today, you see a complete range that allows mobility. You see cochlear implants for the deaf and hard-of-hearing, which would have been impossible a generation ago.

The same thing is happening here. There are other alternatives that need to be explored. I don't understand why we are putting the blinkers on. I don't understand why we're not allowing the legislation to foresee the kinds of changes that can be made, the low-cost kinds of changes that can be made to assist literally everyone who has a disability and/or those who live in remote communities or don't have ordinary access. I, for one, when I listen to the deputants, understand that we don't always have to do things in a traditional way. We don't have to have a traditional voting machine at \$15,000. We can have and must have alternatives that are being made almost on a daily basis.

I watch the television, because I still watch that rather than the Internet, in complete awe when they come on with shows showing new hand-held devices and other things that allow people to do anything from cooking their meal to learning French. It's absolutely amazing. If that kind of technology can be brought to bear today, and I'm sure that may be, if not today, tomorrow, then we should be embracing it. We should not be waiting for the next review, which I am afraid will be long after this Parliament or the Parliament that succeeds it.

I'm going to vote for this motion. I think it's a very sensible one to set up, to allow for the discretion of those who hold elections to find that new technology, to use it and literally free up millions of people who are constrained in what they're able to do today with the equipment we have today. This new thing might set us all free. Although I am a traditionalist, I have to tell you—I look forward to election day. I don't even vote in the advance polls. I want to make sure that I am there on election day to bring whatever government is in power down. I look forward to doing that.

Mr. David Zimmer: That's called prejudging the issue.

Mr. Michael Prue: But I understand that others may not want to trudge out to the polls. They may want to vote by other methods, because they feel more comfortable with them. I don't want to preclude that. I'm going to vote for this motion. I think it's a good one, and I will embrace whatever technological change comes by that works.

The Chair (Mr. Bas Balkissoon): Mr. Zimmer.

Mr. David Zimmer: Let me just ameliorate some of the concerns on this issue by letting everybody know that the government will be bringing a walk-on amendment later in these proceedings. The effect of that amendment is a proposal to direct the Chief Electoral Officer to con-

duct a review of alternative voting technologies and to make public a report of his review in advance of the 2015 election, giving meaningful opportunity for people to act and reflect and have input on that report.

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So we're mindful of these issues that you've raised and we're going to review them and treat them in a mature and thoughtful manner on a going-forward basis.

The Chair (Mr. Bas Balkissoon): Mr. Sorbara?

Mr. Greg Sorbara: I think probably Mr. Chudleigh might want to go first.

Mr. Ted Chudleigh: If you're going to bring on an amendment of this nature, your amendment, I believe, if I get the sense of your amendment, would be prevented from being actioned in any way by the Chief Electoral Officer because of the clause that I'm proposing to remove. It prohibits electronic and telephone equipment.

Interjection.

Mr. David Zimmer: Mr. Sorbara will respond to that point.

Mr. Greg Sorbara: No, in fact, the thrust of the amendment will allow for the examination, notwithstanding this provision.

I feel like I'm cast too much in the role of the archaic member of the committee.

Mr. Ted Chudleigh: Those are your words.

Mr. Greg Sorbara: I've got to get out of this hole, sir.

Mr. Michael Prue: "Antediluvian" is the word.

Mr. Greg Sorbara: Antediluvian because—

Mr. David Zimmer: Just for the record, Mr. Sorbara does have a BlackBerry.

Mr. Greg Sorbara: Yes.

Mr. Ted Chudleigh: And he knows how to turn it on, too.

Mr. Greg Sorbara: Yes.

The issue for us in the design here was that an investigation of Internet, interconnected electronic voting was not going to be the subject of this review of the Election Act.

Now, you may have a view on that and you may have said, "Well, you know what? When we started the select committee process, it should have been, 'Let's have a look down that road.'" We made a decision as a government not to look down that road and the issue and the amendment that you're bringing up simply puts that into legislative form, but it's done within the context of issues relating to accessibility and accessibility equipment.

My problem is that if we're going down that road—I haven't done the Charter of Rights and Freedoms examination—it's all or nothing. If person A can vote at home on a computer, person B should have that right as well. There's a great debate to have there and there are a lot of issues. I'm not sure I have the answers, and I'm not sure where I would land.

I'm comfortable right now with the process. Just like my friend from Beaches—East York, I like to vote on election day. I like the campaign to be complete. I only

like to defeat governments when they are of the opposite stripe. I was very active in 1995, I tell my friend.

I think this is a subject for a good debate. Unfortunately, I don't think you can have that debate simply by an amendment in clause-by-clause after second reading of a bill that has had over a year of consideration.

Notwithstanding all of that, as my friend says, we are going to be bringing forward, walking in an amendment that will allow for that kind of preliminary work to be done by the Chief Electoral Officer, and report to the people and certainly to this Legislature. So I hope that that will satisfy some of the concerns.

The Chair (Mr. Bas Balkissoon): Ms. Jones?

Ms. Sylvia Jones: As the newbie on the committee, I beg to differ. I think that's exactly what clause-by-clause should be about. We listened to many deputants speak specifically about their desire to have that electronic hookup, whether it's by telephone or other electronic means, and I think it's terribly unfortunate that in the clause-by-clause component we are not opening up that possibility with a simple amendment that would be part of or connected. It simply allows the returning officer and the Legislative Assembly to explore that option of voting.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: Yes. I've heard the government members now say two or three times they're bringing in an amendment, which we do not have a copy of yet. Might I suggest that it's in the interests of the committee to hold this item down until such time as the government brings in their amendment. We can look at it; we can determine, as members of the committee, which is the better. We can then vote on them both at the same time. It's obvious we are not going to complete today, in any event, so it seems that rather than going around in circles, we look and see how good the government amendment is on the next occasion, we hold down this one, and we can then judge them side by side to see which is the better.

The Chair (Mr. Bas Balkissoon): So you're suggesting that we hold on motion 6.7 only?

Mr. Michael Prue: Yes, I think my amendment—

The Chair (Mr. Bas Balkissoon): Mr. Prue has got a request to hold on motion 6.7. Do I have agreement? Mr. Zimmer?

Mr. David Zimmer: Yes.

The Chair (Mr. Bas Balkissoon): You're in agreement?

Mr. David Zimmer: Yes, we're in agreement.

Mr. Ted Chudleigh: We agree.

The Chair (Mr. Bas Balkissoon): I have agreement on all sides, so we will hold down 6.7 until the government tables its new amendment.

I will now move to 6.7.1.

Mr. Michael Prue: I'm not sure if this one is impacted. Perhaps—

Interjection: I think that this is the same amendment.

Mr. Michael Prue: Well, it is, except that I'm simply asking that it be struck out so that we can move other

things at other times. Perhaps it would be wise to hold this one down as well.

The Chair (Mr. Bas Balkissoon): I have another request to hold 6.7.1. Do I have agreement?

Mr. David Zimmer: Yes, on the same terms as we're holding 6.7 down on.

The Chair (Mr. Bas Balkissoon): Okay, all in agreement?

So we'll move to 6.8, a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be amended by adding the following paragraph:

"3.1 The test conducted under subparagraph 2 i must be completed before the start of advance polls."

The reason for the motion is that this motion would require that all tests on accessible voting equipment are complete prior to the beginning of advance polls. A corresponding motion to paragraph 5 has been submitted by the PC caucus.

It is not unreasonable to require that the testing be completed prior to the beginning of advance polls. In fact, we would argue that, as it is currently worded, this paragraph 7 could unnecessarily diminish the voting opportunities of a voter who requires the use of accessible voting equipment.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: I think we dealt with this issue comprehensively in a government motion recently passed, so I think this is unnecessary. Therefore, we won't support it.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 6.8.

All in favour? Against? That motion does not carry.

We'll move to 6.9, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: We can withdraw this motion, I believe, because the other one wasn't agreed to by the government. We would withdraw this motion.

The Chair (Mr. Bas Balkissoon): Motion 6.9 has been withdrawn by the PC Party.

We'll move to motion 6.10, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that paragraph 5 of subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be amended by striking out "even if advance polls have already begun".

The reason for this motion is that it supports our motion to add paragraph 3.1, which ensures accessible voting machines are available at the start of advance polls, for the same reasons stated previously.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara?

Mr. Greg Sorbara: We've dealt with this comprehensively in government amendments.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 6.10.

All in favour? Against? That motion does not carry.

We'll move to 6.11, a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that paragraph 7 of subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“7. The equipment may create a paper ballot. If a paper ballot is created, it must record the vote cast, be retained in the same way as ordinary ballots and show the name of the electoral district, the date of polling and the name of the printer.”

This motion does not prohibit the use of printing of paper ballots when accessible voting equipment is used. It does recognize that technologies are being developed that may not require a printed ballot that meet the standards set out in this act for a valid vote to be cast. Like the current provision, it will require that a printed ballot meets sections 34 and 35 of the Election Act.

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The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: Just to say that our package of amendments and our approach rely on the paper ballot as part of the Ontario electoral process, and we hope to stick with that, at least for the time being.

The Chair (Mr. Bas Balkissoon): I'll take the vote on 6.11. All in favour? Against? That motion does not carry.

We'll move to 6.11.1, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that paragraph 7 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be struck out.

Having read that, I would advise the committee that this is a compendium piece to motion 6.7.1, which the committee has already agreed to hold down. I suggest it would be in order to hold this down until the same time.

The Chair (Mr. Bas Balkissoon): I have a request by Mr. Prue to hold this motion. All in agreement? Agreed.

We'll move to 6.11.2. Mr. Prue.

Mr. Michael Prue: I move that paragraph 8 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be amended by striking out “before the paper ballot is printed” at the end.

I think it's self-explanatory.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Chudleigh.

Mr. Ted Chudleigh: We have the same motion, so we'll be supporting it.

The Chair (Mr. Bas Balkissoon): I will take the vote on 6.11.2. All in favour? Against? That motion does not carry.

We'll move to 6.11.3. Mr. Prue.

Mr. Michael Prue: When at first you don't succeed, you try and try again.

I move that paragraph 9 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be amended by striking out “after the paper ballot is printed but before casting his or her vote”.

The Chair (Mr. Bas Balkissoon): Questions or comments?

Mr. Greg Sorbara: The same comments.

The Chair (Mr. Bas Balkissoon): We'll take the vote on 6.11.3. All in favour? Against? That motion does not carry.

We'll move to 6.12, a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that paragraphs 8 and 9 of subsection 44.1(7) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“8. The equipment must allow the person to verify his or her vote, without the assistance of another person, before casting the vote.”

We've gone over it. I think everybody understands the intent of the amendment.

The Chair (Mr. Bas Balkissoon): Questions or comments? Mr. Sorbara.

Mr. Greg Sorbara: We agree with the intent. We think we've covered that in motions that my friend has actually supported.

The Chair (Mr. Bas Balkissoon): We'll take the vote on 6.12. All in favour? Against? That motion does not carry.

We'll move to 6.12.1, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that paragraph 10 of subsection 44.1(7) of the Election Act, as set out in subsection 23(1) of the bill, be amended by striking out “The equipment must have” at the beginning and substituting “If the equipment produces a paper ballot, the equipment must”.

It's self-explanatory.

The Chair (Mr. Bas Balkissoon): Questions or comments?

Mr. Greg Sorbara: Again, our same comment with respect to paper ballots.

The Chair (Mr. Bas Balkissoon): We'll take the vote on 6.12.1. All in favour? Against? That motion does not carry.

We'll move to 6.13, a PC motion.

Mr. Ted Chudleigh: I move that subsection 44.1(8) of the Election Act, as set out in subsection 23(1) of the bill, be amended by striking out “shall be counted” and substituting “may be counted”.

The Chair (Mr. Bas Balkissoon): Questions or comments?

There being none, I'll take the vote on 6.13. All in favour? Against? The motion does not carry.

We'll go to 6.13.1, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that subsection 44.1(8) of the Election Act, as set out in subsection 23(1) of the bill, be struck out.

The Chair (Mr. Bas Balkissoon): Questions or comments?

There being none, we'll take the vote on 6.13.1. All in favour? Against? The motion does not carry.

We'll move to 6.14, a PC motion. Ms. Jones.

Ms. Sylvia Jones: I move that subsection 44.1(9) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“Manual count

“(9) The returning officer shall have the count conducted manually if,

“(a) the tests conducted under subparagraphs 3 i and ii of subsection (7) are inconsistent; and

“(b) the equipment creates a paper ballot.”

The reason for this motion is that it would require paper ballots that will meet the requirement under sections 34 and 35 of the act, and that are created from accessible voting equipment, to be counted manually if the tests under subsection (7) are inconsistent.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, we’ll take the vote on 6.14. All in favour? Against? The motion does not carry.

We’ll move to 6.14.1, an NDP motion. Mr. Prue.

Mr. Michael Prue: I move that section 44.1 of the Election Act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

“Consultation after use of equipment

“(9.1) When accessible voting equipment and related vote counting equipment are used in an election under this section, the Chief Electoral Officer shall consult with persons with disabilities after the election and make public the nature of the comments received and any proposed changes to be made with respect to the equipment as a result of the consultation.”

I think this is absolutely the right thing to do. It’s self-evident, what we’re asking for. We think that at the end, the Chief Electoral Officer has to sit down with the community that’s affected, has to hear them out, has to consult with them, has to publish what they have said and make any recommendations to rectify things that go wrong. It’s pretty simple.

I’m asking for a recorded vote on this one.

The Chair (Mr. Bas Balkissoon): Questions? Comments? Mr. Sorbara.

Mr. Greg Sorbara: First of all, I’d like to record our party’s support of this principle, and we’re in agreement with that. I think my friend Mr. Prue has followed the progress of the development of this bill and the great work—let me give his party and the Conservative Party credit as well as people in our party—in trying to come to grips with the very valid issues that this community has raised in terms of accessibility at elections. I think each of us has said that we’ve got to do some more homework here.

One of the issues was the business that’s dealt with in this amendment: consultation and reporting back. What we’re really doing in the bill is establishing, might I say, an ongoing dialogue between Elections Ontario under a new Chief Electoral Officer, the province at large, and the disabled community in particular. So we agree with that principle.

We will record our opposition to this particular section, not because we don’t agree with the principle, but because we, too, have acknowledged that. In the amendments and the package of amendments that we’ve brought forward in this act, we’ve dealt with that pretty comprehensively. We’re satisfied that the very consultation that my friend is calling for here will be provided for when the bill is finally read for a third time and proclaimed into law.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: If you could point out where that is, because I haven’t seen it.

Mr. Greg Sorbara: I will do that in comments down the road.

Mr. Michael Prue: No, no. Is there another motion that’s contained in this body we’re still to deal with that says this?

Mr. Greg Sorbara: I will show you in due course where consultation is provided for in the act. In your view, it may not be sufficient, but I think you’ll find that it is. Just give me a few minutes on that, and I’ll get back to it.

Mr. Michael Prue: Well, then, if we can hold that down, because I would like to be educated.

The Chair (Mr. Bas Balkissoon): I have a request by Mr. Prue to hold down 6.14.1. Do I have agreement? Agreed.

Mr. David Zimmer: So that’s 6.14.1?

The Chair (Mr. Bas Balkissoon): Number 6.14.1 is on hold.

We’ll now move to 6.15, a PC motion. Mr. Chudleigh.

Mr. Ted Chudleigh: I move that subsection 44.1(10) of the act, as set out in subsection 23(1) of the bill, be struck out and the following substituted:

“Report

“(10) When accessible voting equipment and related vote counting equipment are used in an election under this section, the Chief Electoral Officer shall make a report on the matter, after consulting with electors with disabilities.

“Same

“(10.1) Without limiting the generality of subsection (10), the report shall deal with the rules set out in subsection (7) and with inconsistent tests described in subsection (9).

“Same

“(10.2) The Chief Electoral Officer shall,

“(a) provide copies of the report to the leader of each registered party;

“(b) publish the report on a website on the Internet; and

“(c) include the report,

“(i) in any report that the Chief Electoral Officer makes with respect to the election, or

“(ii) in the next annual report made under section 114.3.”

The reason for this motion is, it expands the requirements of the Chief Electoral Officer’s report and it requires that he or she consult with electors. It also requires the inclusion of certain items in the report, such as information on the tests carried out on the equipment under subsection (7) and the inconsistencies referred to in subsection (9).

Similar to other PC motions, this motion also expands the availability of the report by putting it in a central accessible location on Elections Ontario’s website.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, I’ll take the vote on 6.15. All in favour? Against? The motion does not carry.

We’ll move to 6.16: PC motion, Ms. Jones.

Ms. Sylvia Jones: I move that section 44.1 of the act, as set out in subsection 23(1) of the bill, be amended by adding the following subsection:

“Ballot not to be rejected

“(10.3) A paperless ballot shall not be rejected under subsection 57(2) if it has been verified by the elector under subsection (7).”

Again, we’re trying to pull the election process into the 21st century and ensure that electronic options are available for future elections.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, we’ll take the vote on 6.16. All in favour? Against? That motion does not carry.

We’ll move to number 7: government motion, Mr. Zimmer.

Mr. David Zimmer: I move that subsection 23(2) of the bill be amended by striking out “Subsection 44.1(4)” at the beginning and substituting “Subsection 44.1(3)”.

This is just a consequential amendment required because of the revised numbering in motion 6.

The Chair (Mr. Bas Balkissoon): Questions? Comments? There being none, we’ll take the vote on 7. All in favour? Against? The motion carries.

I will now move to page 7.1.

Mr. David Zimmer: Chair, the next one’s an NDP motion. I’ve just been given a heads-up that it’s quite a lengthy one and—

The Chair (Mr. Bas Balkissoon): I can’t hear you.

Mr. David Zimmer: I’ve just been given a heads-up, subject to what Mr. Prue has to say, that the next motion, an NDP motion, is a lengthy one, and I rather expect there’ll be some debate which will take us comfortably past 3 o’clock. So I’m in your—

The Chair (Mr. Bas Balkissoon): Would you prefer that we adjourn at this time to be back next week, Mr. Prue?

Mr. Michael Prue: I think that that is not unreasonable. As well, I have a member’s statement, so I have to be in the House at 3.

The Chair (Mr. Bas Balkissoon): Do I have agreement by all that we adjourn?

Interjections: Agreed.

The Chair (Mr. Bas Balkissoon): The meeting is adjourned until next Wednesday at 12 o’clock.

The committee adjourned at 1453.

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